

**Colac Otway
SHIRE**

AGENDA

**ORDINARY COUNCIL MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL**

28 OCTOBER 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

28 OCTOBER 2008

TABLE OF CONTENTS

OFFICERS' REPORTS

CHIEF EXECUTIVE OFFICER

OM082810-1	CEO'S PROGRESS REPORT TO COUNCIL	8
OM082810-2	APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER	21

CORPORATE AND COMMUNITY SERVICES

OM082810-3	NAMING OF VARIOUS ROADS THROUGHOUT THE SHIRE	27
OM082810-4	SPORT AND RECREATION VICTORIA 2009/2010 COMMUNITY FACILITIES FUNDING PROGRAM	31
OM082810-5	2009 GREAT VICTORIAN BIKE RIDE FUNDING REQUEST	36
OM082810-6	2008/2009 BEECHY TRAIN PROPOSAL: OLD BEECHY RAIL TRAIL	40
OM082810-7	BEECHY PRECINCT GLOBAL CONNECTOR INCLUDING JOINT USE LIBRARY AGREEMENT	43
OM082810-8	FAMILY & CHILDREN'S CENTRE PROPOSAL FOR COLAC	52
OM082810-9	2007/2008 ANNUAL REPORT	64
OM082810-10	JULY 2008 - SEPTEMBER 2008 FIRST QUARTER PERFORMANCE REPORT	67

INFRASTRUCTURE

OM082810-11	SPECIAL CHARGE SCHEME - SLATER STREET, ELLIMINYT	78
OM082810-12	CONTRACT APPROVAL CONTRACT 0801 – BINNS ROAD BRIDGE	82
OM082810-13	AMENDMENT OF UNUSED ROAD LICENCE NO. 0511057 – HINDS ROAD, BIRREGURRA	85
OM082810-14	MINCHINTON ROAD CATTLE GRID AGREEMENT	90

SUSTAINABLE PLANNING AND DEVELOPMENT

OM082810-15	PLANNING SCHEME AMENDMENT C55 - CONSIDERATION OF PANEL RECOMMENDATIONS AND PROPOSED ADOPTION OF AMENDMENT .	108
OM082810-16	WEED MANAGEMENT	140
OM082810-17	FINAL APOLLO BAY HARBOUR PRECINCT MASTER PLAN	145

GENERAL BUSINESS

OM082810-18 GENERAL BUSINESS

OM082810-18.1 Item for Signing and Sealing - Instrument of Agreement Contract 0813 -
Bituminous Sealing Works in Colac Otway Shire..... 163

OM082810-18.2 Item for Signing and Sealing - Section 173 Agreement, 27 Harrington St,
Separation Creek 164

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 28 October 2008 at 3.00 pm.

AGENDA

1. OPENING PRAYER

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

AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions relating to matters being considered by Council at the current meeting. Questions not related to current agenda items can be made in writing and will be addressed if received within two days of the Council meeting. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all respect each other during this process by:

- being courteous and respectful in the way in which you speak;
- not speaking unless you have been permitted to by me as chairperson;
- respecting the local laws which govern meeting procedure (copies of these are here for your information); and
- understanding that I have a responsibility to ensure proper meeting procedure and the upholding of the local law.

Thank you, now question time. 30 minutes is allowed for question time.

1. Questions received in writing prior to the meeting
2. Questions from the floor

5. QUESTION TIME

6. MAYORAL AWARDS

7. DECLARATION OF INTEREST

8. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 23/09/08.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Chief Executive Officer

- OM082810-1 CEO'S PROGRESS REPORT TO COUNCIL
OM082810-2 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Corporate and Community Services

- OM082810-3 NAMING OF VARIOUS ROADS THROUGHOUT THE SHIRE
OM082810-4 SPORT AND RECREATION VICTORIA 2009/2010 COMMUNITY FACILITIES FUNDING PROGRAM
OM082810-5 2009 GREAT VICTORIAN BIKE RIDE FUNDING REQUEST
OM082810-6 2008/2009 BEECHY TRAIN PROPOSAL: OLD BEECHY RAIL TRAIL
OM082810-7 BEECHY PRECINCT GLOBAL CONNECTOR INCLUDING JOINT USE LIBRARY AGREEMENT
OM082810-8 FAMILY & CHILDREN'S CENTRE PROPOSAL FOR COLAC
OM082810-9 2007/2008 ANNUAL REPORT
OM082810-10 JULY 2008 - SEPTEMBER 2008 FIRST QUARTER PERFORMANCE REPORT

Infrastructure

- OM082810-11 CONTRACT APPROVAL CONTRACT 0801 – BINNS ROAD BRIDGE
OM082810-12 MINCHINTON ROAD CATTLE GRID AGREEMENT
OM082810-11 SPECIAL CHARGE SCHEME - SLATER STREET, ELLIMINYT
OM082810-14 CONTRACT APPROVAL CONTRACT 0801 – BINNS ROAD BRIDGE
OM082810-13 AMENDMENT OF UNUSED ROAD LICENCE NO. 0511057 – HINDS ROAD, BIRREGURRA
OM082810-16 MINCHINTON ROAD CATTLE GRID AGREEMENT

Sustainable Planning and Development

- OM082810-15 PLANNING SCHEME AMENDMENT C55 - CONSIDERATION OF PANEL RECOMMENDATIONS AND PROPOSED ADOPTION OF AMENDMENT
OM082810-16 WEED MANAGEMENT

OM082810-17 FINAL APOLLO BAY HARBOUR PRECINCT MASTER PLAN

GENERAL BUSINESS

OM082810-18 General Business

OM082810-18.1 ITEM FOR SIGNING AND SEALING - INSTRUMENT OF AGREEMENT
CONTRACT 0813 - BITUMINOUS SEALING WORKS IN COLAC OTWAY
SHIRE

OM082810-18.2 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 27
HARRINGTON ST, SEPARATION CREEK

Tracey Slatter
Chief Executive Officer

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM082810-1 CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive the CEO's Progress Report for information.</i></p>		
<p><u>OM082810-2 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council note that Ms Tracey Slatter has tendered her resignation from the role of CEO, Colac Otway Shire effective 28 November 2008 to take up a leadership role with the TAC.</i></p> <p><i>That Council appoint Mr Jack Green, General Manager, Sustainable Planning & Development to the position of Acting Chief Executive Officer effective Saturday, 29 November 2008 until further notice and be remunerated accordingly.</i></p>		

Recommendation

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

MOVED

SECONDED

OM082810-1 CEO'S PROGRESS REPORT TO COUNCIL

AUTHOR: Tracey Slatter
DEPARTMENT: Executive

ENDORSED: Tracey Slatter
FILE REF: GEN00460

EXECUTIVE**MAV State Council Meeting**

The Mayor and CEO attended the MAV State Council Meeting on Friday, 17 October 2008. Council's motion regarding the rating systems review was highly supported and endorsed by the meeting.

The President's Report was presented which included the MAV Financial Report 2007/08 and the MAV Insurance Financial Report 2007/08.

Victorian Councillor Service Awards

On Thursday 16 October 2008 the MAV conferred at the Annual Conference Dinner the Victorian Councillor Service Awards.

Cr Peter Mercer was awarded a Mayor Emeritus Award for serving five terms as Mayor during his time with the Shire of Colac and Colac Otway Shire. Cr Mercer was also awarded a Service Award for more than 25 years as a councillor.

Cr Warren Riches was awarded a Mayor Emeritus Award for his service as Mayor for four terms to Colac Otway Shire.

Council Elections November 2008

With Election Day on November 29 the election process is well advanced:

- Returning Officer and Deputy appointed;
- VEC have set up the Election office at 52A Rae Street Colac;
- MAV Candidate Information Session was held on Tuesday 4 September;
- Advertisements regarding Notice of Entitlement, Notice of Election, Are you Entitled to Vote? Have been published in local papers and forwarded to newsletters;
- Candidate Information Session held 22 October;
- Voters Rolls have been finalised; and
- Nominations opened on 23 October and close on Tuesday 28 October.

Ballot packs will be mailed to enrolled voters from Tuesday 11 November. Completed ballots must be in the hands of the Returning Officer by 6.00 pm on Friday 28 November.

Councillor Conduct Bill

The Local Government Amendment (Councillor Conduct and Other Matters) Bill 2008 received its Second Reading in the Victorian Legislative Assembly on 12 September 2008. It is expected to be considered in detail by the Parliament during October and November, with the intent that it will be passed and come into operation around the time of the November 2008 elections.

The "Councillor Conduct Bill" follows the release of the discussion paper, "Better Local Governance" in November 2007 and the subsequent consultation process.

Coverage of the Bill

The Bill contains eight parts.

- Part 1 Deals with preliminary matters and commencement.
- Part 2 Will implement the Government's policy on Councillor and Mayoral allowances and resources.
- Part 3 Contains Councillor conduct principles and provisions for Councillor Conduct Panels and VCAT to deal with Councillor misconduct.
- Part 4 Redefines "conflict of interest" and extends and refines conflict of interest procedures.
- Part 5 Makes a range of other amendment to the *Local Government Act 1989*.
- Part 6 Makes related amendment to the *City of Melbourne Act 2001*.
- Part 7 Makes related amendments to the *Victorian Civil and Administrative Tribunal Act 1998*.
- Part 8 Provides for the eventual repeal of the amending Act.

CORPORATE AND COMMUNITY SERVICES

Health & Community Services

Seniors Festival in October

Due to the high level of demand by people wishing to be involved Colac Otway's Seniors Festival Week this year activities were spread over a two week period. Over this period virtually all trips were booked out. Highlights of the festival were:

- Seven seniors received awards for Volunteering within the local community at Government House. The Mayor Cr. Chris Smith was in attendance for this presentation.
- 12 seniors were awarded The Year of The Older Person, Commonwealth Certificate of Appreciation by Hon. Member for Corangamite, Darren Cheeseman.

Trips and activities included:

- A visit to Narrapumelap homestead.
- Morning Teas.
- A festival of Fitness at Blue Water Fitness centre.
- Twilight Harness Racing at Ballarat.
- A mystery bus trip (to Smythesdale and Ballarat).
- Werribee Rose Garden.
- "A Day at Apollo Bay"
- A visit to historic Clunes
- An Art & Craft Exhibition at Kanyana.

We know that "What Happens on the Bus Stays on the Bus" BUT three little snippets include one senior who was unfortunately locked in a toilet at one of our destinations. When it came time to leave this person was nowhere to be found. Fortunately, a gardener heard the calls for help and released the captive. The bus trip was only slightly delayed.

There was an extremely lucky staff member at the Harness meeting who generously shared her new found wealth by showering gifts on others. Finally, the Clunes Bottle Museum had a wonderful display of Hays bottles. It was a great surprise to one of our seniors who was a Hay's relative.

Overall nearly 500 seniors were involved in the festival. Congratulations to all staff involved in the production of this fantastic festival.

Home & Community Care Assessment

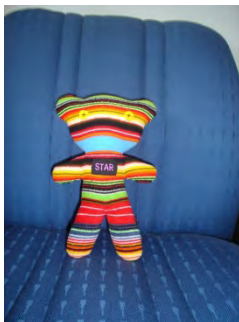
Colac Otway Shire is the lead agency for preparing the 'Living At Home Assessment Practice Manual' for all HACC agencies in the Barwon South Western region. A contract has been awarded to Verso Consulting to undertake this work. This project is to be completed in April 2009.

COAG Reforms on Aged Care

Concern has been raised in recent press articles regarding the Council of Australian Governments (COAG's) proposal to shift responsibility for aged care to the Commonwealth. Future funding for HACC services would see aged care funding from the Commonwealth and disability funding from the State. This divides the current arrangements where aged people with disabilities were funded via the State. Funding is currently proportioned for HACC services at 60% Commonwealth and 40% State with the State adding another \$60 million each year to help close the service cost gap and local government adding a further \$100 million a year.

Since then further discussions have been held. The MAV welcomes the COAG decision to establish a working group to propose future roles and responsibilities for aged care. The Commonwealth is committed to consult with local government in considering the aged care reforms and is also committed that the current mix of service providers will continue, including local government, state agency and non-government providers.

Family Day Care Star



Family Day Care Mascot "STAR" has been introduced to the Family Day Care Community of the Shire. Star is a welcome member to the team and he looks forward to many adventures with Carers and Children in Care. Star will visit carers' homes and have his photo taken doing all sorts of activities. An album of Star's adventures will be put together as a record of his journey.

Carer, Faye Wheadon, was presented with a certificate recognising her 20 years' of service at the Focus Group meeting on Wednesday 8th October.

Kindergarten Attendances

Council has received \$40,000 funding provided by the Commonwealth Department of Education, Employment and Workforce Relations which has been released by the Department of Education and Early Childhood Development to undertake research into kindergarten attendances and develop actions that will see an increase in kindergarten participation by children at risk of or experiencing disadvantage. This project is to be completed by 30 April 2009.

Recreation

Recreation 'Live It Up' Week

Recreation week will be held from Monday 10 November to Saturday 15 November 2008. Recreation Week will provide a range of recreational activities for all residents across the Shire, free of charge. Bluewater Fitness Centre have seven programs on offer as part of Recreation Week. Twenty three community clubs have registered with Recreation 'Live It Up' Week to offer such a broad range of activities.

A program brochure and posters are in print and will be distributed widely across the community.

SRV Bowls Synthetic Surface Funding

Minister Merlino, Minister for Sport recently announced a dedicated funding program for the conversion of turf bowls greens to synthetic surfaces. This funding program is specifically for rural and regional Bowls Clubs. The Birregurra Bowls Club have developed a proposal to be submitted by Council under this program by 24 November 2008.

Birregurra Skate Park

Council's Planning Department has received one objection to the Birregurra Skate Park. A meeting is to be scheduled between Council's Planning Department, the applicant, and the objector.

Multi-purpose sports field legacy project

Sports Turf have been consulted to undertake the detailed design drawings and specifications for the redevelopment of the two hockey fields at Central Reserve Colac. Council will develop tender documents with works scheduled to commence early 2009.

Country Football Netball Program

Work is in progress for the final report and claim to Sport and Recreation Victoria for the upgrade of Western Imperials Netball facility. A re-submission for funding was submitted to Sport and Recreation Country Football Netball Program for redevelopment of Gellibrand netball facility.

Cricket Improvement Works

Wicket Improvement Works to the Central Reserve, Eastern Reserve and Warrion Reserve are to commence late October 2008. These works have been contracted to Hume Turf.

Barwon South West Regional Trails Masterplan

The intensive consultation for the Barwon South West Regional Trails Masterplan project commenced on Monday 20 October 2008. Various forums, workshops are being held over the week in Melbourne and throughout the region. Three public forums were held:

Monday 20 October 7pm – Geelong Wool Museum

Tuesday 21 October 2008 – Colac Lake Bowls Club

Wednesday 22 October 2008 – Warrnambool Archie Graham Centre.

This consultation commences the project research component.

Bluewater Fitness Centre

Capital works

Capital works completed on schedule for the spa and steam room refurbishment. All works were completed in 14 days. Initial results concerning water quality and usage levels is positive with temperature and clarity levels being constantly maintained.

Implementation of new conditions of use for the Spa and Steam rooms coincided with the areas reopening further to the capital work improvements. Staff are actively communicating the changes to users which include age restrictions on the use of the spa, exercise and activities in the steam room and evidence of payment for use. These changes are consistent with the LifeSaving Victoria Guidelines.

A total of 13 pieces of new gym equipment have been replaced with state of the art, ergonomic user friendly treadmills, bikes, steppers and cross trainers.

Programming

Seasonal preparations continue with program review identifying recruitment opportunities in Lean to Swim and Lifeguard. Preparations are currently underway to commence summer seasonal hours starting Monday 3rd Nov that will extend the Centre's weekend closing time from 4pm to 6pm in response to warmer weather conditions.

September School Holiday Program currently under review following low attendance levels. Enrolment numbers decreased with an average of 9 children per day. Further analysis is progressing to assess the overall sustainability of the program.

Support with program delivery activities is being conducted by Centre staff in partnership for School Swimming Program, Seniors Festival and Recreation Week. Learn to Swim Term 4 commenced Monday 6 October, enrolments continue to increase.

COPACC

The next fortnight sees a huge range of activities, from live theatre to a major careers expo, being delivered and serviced at the facility.

In theatre;

- Carpenters from Kempsey – was a great success with the audience loving every minute of the show.
- Colac Secondary College hosted a Year 9 Health Day last week booking out the whole venue for activities throughout the day
- My Friend the Chocolate Cake held on 18 October 2008.
- The Little Big Shots Film Festival held on 19 October.
- The Australian Army Band were a huge crowd pleaser on Tuesday 21 October.
- Our Morning Music program continues to impress with a tribute to the vocal talents of Judy Garland and Liza Minnelli by Martine Pavey on 28 October.
- The story of “The Emperor’s New Clothes” is reinvigorated through our production of Big Sister Little Brother on 30 October 2008.
- The Maori Cultural night with plenty of drumming will leave you intrigued on 1 November 2008.

From our exhibition space;

- The talented local group “Colac Wednesday Painters” brighten the foyer with their annual exhibition
- The collection of lithographs from Peter Jacobs was launched on Tuesday 21 October 2008.

In conferencing and meetings:

- Colac Otway Business Awards held on Saturday 25 October 2008.
- It's your Future – careers expo held on 23 October 2008.

Events

The Birregurra Festival was a great success this year with incredible spring weather encouraging many families to enjoy the range of activities. Although official reports are yet to be completed it was estimated to be the highest attendance of the Festival's history.

The *Just Dance* event was extremely successful with an estimated 70 youths attending the Civic Hall on Saturday 11 October. This alternative FreeZa event provided youth with a range of dance options, competitions and DJ music provided by Roland Kettle. This was the first of this initiative and drew a younger youth age range to the typical FreeZa events.

INFRASTRUCTURE

Special Charge Schemes Update

Pound Road, Colac

Road Construction

Following the October 2006 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. Tenders were advertised in August 2008, with the contract awarded following the September 2008 Council Meeting. The Contract was awarded to Lake & Land Pty Ltd.

Slater Street, Elliminyt

Road Construction

Following the January 2007 Council Meeting, where Council Declared a Special Charge Scheme for the construction of the unsealed section of Slater Street, formal First Notices were forwarded to affected property owners.

The Construction of the unsealed section of Slater Street tender was advertised on the 26 October 2007 and awarded to R Slater and Sons.

Construction of Slater Street was programmed in the 2007/2008 Capital Works Program, and is a carryover project as the construction was not completed by the end of June 2008. The works commenced at the end of May 2008.

Civil works have reached practical completion, with a final seal to be done at the same time as Council's Resealing program.

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 were sent to all residents seeking their feedback on whether they wish Council to further investigate the project by way of a Special Charge Scheme.

Of the 35 surveys sent, 13 property owners requested further investigation of a special charge scheme, 12 property owners did not want further investigation, and 10 properties did not respond.

A Meeting of the Residents Representative Committee was held on the 25th August 2008 to discuss the progression of the project. Information regarding apportionment methods and scope of works will be distributed, with a follow up meeting of the Residents Representative Committee to be held in the coming weeks.

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 were sent to all residents seeking their feedback on whether they wish Council to further investigate the project by way of a Special Charge Scheme.

The results indicate mixed support for the further investigation of the construction of Sinclair Street by way of a Special Charge Scheme. Strong support exists for the construction of Sinclair Street between Pound Road and Aireys Street, however no support exists for the construction of Sinclair Street between Aireys Street and Irrewillipe Road.

The project proposal will be reviewed and discussed with the property owners prior to any further investigation of the construction of Sinclair Street.

Birregurra Hall

The Birregurra Hall veranda roof, has been replaced with new iron (maintenance).

Hesse Street Comfort Station

The roof on the comfort station in Hesse Street, Colac has been replaced with new iron (capital works).

Asbestos Audit

Asbestos audits of Council's buildings have been completed. The next phase is to review Council's existing asbestos register to account for any significant changes/impacts to previously identified asbestos containing materials.

An Asbestos Management Plan will also be developed to provide a risk management framework for the ongoing management of asbestos in Council's buildings. As part of the audit process, warning labels were also affixed, where practicable, to asbestos containing materials (or those materials presumed to contain asbestos).

Bus Shelter Installation Program

The installation of 10 new bus shelters around Colac has been completed. This project was made possible through funding received from the Department of Transport. Member for Western Victoria, Gayle Tierney, officially opened the shelters on 29 September 2008.

The shelters were manufactured and installed by local contractors to meet the requirements of the *Disability Discrimination Act 1992* (DDA). Along with the shelter, additional works were also completed in order to ensure that the stop is compliant with DDA requirements. This will include the construction of a concrete hardstand area and installation tactile ground surface indicators.

Rail Crossing Safety Interface Agreements

An amendment to the *Rail Safety Act 2006* introduces a requirement for rail infrastructure managers and road managers (i.e. Council) to identify and assess safety risks arising from rail interfaces, namely railway crossings. The relevant parties are then required to reach agreement on how to manage those risks. This legislation requires parties to enter into safety interface agreements (SIAs) by 1 July 2010.

A SIA is essentially an agreement about the management of safety risks arising at railway level crossings.

Public Transport Safety Victoria (PTSV) will provide guidance on the requirements of the legislation to assist stakeholders to develop SIAs. This will include a consultation phase before development of written guidelines. The guidelines have since been released to which Council has responded. The MAV will also provide assistance to councils that are required to enter into SIAs.

A template for SIAs is being developed by representatives from the MAV, VicRoads, V/Line, Connex, ARTC and the Department of Transport. The template will be available to all councils for use in developing SIAs.

Ongoing assistance will be available from PTSV to assist parties entering safety interface agreements, so that they are able to fulfil the requirements of the legislation by 1 July 2010.

Johnstone Carpark Light-Towers

Painting of the light-towers has been completed including the repainting of the seating in the area.

Marengo Transfer Station

Improvement works have been undertaken to ensure all is ready for the busy summer period. Works include cleaning of drains and upgrading and reshaping the trafficable pavement to provide a solid and well drained base. Cosworks have assisted with these works.

Good progress is being made with arrangement for the new transfer station including contingency planning for extension of the time of use of the Marengo site until the new transfer station is completed.

Beech Forest Waste Collection Site

Council officers have met with representatives of the Beech Forest Progress Assoc and carried out discussions in regard to the most suitable site for the relocation of Waste Collection. The Waste Management Officer will attend the next Progress Assoc meeting on the 4 November.

Bring your Bin In

Following complaints in the Skenes Creek area letters have been forwarded to non resident home owners and Real Estate Agents operating in Skenes Creek reminding them that it is their responsibility to bring their bins in on the day of collection.

Barwon Regional Waste Management Group – Litter Enforcement Team

Barwon Regional Waste Management Group are planning to implement a Litter Enforcement Team for 6 (six) months if funding from the EPA is successful. This is to follow on from educational activities carried out by BRWVG and in recognition that most members Councils do not have the necessary resources to dedicate in this area.

SUSTAINABLE PLANNING AND ENVIRONMENT**Exhibition of Planning Scheme Amendment C12 (Flood mapping)**

Amendment C12 to the Planning Scheme proposes changes to mapping of flood prone areas to reflect updated information from the Corangamite Catchment Management Authority. The amendment proposes the introduction of a Floodway Overlay to limited parts of the municipality where flood waters would be deepest (generally over areas currently subject to a Land Subject to Inundation Overlay), and changes to the extent of areas included within the Land Subject to Inundation Overlay. The mapping will remove controls from some areas and include additional land in other instances. Exemptions are proposed to permit requirements in the two overlays.

The amendment was on public exhibition from 25 September to 27 October 2008. Details of the amendment, where it can be viewed and how to make a submission were available from the Council offices. The public were encouraged to view the proposals and make submissions where appropriate.

Planning Permit Requirements for Native Vegetation

The State Government recently gazetted Amendment VC49 to all Victorian Planning Schemes. The most significant change introduced by the amendment was to alter the State Native Vegetation provisions, including Clause 52.17 (which applies across the State), and local controls such as the Environmental Significance Overlay and the Vegetation Protection Overlay. The changes result from a review of the provisions in 2006 and an Advisory Committee report that took into account submissions from local government and other stakeholders.

The key outcome for Colac Otway Shire is that permit requirements for roadside maintenance have been streamlined, such that roadside tree trimming can occur without a planning permit subject to an agreement being in place with the Secretary of the Department of Sustainability and Environment. A draft agreement has been circulated, however it requires a number of changes to be made before Council could consider agreeing to it. Many of these changes have been similarly identified by other local governments, and have been communicated through the MAV. It is understood that the DSE will negotiate directly with the MAV on the issue, and it is important that Council have input into these discussions. Officers are pursuing planning permit applications for roadside maintenance on specific roads to allow trimming to occur up until the agreement is signed.

The public is encouraged to contact Council to check whether the revised provisions are relevant to any works proposed concerning native vegetation on their property.

Planning Scheme Amendment V49

The Minister has approved Amendment C49 which proposed the rezoning of two former school sites at Yeodene and Gerangamete from Public Use Zone to Farming Zone. The completion of the rezoning process will now allow them to be sold by the Education Department.

Forestry Auditing Commences

Council has started undertaking random audits of forestry operations on private land across the Shire to assess compliance with the Code of Practice for Timber Production. The Code provides direction and guidance for timber production operations on both public and private land in Victoria. Implementation of the code on private land and the monitoring of compliance by forest operators with its requirements is the responsibility of Local Government.

Auditors will be contacting forestry operators over the next 2 weeks to arrange on-site meetings. Reports will then be provided to Council on the standard of operations. Council will advise operators of their level of compliance with the code and where necessary require actions to be taken to improve their operations and ensure their compliance with the Code.

Roadside Grazing Permits

The Colac Otway Shire's Livestock Local Law sets out conditions for issuing roadside grazing permits including the type of fencing required and when measures need to be taken to protect the environment. To date, the process of issuing roadside grazing permits has involved a discussion between a farmer and a Council Local Laws Officer. Grazing management is discussed to ensure that it is carried out in a manner that does not degrade the environment. When a roadside was identified as supporting native vegetation of high or medium conservation significance, the Local Laws Officer would consult Council's Environment Unit for advice before issuing the permit.

Following a review of its roadside grazing permit processes the Council has clarified that in addition to a roadside grazing permit, a planning permit is required if there is any removal of native vegetation associated with roadside grazing in a fenced area. The planning permit is required under clause 52.17 of all Victorian planning schemes. It is important to note that a planning permit is not required for moving stock along a road or holding travelling stock overnight.

As a result, where roadside grazing will involve the removal or destruction of native vegetation including native grasses, both a planning permit and a Local Law permit are required. Council will write to all previous roadside grazing permit holders to explain the details of this process. It is important to note that if a planning permit is required then it will only need to be applied for once. Local Law roadside grazing permits must still be applied for annually. The planning permit will receive priority processing to minimise delays.

Council has met with State Government representatives to discuss options for streamlining this dual approval process. Council will continue to work with the State Government to develop a streamlined and effective process for managing roadside grazing which takes into account both the need to manage the Shire's roadsides and protect significant and threatened native vegetation.

Apollo Bay Harbour

The Enquiry by Design process to complete community consultation for the development of the Apollo Bay Harbour Precinct Master Plan was undertaken over the period of 18 September to 23 September 2008.

The process produced a set of new options for the redevelopment of the Harbour Precinct including the option of the golf course remaining. These will be presented to Council in a report to the October Meeting.

An 8 page Community Newsletter will be produced to explain the Enquiry by Design and the preferred option that Council adopts in the October Meeting. It will be sent to all residents and ratepayers in Apollo Bay.

A detailed report on the Apollo Bay Harbour Enquiry by Design is provided in this agenda.

Small Towns

The Small Town Improvement Program applications for 2009/10 are now open, and will close in late November. Already there look to be some exciting projects planned around the Shire for next year.

The Gellibrand Kawarren Master Plan actions have been assessed by the community and organised into a list of priorities. This list will be endorsed by the community and then presented to Council for final approval.

The Birregurra Park upgrade project, as per the Birregurra Park Master Plan, has been supported for additional funding from Regional Development Victoria. A detailed application is now being prepared for consideration.

Additional funding for the Barwon Downs Old School Grounds upgrade from Regional Development Victoria has been approved. Works will commence shortly once final statutory approvals have been received.

Lake Colac

A Cultural Heritage Management Plan is being prepared for the proposed worksites along the lake foreshore. The completion of this plan will provide direction into how these works can be undertaken without any disturbance to indigenous cultural heritage. The field work for the plan has been completed and the final report is being prepared. The final plan will be presented to Aboriginal Affairs Victoria for approval and then provided to Council. Once this plan is completed, it is anticipated that works, including the extension of the pathway from Ross's Point to Stodart St West, bench seating and fire pits at Meredith Park will commence and be completed within the financial year.

Visitor Information Centres

The September school holidays were busy for both centres with enquiries relating to both attractions and accommodation. Both centres are now receiving a high volume of enquiries regarding accommodation for the Melbourne Cup weekend and also Christmas and the January holidays.

Colac VIC has just installed a new public access internet PC which will provide visitors with access to the internet, e-mail and computer facilities such as downloading photos from digital cameras and Skope communication.

Great Ocean Road Plaques

Three of the proposed four plaques have now been produced, with one already erected in Apollo Bay. The other two will soon be erected in Lavers Hill and Cape Patton. The remaining plaque, which is proposed for Wye River, will be produced when the exact location is finalised.

Action Agenda for Economic Development

The EDU has engaged Colac Community Hub and Neil Noelker and Associates to develop an Action Agenda for Economic Development 2009 – 2013. The process includes a review of the Economic Development and Tourism Strategy 2004 – 2009, an update of economic trend data for the municipality, a number of personal interviews with local business people and a range of forums to complete drafting of the Plan.

The first stage of consultation to commence in November 2008 will be managed by Colac Community Hub and involve 60 personal interviews with business managers in the municipality. The Action Agenda due for completion in June 2009 will integrate with the proposed Community Plan and Council Plan.

Community Planning

The second stage of planning for the development of a Community Plan is continuing with a number of sessions with key stakeholder groups to clarify processes and methods of engagement. The Stakeholder Groups include:

- Learning, Careers and Skills
- Council Committees
- Youth Council
- Business, including Tourism Groups & Representative Groups
- Volunteers & Community Organisations - Lions, Apex
- Health and Community, Disability Groups & Older people
- Government Departments, Statutory Authorities, CFA, Police, Ambulance and SES
- Environment Groups, Landcare Networks
- Lobby and Action Groups
- Recreation, Arts, Culture and Events
- Council
- Council Staff

The Community Plan has to date attracted \$50,000 in State Government funding from the Department of Planning and Community Development (DPCD). An application for a further DPCD grant of \$30,000 has been submitted and we are yet to be advised of the outcome.

A Community Support fund (CSF) grant submission for the three year implementation stage has been lodged and the EDU is having ongoing discussion with DPCD on clarification of the submission and amendments to improve its chances of funding.

If the funding submission is not successful the Community Plan will be implemented on a low scale through inclusion of community priorities assessed as suitable Council Commitments in the Council Plan.

Business Development

2008 Business Week commences Monday 20 October and finishes with the Powercor Colac Otway Business Awards. The ANZ Business Breakfast is to be held at Duffs Café on Wednesday 22 October 2008 with Katherine Sampson, Founder and Managing Director of Healthy Habits speaking to the business community on how she got to where she is today.

Following the breakfast, Ms Sampson will be undertaking a mentoring session with six business operators offering them the opportunity to ask questions and learn how to improve their day-to-day activities and ultimately their business.

Business Training

13 people attended the 'Silent Salesman' workshop on 16 September 2008 where facilitator Lynn Armistead gave tips and insights into successful visual marketing for retail businesses.

A Going into Business Workshop will be held in Apollo Bay on 28 October 2008 which provides potential business operators with an opportunity to learn about the ins and outs of setting up a new business.

G21 Regional Marketing Initiative

On Sunday 12 October 2008 COPACC was featured in The Age as part of the G21 marketing campaign promoting the region as the best place to live, work, invest and learn.

The next edition will be featured in November and the Economic Development Unit is working with G21 in putting forward additional stories to be featured as part of the lift out.

Recommendation(s)

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

~~~~~U~~~~~

**OM082810-2 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER**

AUTHOR: Tracey Slatter  
DEPARTMENT: Executive

ENDORSED: Tracey Slatter  
FILE REF: GEN00460

**Purpose**

To appoint an Acting Chief Executive Officer following the resignation of the current Chief Executive Officer.

**Background**

Tracey Slatter, Chief Executive Officer, has resigned her position effective Friday 28 November 2008.

Under Section 94 of the Local Government Act Council is required to appoint an Acting Chief Executive Officer.

**Corporate Plan/Other Strategies/Policy**

Not applicable

**Issues/Options**

Not applicable.

**Proposal**

That Council appoint Mr Jack Green, General Manager, Sustainable Planning & Development to the position of Acting Chief Executive Officer effective Saturday, 29 November 2008 until further notice.

**Financial and other Resource Implications**

Mr Jack Green will be remunerated during his time as Acting Chief Executive Officer at the same rate as the CEO's remuneration.

**Risk Management & Compliance Issues**

Not applicable.

**Environmental Considerations**

Not applicable.

**Communication Strategy/Consultation**

Not applicable

**Implementation**

Not applicable.

**Conclusion**

That Council appoint Mr Jack Green, General Manager, Sustainable Planning & Development to the position of Acting Chief Executive Officer effective Saturday, 29 November 2008 until further notice.

**Attachments**

Nil.

**Recommendation(s)**

***That Council note that Ms Tracey Slatter has tendered her resignation from the role of CEO, Colac Otway Shire effective 28 November 2008 to take up a leadership role with the TAC.***

***That Council appoint Mr Jack Green, General Manager, Sustainable Planning & Development to the position of Acting Chief Executive Officer effective Saturday, 29 November 2008 until further notice and be remunerated accordingly.***

~~~~~\ ~~~~~

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM | D | W |
|---|---|---|
| <p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM082810-3 NAMING OF VARIOUS ROADS THROUGHOUT THE SHIRE</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <ol style="list-style-type: none"> 1. <i>That having considered the submissions in relation to proposed road names referred to in the table in the above report, Council resolves to adopt the road names as recommended pursuant to the provisions of clause 5, Schedule 10 of the Local Government Act 1989.</i> 2. <i>That Council also adopts the road names recommended to it by the Road Names Project Advisory Committee as listed in attachments 1 and 2 pursuant to the provisions of clause 5, Schedule 10 of the Local Government Act 1989.</i> 3. <i>That the adopted road names be published in the Victorian Government Gazette and letters advising of the Council's resolutions be sent to all submitters and owners of properties abutting the subject roads.</i> | | |
| <p><u>OM082810-4 SPORT AND RECREATION VICTORIA 2009/2010 COMMUNITY FACILITIES FUNDING PROGRAM</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council support the submission of the following three funding applications to the Sport and Recreation Victoria 2009/2010 Community Facilities Funding Program by 3 November 2008:</i></p> | | |

| | | |
|---|--|--|
| <ol style="list-style-type: none"> 1. <i>Eastern Reserve Netball Facilities Improvement Project Colac</i> 2. <i>Colac Lawn Sports Facility Improvement Project</i> 3. <i>Regional Soccer Strategy (as a project partner not lead applicant)</i> <p><i>and the Birregurra Bowls Club Synthetic Surface Project to be submitted under the Sport and Recreation Victoria Synthetic Surfaces Program by 24 November 2008 with each of these projects to be further presented to Council through the Council 2009/2010 Budget process for consideration subject to State Government funding.</i></p> | | |
| <p><u>OM082810-5 2009 GREAT VICTORIAN BIKE RIDE FUNDING REQUEST</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council :</i></p> <ol style="list-style-type: none"> 1. <i>Endorses the forward advance funding of \$7,500 for the proposed 2009 Great Victorian Bike Ride, reducing the 2009/2010 Festival and Events Scheme budget by one event; and</i> 2. <i>Endorses that the amount of \$7,500 includes an amount of \$3,000 to be used to offset the cost of space to camp approximately 5000 people at the Apollo Bay Recreation reserve.</i> | | |
| <p><u>OM082810-6 2008/2009 BEECHY TRAIN PROPOSAL: OLD BEECHY RAIL TRAIL</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council -</i></p> <ol style="list-style-type: none"> 1. <i>Approves the Beechy Train to travel on the Old Beechy Rail Trail for up to ten journeys in the period November 2008 to April 2009 inclusive and the Beechy Train to continue to operate on behalf of the Section 86 Old Beechy Rail Trail Committee under Council's insurance; and</i> | | |

| | | |
|---|--|--|
| <p>2. <i>Advises the Old Beechy Rail Trail Committee that they can approve future use of the Beechy Train subject to the completion of a risk management plan on an annual basis removing the necessity for the item to be approved by Council.</i></p> | | |
| <p><u>OM082810-7 BEECHY PRECINCT GLOBAL CONNECTOR INCLUDING JOINT USE LIBRARY AGREEMENT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council signs and seals the Development and Joint Use Agreement between The Minister of Education, The Council of Colac Secondary College and the Colac Otway Shire Council.</i></p> | | |
| <p><u>OM082810-8 FAMILY & CHILDREN'S CENTRE PROPOSAL FOR COLAC</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council –</i></p> <ol style="list-style-type: none"> 1. <i>Approves in-principle, that as a minimum, sessional Maternal & Child Health services, immunisation and some other group activities are to be held at the proposed Family & Children's Centre in Colac;</i> 2. <i>Has ongoing discussions with Glastonbury and other agencies involved with the proposed Centre to investigate all of Council's options; and</i> 3. <i>Is kept briefed on the ongoing discussions, proposed directions and funding outcomes.</i> | | |
| <p><u>OM082810-9 2007/2008 ANNUAL REPORT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council having considered the Annual Report for 2007/08, Council note its completion in accordance with statutory requirements</i></p> | | |

| | | |
|---|--|--|
| <p><u>OM082810-10 JULY 2008 - SEPTEMBER 2008 FIRST QUARTER PERFORMANCE REPORT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive for information the 2008/2009 First Quarter Performance Report for the three months ending 30 September 2008.</i></p> | | |
|---|--|--|

Recommendation

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

MOVED

SECONDED

OM082810-3 NAMING OF VARIOUS ROADS THROUGHOUT THE SHIRE

| | | | |
|-------------|----------------------------------|-----------|-------------------------|
| AUTHOR: | Paul Carmichael | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | GEN0016 Naming of Roads |

Purpose

To make a final resolution in relation to the naming of almost 200 roads within the Shire. Included in this is the consideration of submissions received to a second round of advertising of proposed names that were different from the names initially advertised.

Background

For several months Council has been undertaking the statutory process to apply names to almost 200 roads within the Shire. The reason for doing this was to improve the mapbase of the Shire by applying names to roads that were not named. Council's mapbase is used to update the State mapbase which forms the basis of most GIS systems used by emergency services etc.

The initial proposed names were advertised in June 2008 and letters advising of the proposed names were sent to owners of properties abutting the subject roads. In addition, local history groups and community representative groups were advised of the proposals and asked to participate in a committee that was formed to consider submissions received

A number of submissions were received and these were considered on 5th September 2008 by the Road Naming Project Advisory Committee. This committee comprised of Councillors Smith and Mercer and community representatives, Mr Paul O'Brien (Barwon Downs Community Group) and Mr Ken Widdowson (Forrest & District Historical Society).

After consideration of submissions, the committee made 30 recommendations that differed from the initial proposal. As a result, these 30 recommended names were again advertised and letters sent to owners of properties abutting the subject roads. Property owners were advised if they had previously lodged a submission, they were not required to do so again unless they so desired.

This second round of advertising resulted in six new submissions being received. One previous submission containing a suggested road name that was not agreed to by the Road Names project Advisory Committee is also included in the list of submissions received (referred to below).

Council Plan/Other Strategies/Policy

Naming of roads is a local government responsibility prescribed by the Local Government Act 1989.

Issues/Options

A summary of the submissions received (both new (ie; from round 2) and a previous (ie; from round 1) and officer's comment is provided below:-

| Road Ref | Initial Proposed Name | Committee Recommendation | Submitters Comments | Officer's Comments | Reco |
|----------------|-------------------------------|--|---|---|--|
| Map 1 Road 29 | Mills St, Cressy | Perry St, Cressy (as per Round 1 submission) | New submitter suggests "Sugar Gum Rd" - has sugar gums on property abutting the road. | Suggested name has no special significance as sugar gums not rare and may not always be on site | Road be named "Perry St, Cressy". |
| Map 1 Road 30 | Connors Rd, Cressy | Cairns Rd, Cressy | Round 1 submitter suggested road be named "Darcys Rd" after family in area. | Already Darcy St/Rd in Colac and Birregurra. "Cairns" was land owner in area. | Road be named "Cairns Rd, Cressy" |
| Map 1 Road 45 | Williams Rd, Alvie | McMillans Rd, Alvie (as per Round 1 submission) | New submitter very supportive of "McMillan Rd" | No comment required. | Road be named "McMillan Rd, Alvie" |
| Map 1 Road 49 | Whittacker Rd, Balintore | Lang Access , Balintore (as per Round 1 submission) | New submitter suggest "Loffel Access. Owns abutting property. Subject road runs off Langs James Rd. Use of "Lang" name again will be confusing. | Officers agree with new submitters comments. | Road be named "Loffel Access, Balintore" |
| Map 3 Road 119 | Whoorel Cemetery Rd | Bicket Rd (as per Round 1 submission) | New submitter suggests Whoorel Cemetery Rd helps identify location of cemetery. Should include Whoorel in name. | Officers agree with new submitters comments. Already a sign at corner saying "Cemetery Rd" | Road be named "Cemetery Rd, Whoorel" |
| Map 4 Road 182 | Hamilton Rd, Gellibrand | Stone Reserve Access (as per Round 1 submission) | New submitter suggests "Hamilton Access". Believes reco suggests stone reserve can be accessed (which it can't) | Officer's reco to c'ttee was for road to remain unnamed as it will require abutting properties to change address. | Road remain unnamed. |
| Map 5 Road 195 | Meullers Access, Skenes Creek | O'Connor Track, Skenes Creek (as per Round 1 submission) | Both submitters support C'ttee reco. | No comment required | Road be named "O'Connor Track, Skenes Creek" |

Council is required to consider these submissions before making a resolution in relation to the name of these roads.

A list of recommendations from the Road names Project Advisory Committee for the remaining roads advertised in round 2 is provided as attachment 1. No new submissions were received for these road names.

A list of the recommendations emanating from the Road Names Project Advisory Committee meeting for the remaining road names (ie: those not required to be advertised for a 2nd time) is also provided as attachment 2.

The following queries were raised during the process and action taken or proposed to be taken is stated:

| Road Ref | Committee Recommendation | Query | Action Taken/To Occur |
|-------------------|---|---|--|
| Map 2
Road 14 | To be followed up with abutting owner | Initial proposal was "Higgins St". Alternative proposal is "Sefton St" | To be discussed with owner/s and proposal advertised. Deleted from current list of recommendations. |
| Map 3
Road 94 | Baulkhams Rd.
Gerangamete | No submissions received. C'tee queried if spelling should be "Balcombe" after family in area. | Officers agree to change spelling have amended recommendation in attachment 2 |
| Map 4
Road 175 | Investigate if "Sherman" is an appropriate name for this road | Initial proposal was "Boyd Rd". A submitter made three alternative suggestions. C'tee enquired re "Sherman". Road is on land originally owned by Milner, which was one of submitters suggested names. | Discussed with Cr Smith and agreed to submit recommendation of "Milner Rd". Included in current list of recommendations. |
| Map 4
Road 187 | Knox Access,
Weeaproinah | Submitter requested it be Knox "Road" rather than "Access" as actual road is more significant than an access track. | Officers agree to request and have amended recommendation in attachment 2 |
| | Possible "Fishers Access",
Barongarook | Unnamed road not included in this project. Suggested "Fishers Access" would be appropriate name. | To be discussed with abutting owner/s and proposal advertised. |

Proposal

It is proposed that Council:

- consider the submissions received to the 2nd round advertisement and decide on a name for the subject roads
- adopt the Road Names Project Advisory Committee's recommendation for the remaining roads that were included in the 2nd round advertisement (referred to in attachment 1).
- adopt the Road Names Project Advisory Committee's recommendations for the remaining roads that were not required to be re-advertised (referred to in attachment 2).

Once adopted by Council, the names will be published in the Victorian Government Gazette, after which they become the "official" road name.

Financial Implications

Cost of the preparation and erection of the road name signs.

Risk Management & Compliance Issues

Not applicable

Environmental Considerations

Not applicable

Communication Strategy/Consultation

Letters advising of the outcome will be sent to the owners of abutting properties and to all submitters and owners of properties abutting the roads in question.

Implementation

The above action will be taken as soon as possible. New road nameplates will be arranged and erected as soon as possible also.

Conclusion

The following resolutions from Council are required to finalise this project.

Attachments

1. Road Names Project Advisory Committee Recommendations Advertised for 2nd Time
2. Road Names Project Advisory Committee Recommendations
3. Road Names Maps

Recommendation(s)

1. ***That having considered the submissions in relation to proposed road names referred to in the table in the above report, Council resolves to adopt the road names as recommended pursuant to the provisions of clause 5, Schedule 10 of the Local Government Act 1989.***
2. ***That Council also adopts the road names recommended to it by the Road Names Project Advisory Committee as listed in attachments 1 and 2 pursuant to the provisions of clause 5, Schedule 10 of the Local Government Act 1989.***
3. ***That the adopted road names be published in the Victorian Government Gazette and letters advising of the Council's resolutions be sent to all submitters and owners of properties abutting the subject roads.***

~~~~~\) ~~~~~



Attachment 1

**ROAD NAMES PROJECT ADVISORY C'TTEE RECOMMENDATIONS ADVERTISED FOR 2<sup>ND</sup> TIME FOR WHICH NO FURTHER SUBMISSIONS WERE RECEIVED**

| <b>Road Number</b> | <b>Initial Proposed Name</b>  | <b>Committee Recommendation</b>         |
|--------------------|-------------------------------|-----------------------------------------|
| <b>Map 1</b>       |                               |                                         |
| <b>25</b>          | Lewis Road, Eurack            | Hunt Lane, Eurack                       |
| <b>31</b>          | Cairns Road, Cundare          | Daffy Road, Cundare                     |
| <b>39</b>          | Roberts Road, Eurack          | Mookatook Lane, Eurack                  |
| <b>Map 2</b>       |                               |                                         |
| <b>4</b>           | Botanic Garden Carriageway    | The Carriageway, Colac                  |
| <b>Map 3</b>       |                               |                                         |
| <b>72</b>          | Jessop Road, Birregurra       | Molesworth Street, Birregurra           |
| <b>75</b>          | Mitchell Road, Yeodene        | Bowtell Road, Yeodene                   |
| <b>77</b>          | Osborne Road, Yeo             | Fitzpatrick Road, Yeo                   |
| <b>80</b>          | Dorman Road, Barwon Downs     | Duckpond Road, Gerangamete              |
| <b>83</b>          | Mackies Track, Barwon Downs   | Delaney Cowley Link Track, Barwon Downs |
| <b>85</b>          | Smedleys Track, Beech Forrest | Colless Track, Beech Forrest            |
| <b>86</b>          | Grennes Road, Barramunga      | Harvison Road, Barramunga               |

|              |                                   |                                 |
|--------------|-----------------------------------|---------------------------------|
| <b>90</b>    | Loyd Road, Barramunga             | Big Tree Road, Barramunga       |
| <b>92</b>    | Leggs Road, Barramunga            | Splatt Road, Barramunga         |
| <b>106</b>   | Tranter Road, Forrest             | Blackwood Access, Forrest       |
| <b>118</b>   | Penman Road, Forrest              | Kaanglang Quarry Track, Forrest |
| <b>124</b>   | Parkers Road, Yeodene             | Talbot Road, Yeodene            |
| <b>Map 4</b> |                                   |                                 |
| <b>178</b>   | Gears Road, Barongarook           | Allen Road, Barongarook         |
| <b>186</b>   | McKenzies Road, Gellibrand        | Borch Track, Gellibrand         |
| <b>189</b>   | Black Bridge Road, Carlisle River | Norm Tame Track, Carlisle River |
| <b>Map 5</b> |                                   |                                 |
| <b>131</b>   | Noack Road, Tanybryn              | Greig Track, Tanybryn           |
| <b>132</b>   | Miller Road, Apollo Bay           | Ghooley Road, Apollo Bay        |
| <b>150</b>   | Berrys Road, Lavers Hill          | Heffernan Track, Lavers Hill    |
| <b>157</b>   | Closes Road, Beech Forest         | Bellchambers Road, Beech Forest |



## Attachment 2

### Road Names Project Advisory C'tee recommendations

#### Map 1

| Road No | Proposed Road Name                    | Committee Recommendation                     |
|---------|---------------------------------------|----------------------------------------------|
| 24      | Bell Road, Cressy                     | Splatt Lane, Weering                         |
| 25      | Lewis Road, Eurack                    | Hunt Lane, Eurack                            |
| 26      | McInness Road, Cressy                 | McInnes Road, Cressy                         |
| 27&28   | Storer Street & Oliver Street, Cressy | Storer Road, Cressy<br>Oliver Street, Cressy |
| 30      | Connors Road, Cressy                  | Cairns Road, Cressy                          |
| 31      | Cairns Road, Cundare                  | Daffy Road, Cundare                          |
| 32      | Gainger Road, Warrion                 | Gainger Road, Warrion                        |
| 33      | Connell Road, Warrion                 | Connell Road, Warrion                        |
| 34      | Chiller Road, Cundare                 | Chiller Road, Cundare                        |
| 36      | Gray Road, Beeac                      | That this road remain unnamed.               |
| 37      | Poynter Road, Barpinba                | That this road remain unnamed.               |
| 38      | Blackhorn Road, Eurack                | Carew Lane, Eurack                           |

|           |                              |                                   |
|-----------|------------------------------|-----------------------------------|
| <b>39</b> | Roberts Road,<br>Eurack      | Mookatook Lane,<br>Eurack         |
| <b>40</b> | Featherston Road,<br>Beaac   | That this road remain<br>unnamed  |
| <b>41</b> | Currie Road, Dreeite         | Currie Road, Dreeite              |
| <b>42</b> | Clement Road,<br>Warrion     | Clement Road, Warrion             |
| <b>44</b> | Howe Road, Ondit             | Howe Road, Ondit                  |
| <b>46</b> | Fleming Road, Alvie          | That this road remain<br>unnamed  |
| <b>47</b> | McGuane Road,<br>Alvie       | McGuane Lane, Alvie               |
| <b>48</b> | Dravan Road,<br>Balintore    | Dravan Road, Balintore            |
| <b>50</b> | Reeves Road,<br>Birregurra   | Reeves Road,<br>Birregurra        |
| <b>51</b> | Beach Road,<br>Birregurra    | Beach Road,<br>Birregurra         |
| <b>52</b> | Denning Road,<br>Irrewarra   | That this road remain<br>unnamed. |
| <b>53</b> | Lake Burn Road,<br>Irrewarra | Lake Burn Road,<br>Warncoort      |
| <b>54</b> | England Road,<br>Irrewarra   | England Road,<br>Irrewarra        |
| <b>55</b> | Roache Road,<br>Nalangil     | Roache Road, Nalangil             |
| <b>56</b> | Hinton Street,<br>Nalangil   | That this road remain<br>unnamed. |
| <b>57</b> | Williamsons Road,<br>Alvie   | Williamsons Road,<br>Alvie        |
| <b>58</b> | Holdsworth Road,<br>Alvie    | Holdsworth Road, Alvie            |

|            |                                     |                                     |
|------------|-------------------------------------|-------------------------------------|
| <b>59</b>  | Edmonstone Road,<br>Birregurra      | Edmonstone Road,<br>Birregurra      |
| <b>60</b>  | Sonnett Road,<br>Cororooke          | Sonnett Road,<br>Cororooke          |
| <b>61</b>  | Broome Street, Alvie                | This road is to remain<br>unnamed.  |
| <b>62</b>  | Walker Road,<br>Cororooke           | Walker Road,<br>Cororooke           |
| <b>63</b>  | Treatment Works<br>Road, Colac East | Treatment Works<br>Road, Colac East |
| <b>64</b>  | Monaghans Road,<br>Beeac            | Monaghan Road,<br>Beeac             |
| <b>65</b>  | Pierces Road,<br>Eurack             | This road is to remain<br>unnamed.  |
| <b>66</b>  | Porneet Road,<br>Weering            | Porneet Road, Weering               |
| <b>67</b>  | Weering School<br>Road, Weering     | Weering School Road,<br>Weering     |
| <b>68</b>  | Barpinba Road,<br>Eurack            | Barpinba Road, Eurack               |
| <b>69</b>  | Inglis Road, Warrion                | Inglis Lane, Warrion                |
| <b>70</b>  | Flaxmill Road, Colac<br>East        | Flaxmill Road, Colac<br>East        |
| <b>201</b> | Dennis Road,<br>Warncoort.          | Dennis Road,<br>Warncoort.          |

## Map 2

| <b>Road No</b> | <b>Proposed Road Name</b>       | <b>Committee Recommendation</b>   |
|----------------|---------------------------------|-----------------------------------|
| <b>1</b>       | Digby Street, Colac             | That this road remain<br>unnamed. |
| <b>2</b>       | McTaggart Street,<br>Colac West | That this road remain<br>unnamed. |

|    |                               |                                   |
|----|-------------------------------|-----------------------------------|
| 3  | Wisemans Lane,<br>Colac       | Wisemans Lane,<br>Colac           |
| 4  | Botanic Garden<br>Carriageway | The Carriageway,<br>Colac         |
| 5  | Purves Street,<br>Elliminyt   | Purves Street,<br>Elliminyt       |
| 6  | Kettles Road, Yeo             | Kettle Road, Yeo                  |
| 7  | Friends Road,<br>Elliminyt    | That this road remain<br>unnamed. |
| 8  | Doak Street, Elliminyt        | Doak Street, Elliminyt            |
| 9  | Gellibrand Street,<br>Colac   | Gellibrand Street,<br>Colac       |
| 10 | Fyans Street, Colac           | Fyans Street, Colac               |
| 11 | Drew Street, Elliminyt        | Drew Street, Elliminyt            |
| 12 | Duncan Street,<br>Elliminyt   | Slater Street,<br>Elliminyt       |
| 13 | Ellis Street, Elliminyt       | Lawes Street,<br>Elliminyt        |

### Map 3

| Road No | Proposed Road Name           | Committee Recommendation         |
|---------|------------------------------|----------------------------------|
| 71      | Ricketts Road,<br>Birregurra | Ricketts Road,<br>Birregurra     |
| 72      | Jessop Road,<br>Birregurra   | Molesworth Street,<br>Birregurra |

|           |                                     |                                            |
|-----------|-------------------------------------|--------------------------------------------|
| <b>73</b> | Townsend Road,<br>Birregurra        | Townsend Road,<br>Birregurra               |
| <b>74</b> | Dwyer Road Whoorel                  | That this road remain<br>unnamed.          |
| <b>75</b> | Mitchell Road,<br>Yeodene           | Bowtell Road, Yeodene                      |
| <b>76</b> | King Road, Yeo                      | King Road, Yeo                             |
| <b>77</b> | Osborne Road, Yeo                   | Fitzpatrick Road, Yeo                      |
| <b>78</b> | Parry Road, Barwon<br>Downs         | That this road remain<br>unnamed.          |
| <b>79</b> | Phyland Road,<br>Barwon Downs       | Flax Lane, Barwon<br>Downs                 |
| <b>80</b> | Dorman Road,<br>Barwon Downs        | Duckpond Road,<br>Gerangamete              |
| <b>81</b> | Ralston Road, Yeo                   | That this road remain<br>unnamed.          |
| <b>83</b> | Mackies Track,<br>Barwon Downs      | Delaney Cowley Link<br>Track, Barwon Downs |
| <b>84</b> | Belfrage Road,<br>Tanybryn          | Belfrage Road,<br>Tanybryn                 |
| <b>85</b> | Smedleys Track,<br>Beech Forrest    | Colless Track, Beech<br>Forest             |
| <b>86</b> | Grenness Road,<br>Barramunga        | Harvison Road,<br>Barramunga               |
| <b>87</b> | Simmons Track,<br>Barramunga        | That this road remain<br>unnamed           |
| <b>88</b> | Stevenson Falls<br>Road, Barramunga | Stevenson Fall Road,<br>Barramunga         |
| <b>89</b> | Sayers Vista,<br>Barramunga         | Dandos Access Track,<br>Barramunga         |

|            |                                |                                  |
|------------|--------------------------------|----------------------------------|
| <b>90</b>  | Lloyd Road,<br>Barramunga      | Big Tree Road,<br>Barramunga     |
| <b>91</b>  | Fawcett Track,<br>Forrest      | Fawcett Track, Forrest           |
| <b>92</b>  | Leggs Road,<br>Barramunga      | Splatt Road,<br>Barramunga       |
| <b>93</b>  | Chapmans Track,<br>Gerangamete | Chapman Track,<br>Gerangamete    |
| <b>94</b>  | Baulkhams Road,<br>Gerangamete | Balcombe Road,<br>Gerangamete    |
| <b>95</b>  | Grants Road,<br>Gerangamete    | Grant Road,<br>Gerangamete       |
| <b>96</b>  | Gleesons Track,<br>Barongarook | Gleeson Track,<br>Barongarook    |
| <b>97</b>  | Shipp Track,<br>Barongarook    | Shipp Track,<br>Barongarook      |
| <b>98</b>  | Prices Track,<br>Barongarook   | Price Track,<br>Barongarook      |
| <b>99</b>  | Kemps Track,<br>Barongarook    | Kemp Track,<br>Barongarook       |
| <b>100</b> | Jones Track,<br>Barongarook    | Jones Track,<br>Barongarook      |
| <b>101</b> | Downes Road,<br>Gerangamete    | That this road remain<br>unnamed |
| <b>102</b> | Amos Road, Forrest             | Amos Road, Forrest.              |

|            |                                    |                                   |
|------------|------------------------------------|-----------------------------------|
| <b>103</b> | Russell Road,<br>Forrest           | Russell Road, Forrest             |
| <b>104</b> | Whelans Road,<br>Forrest           | Whelan Road, Forrest              |
| <b>105</b> | Ireland Road, Forrest              | Ireland Road, Forrest.            |
| <b>106</b> | Tranter Road, Forrest              | Blackwood Access,<br>Forrest      |
| <b>107</b> | Smiths Road, Forrest               | Smith Lane, Forrest               |
| <b>108</b> | Batty Road, Barwon<br>Downs        | Batty Road, Barwon<br>Downs.      |
| <b>109</b> | Tyrells Road, Forrest              | Tyrell Road, Forrest.             |
| <b>110</b> | Malhoff Road,<br>Forrest           | Malhoff Road, Forrest.            |
| <b>111</b> | Bartlett Road, Forrest             | Bartlett Road, Forrest.           |
| <b>112</b> | Hammond Road,<br>Forrest           | Hammond Road,<br>Forrest.         |
| <b>113</b> | Harringtons Track,<br>Barwon Downs | Harrington Track,<br>Barwon Downs |
| <b>114</b> | Blacks Road, Barwon<br>Downs       | Black Road, Barwon<br>Downs.      |
| <b>115</b> | Biddys Access,<br>Barwon Downs     | Biddy Access, Barwon<br>Downs     |
| <b>116</b> | Hutchisons Track,<br>Forrest       | Hutchison Track,<br>Forrest.      |
| <b>117</b> | Lake Elizabeth Road,<br>Forrest    | Lake Elizabeth Track,<br>Forrest. |

|            |                                    |                                    |
|------------|------------------------------------|------------------------------------|
|            |                                    |                                    |
| <b>118</b> | Penman Road,<br>Forrest            | Kaanglang Quarry<br>Track, Forrest |
| <b>120</b> | Bushs Road,<br>Pennyroyal          | Bush Road,<br>Pennyroyal           |
| <b>121</b> | Barr Track, Murroon                | That this road remain<br>unnamed.  |
| <b>123</b> | Bingami Road,<br>Yeodene           | Bingami Road,<br>Yeodene.          |
| <b>124</b> | Parkers Road,<br>Yeodene           | Talbot Road, Yeodene               |
| <b>125</b> | Mulgrews Road,<br>Barramunga       | Mulgrew Road,<br>Barramunga        |
| <b>126</b> | Donaldsons Access,<br>Forrest      | Donaldson Access,<br>Forrest.      |
| <b>200</b> | Ayreys Reserve<br>Road, Birregurra | Ayreys Reserve Road,<br>Birregurra |

## Map 4

| <b>Road No</b> | <b>Proposed Road Name</b>       | <b>Committee Recommendation</b>   |
|----------------|---------------------------------|-----------------------------------|
| <b>174</b>     | Richards Road, Stoneyford       | That this track remain<br>unnamed |
| <b>175</b>     | Boyd Road, Pirron Yallock       | Milner Road, Pirron<br>Yallock    |
| <b>176</b>     | McBean Road, Irrewillipe        | That this road remain<br>unnamed  |
| <b>177</b>     | Consedine Road,<br>Irrewillipe  | That this road remain<br>unnamed  |
| <b>178</b>     | Gears Road, Barongarook<br>West | Allen Road,<br>Barongarook West   |



|            |                                      |                                     |
|------------|--------------------------------------|-------------------------------------|
| <b>180</b> | Byrne Street, Irrewillipe            | That this road remain unnamed.      |
| <b>181</b> | Birnam Road, Barongarook             | Birnam Road, Barongarook            |
| <b>183</b> | McLennan Road, Gellibrand            | McLennan Access, Gellibrand         |
| <b>184</b> | Armisteads Access, Gellibrand        | Armistead Access, Gellibrand        |
| <b>185</b> | Ditchley Park Road, Beech Forest     | Ditchley Park Road, Beech Forest    |
| <b>186</b> | McKenzies Road, Gellibrand           | Borch Track, Gellibrand             |
| <b>187</b> | Knoxs Road, Weeaprounah              | Knox Road, Weeaprounah              |
| <b>188</b> | Gum Gully Track, Carlisle River      | Gum Gully Track, Carlisle River.    |
| <b>189</b> | Black Bridge Road, Carlisle River    | Norm Tame Track, Carlisle River     |
| <b>190</b> | Martins Creek Crossing, Beech Forest | Martin Creek Crossing, Beech Forest |
| <b>191</b> | Boxes Access, Carlisle River         | Box Access, Carlisle River          |
| <b>192</b> | Mercers Track, Carlisle River        | Mercer Track, Carlisle River        |
| <b>193</b> | Gardner Street, Beech Forest         | Mercer Track, Carlisle River        |
| <b>194</b> | Bellchambers Road, Beech Forest      | Closes Road, Beech Forest.          |
| <b>197</b> | McLeods Road, Carlisle River         | McLeod Road, Carlisle River         |

|            |                                |                            |
|------------|--------------------------------|----------------------------|
| <b>198</b> | Gardiners Road, Carlisle River | Link Track, Carlisle River |
| <b>199</b> | Ferraris Road, Chapplevale     | Ferrari Road, Chapple Vale |

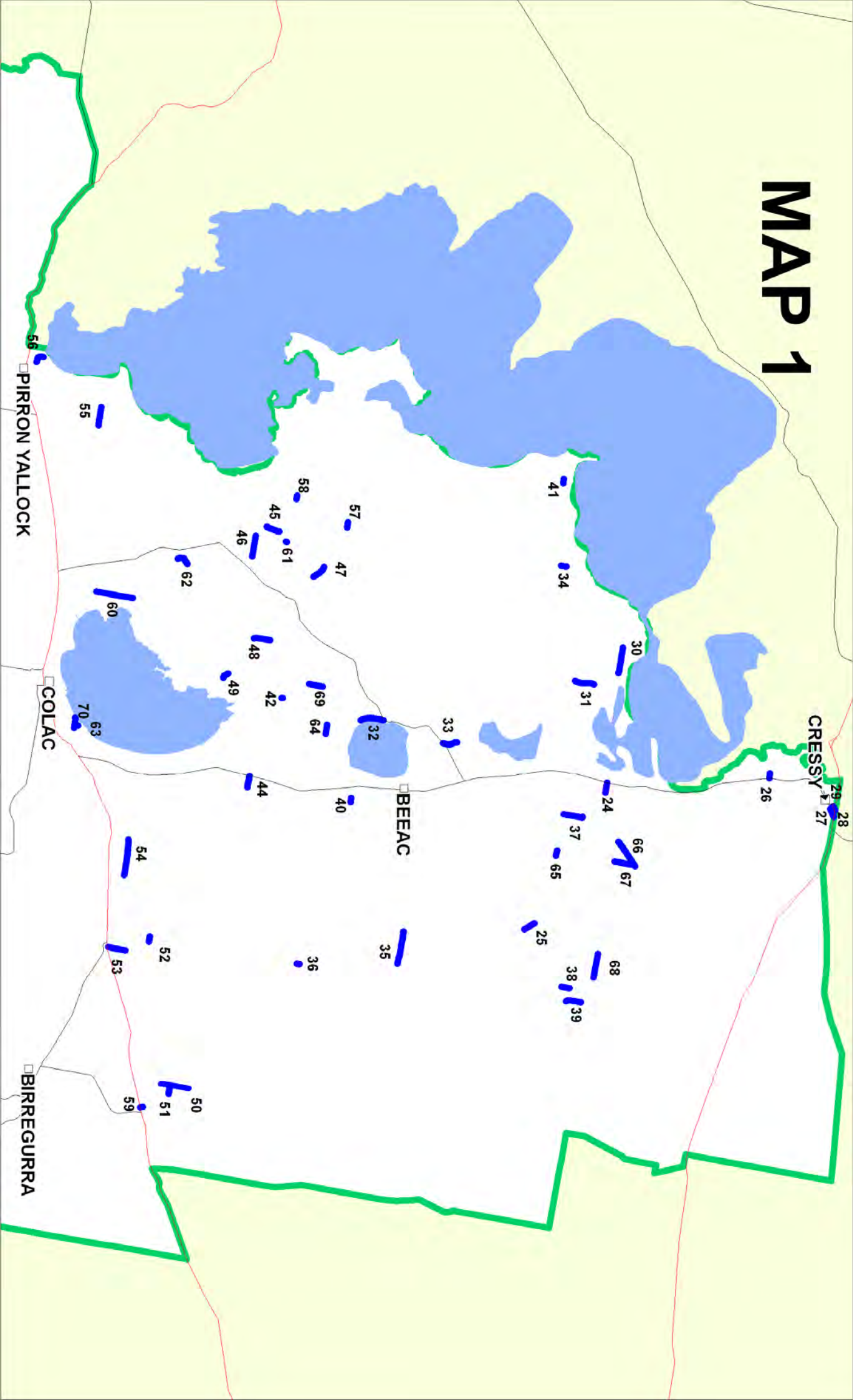
## Map 5

| <b>Road No</b> | <b>Proposed Road Name</b>   | <b>Committee Recommendation</b> |
|----------------|-----------------------------|---------------------------------|
| <b>128</b>     | Ramsden Road, Wongarra      | That this road remain unnamed.  |
| <b>130</b>     | Walters Track, Wongarra     | Grove Court, Wongarra           |
| <b>131</b>     | Noack Road, Tanybryn        | Greig Track, Tanybryn           |
| <b>132</b>     | Miller Road, Apollo Bay     | Ghooley Road, Apollo Bay        |
| <b>133</b>     | McKelvey Road, Apollo Bay   | That this road remain unnamed.  |
| <b>134</b>     | Sims Street, Apollo Bay     | Sim Lane, Apollo Bay            |
| <b>135</b>     | Maguires Road, Apollo Bay   | That this road remain unnamed.  |
| <b>136</b>     | Hayleys Point Road, Marengo | Hayleys Point Road, Marengo.    |
| <b>137</b>     | Lawry Road, Cape Otway      | Lawry Road, Cape Otway          |
| <b>138</b>     | Fords Track, Cape Otway     | Ford Track, Cape Otway          |
| <b>140</b>     | Ross Track, Cape Otway      | Ross Track, Cape Otway          |
| <b>141</b>     | Franks Road, Hordernvale    | That this road remain unnamed.  |
| <b>142</b>     | Noonan Road, Johanna        | That this road remain unnamed.  |

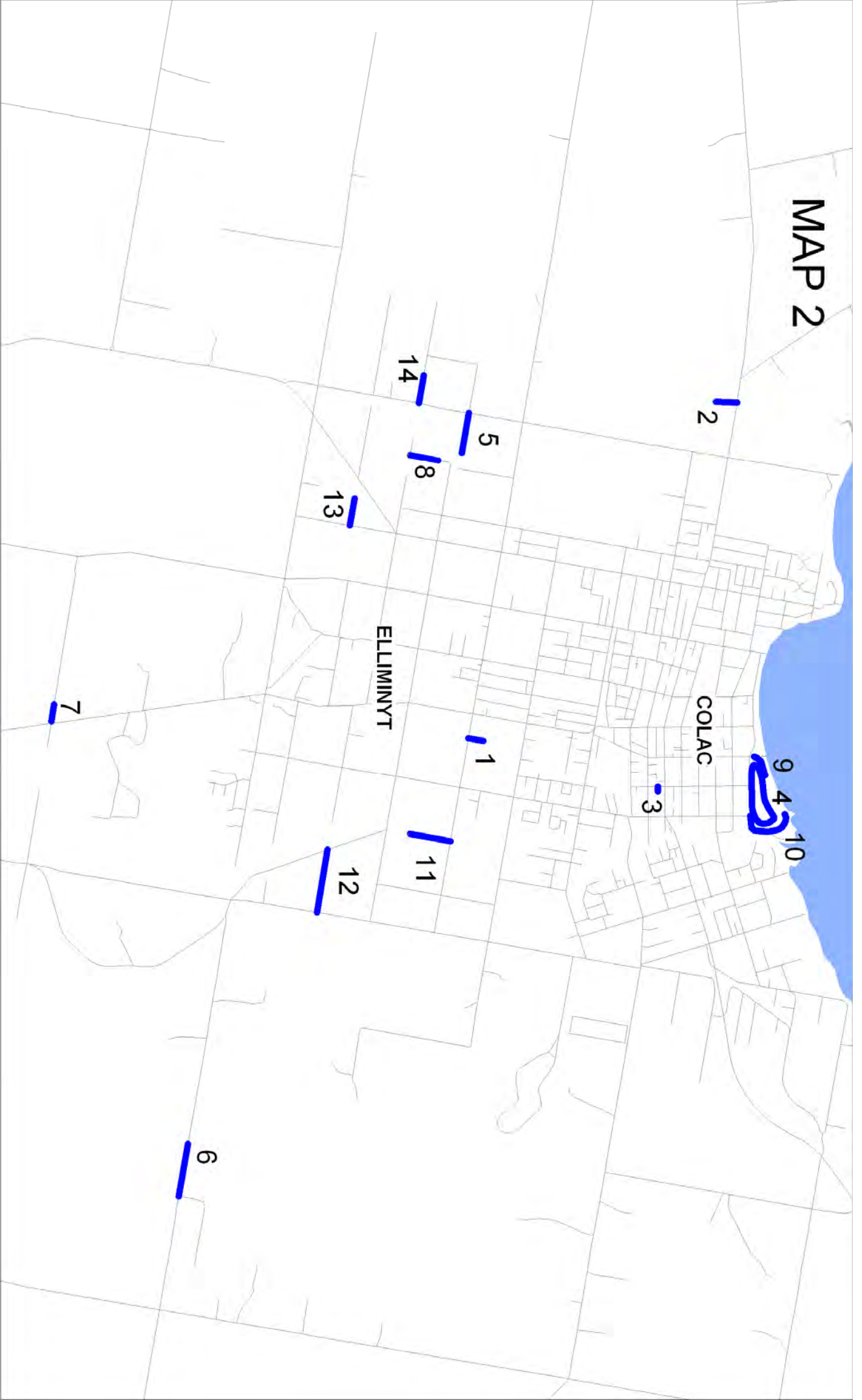
|            |                                     |                                     |
|------------|-------------------------------------|-------------------------------------|
| <b>143</b> | Neaves Road, Yuulong                | That this road remain unnamed.      |
| <b>144</b> | Williams Road, Yuulong              | William Track, Yuulong.             |
| <b>145</b> | Wards Road, Yuulong                 | Ward Track, Yuulong                 |
| <b>146</b> | Balcauscas Access, Yuulong          | Balcauscas Access, Yuulong          |
| <b>147</b> | Hampshire Road, Lavers Hill         | Flanagan Track, Lavers Hill         |
| <b>148</b> | Barrys Track, Lavers Hill           | Harry Track, Lavers Hill.           |
| <b>149</b> | Coes Road, Chapple Vale             | Coes Road, Chapple Vale             |
| <b>150</b> | Berry's Road, Lavers Hill           | Heffernan Track, Lavers Hill        |
| <b>151</b> | Quiney Road, Lavers Hill            | Brewers Access, Lavers Hill         |
| <b>152</b> | Old Amiets Track, Wyelangta         | Old Amiet Track, Wyelangta.         |
| <b>153</b> | Bradley Track, Wyelangta            | Bradley Track, Wyelangta            |
| <b>154</b> | Barker Road, Ferguson               | Barker Road, Ferguson               |
| <b>155</b> | Reigal Road, Ferguson               | That this road remain unnamed.      |
| <b>156</b> | Buchan Track, Wyelangta             | That this road remain unnamed.      |
| <b>157</b> | Closes Road, Beech Forest           | Bellchamber Road, Beech Forest.     |
| <b>158</b> | Towers Track, Beech Forest          | Towers Track, Beech Forest.         |
| <b>159</b> | Cockerills Ridge Road, Beech Forest | Cockerill Ridge Road, Beech Forest. |

|            |                                       |                                        |
|------------|---------------------------------------|----------------------------------------|
| <b>160</b> | Hopetoun Falls Road,<br>Beech Forest  | Hopetoun Fall Road,<br>Beech Forest.   |
| <b>161</b> | O'Dowds Road, Beech<br>Forest         | ODowd Road, Beech<br>Forest.           |
| <b>162</b> | McDonalds Track, Beech<br>Forest      | McDonald Track,<br>Beech Forest.       |
| <b>163</b> | Ray Track, Beech Forest               | Ray Track, Beech<br>Forest.            |
| <b>164</b> | Midway Track, Beech<br>Forest         | Midway Track, Beech<br>Forest.         |
| <b>165</b> | Compartment 41 Track,<br>Beech Forest | Compartment 41<br>Track, Beech Forest. |
| <b>172</b> | Football Break Road,<br>Beech Forest  | Football Break Road,<br>Beech Forest.  |
| <b>173</b> | SEC Track, Beech<br>Forest            | SEC Track, Beech<br>Forest.            |
| <b>196</b> | Perkins Road, Marengo                 | Perkins Road,<br>Marengo.              |

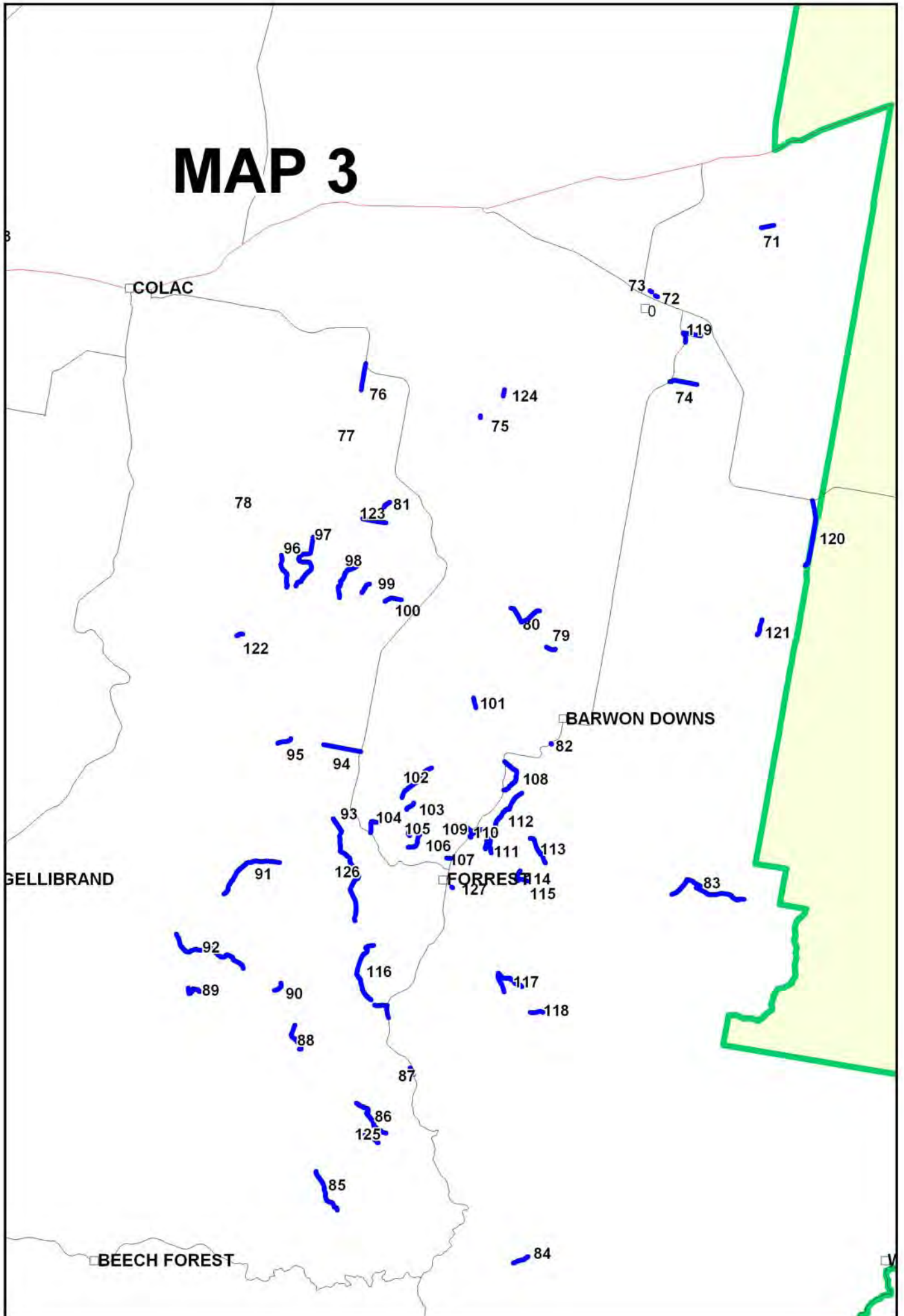
# MAP 1



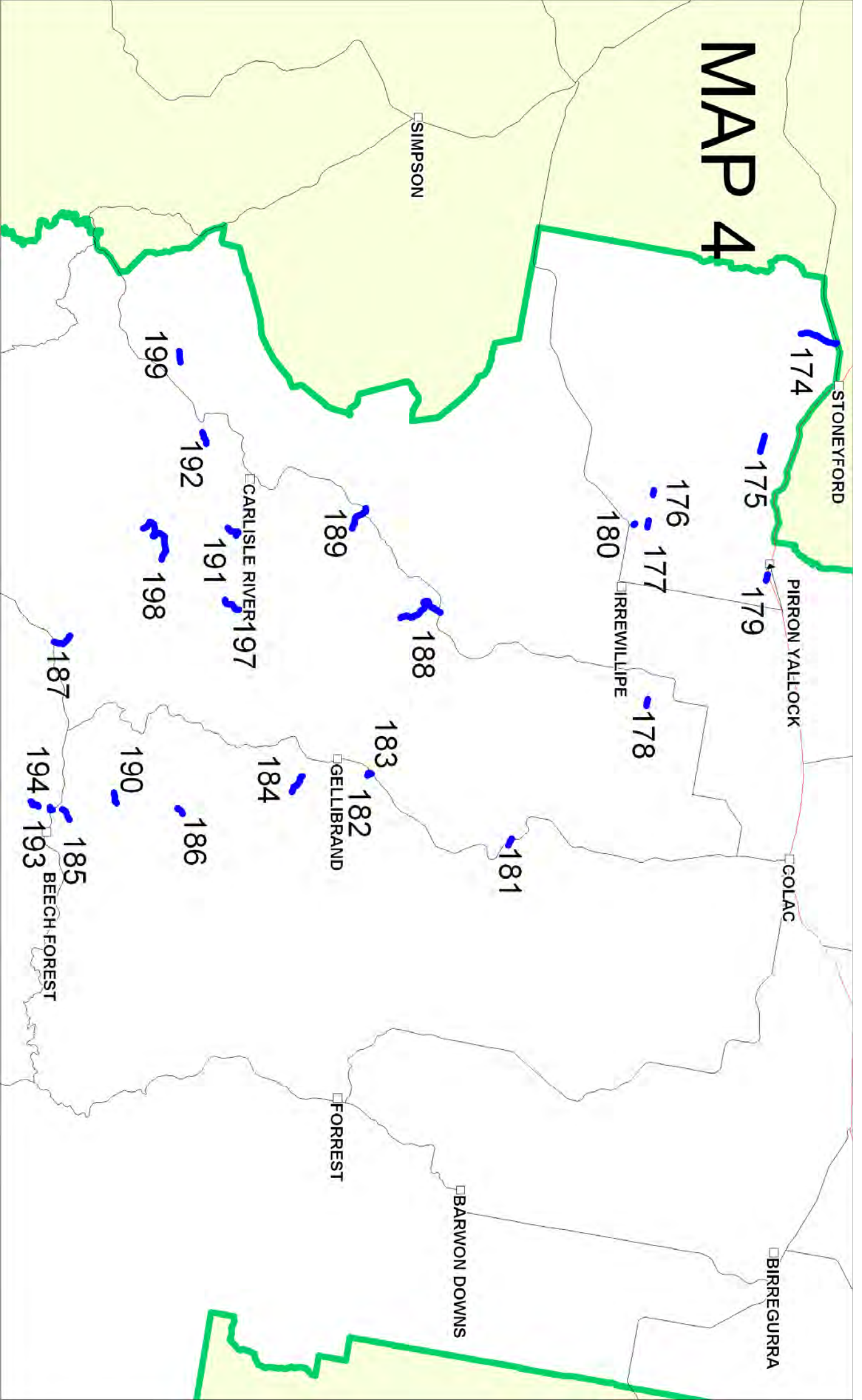
# MAP 2



# MAP 3

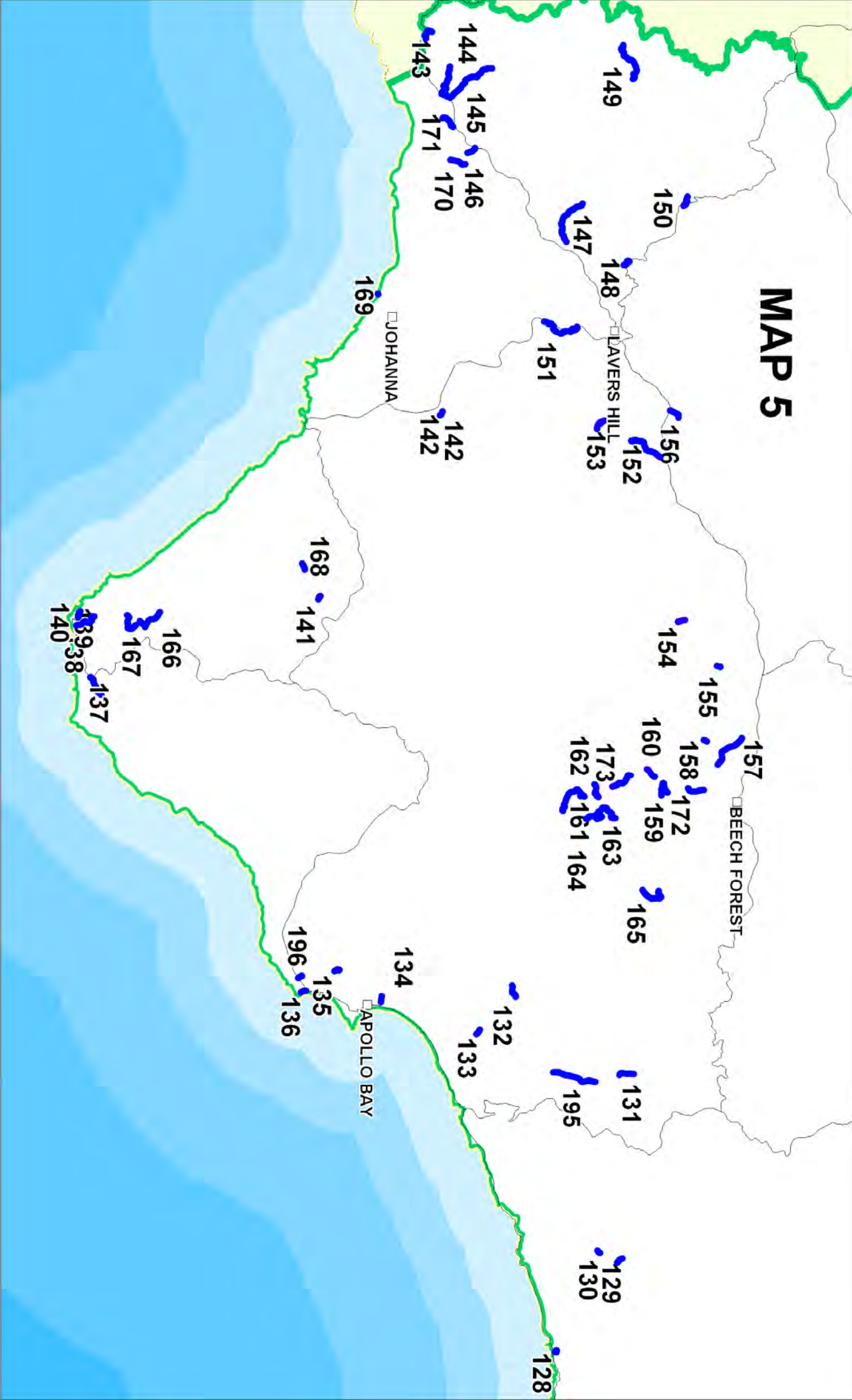


# MAP 4





# MAP 5



**OM082810-4 SPORT AND RECREATION VICTORIA 2009/2010 COMMUNITY FACILITIES FUNDING PROGRAM**

AUTHOR: Marg Scanlon  
DEPARTMENT: Corporate and Community Services

ENDORSED: Colin Hayman  
FILE REF: GEN 00376

**Purpose**

The purpose of this report is to provide Council with information pertaining to the proposed applications for submission to Sport and Recreation Victoria under the 2009/2010 Community Facilities Program and seek endorsement for application submission.

**Background**

The Sport and Recreation Victoria Community Facilities Funding Program is an annual funding program available to local government authorities to seek funding to undertake planning and construction projects. There are five categories in this funding stream including the following:

- Planning provides up to \$30,000 to undertake recreation planning, facility feasibility and regional planning initiatives. Councils are limited to one planning application per annum.
- Minor Facilities provides up to \$60,000 towards projects up to \$200,000 to develop or upgrade community sport and recreation facilities.
- Major Facilities provides up to \$500,000 for development of sport and recreation facilities costed at more than \$200,000.
- Aquatic Access/Better Pools provides up to \$2.5 million for the provision of quality aquatic facilities either through new or redevelopment of facilities.
- Seasonal Pool Renewal provides funding of up to \$200,000 for the rejuvenation of outdoor seasonal pools in rural and regional Victoria.

Council is limited to three applications under the Minor Facilities category (if submitting three, one of these projects must be a total project cost of \$60,000 or less). All other categories are limited to one application per local government authority.

The Colac Otway Shire Council has been successful in receiving funding through this program over recent years which has resulted in the following:

- Development of the Apollo Bay Old Jetty and Colac Skateparks.
- Improved access to the Bluewater Fitness Centre and extensions.
- Completion of the 2006-2010 Colac Otway Recreation Strategy and commencement of the Barwon South West Regional Trails Master Plan project.
- Construction of the Colac Central Reserve Netball Court facilities and extensions to the Clubrooms.

Funding was received through this program for the construction of the Birregurra Skatepark in this financial year. The redevelopment of the Eastern Reserve Netball Court facilities project was unsuccessful under this program last year.

The City of Greater Geelong through the Barwon Recreation Network proposes to undertake a Regional Soccer Strategy in collaboration with the Surfcoast, Golden Plains and Colac Otway Shires and the Victorian Football Federation. Numerous discussions have been held with the project stakeholders and a draft project brief has been developed. As a result of the successful outcomes from the G21 Sport and Recreation Pillar, it is proposed that a similar funding model be applied for this project. Subsequently, Colac Otway Shire are requested to contribute \$5,000 to this regional plan. This is proposed on the basis that all project partners

will contribute financially and seek the maximum \$30,000 from Sport and Recreation Victoria through the Community Facilities Funding Program Planning Category.

Over recent months Council's Recreation Unit has been working with various community sporting and recreation groups to explore project appropriateness and subsequent funding applications. Specifically the Colac Summer Netball Association Inc. and the Colac and District Netball Association Inc. have resubmitted an application to Council for consideration to improve the netball facilities at Eastern Reserve. In partnership the Colac Lawn Tennis Club, Colac Croquet Club and the St. Andrews Croquet Club have submitted an application for Council consideration to improve clubroom and lawn court facilities.

The Eastern Reserve Netball Facility Project application is a resubmission as a result of this application not being supported under this same funding program last year. Detailed feedback has been provided by Sport and Recreation Victoria and this feedback has been considered and worked into the resubmission. Over the course of the past 12 months the netball community have enquired as to the capacity to include a netball court facility development to the same size and capacity as Eastern Reserve within the Beechy Precinct development. A scoping exercise was undertaken with the Beechy Precinct Project Architect, however the Beechy Precinct does not have the spatial capacity to include 6 compliant netball courts with supporting infrastructure such as lighting, spectator facilities etc. Subsequently the Colac Summer Netball Association and the Colac and District Netball Association have agreed and advised Council's Recreation Unit that they agreed to remain located at the Eastern Reserve, Colac.

It should also be noted that the Birregurra Bowls Club Inc. have also applied to Council under this program to convert existing lawns to synthetic surfaces. Coincidentally, Minister for Sport, Recreation and Youth, James Merlino announced earlier this month a new dedicated funding program for Bowls Clubs specifically for the installation of synthetic surfaces in rural and regional Victoria. Given the availability of this specific funding it is proposed the Birregurra Bowls Club funding application will be transferred to this dedicated funding program and submitted by the due date 24 November 2008.

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

These projects are all consistent with Council's objective to provide and promote quality health, recreation and community services by working in partnership with local health, aged care, welfare, youth, housing, education providers, sporting groups and employment organisations to promote community wellbeing. Council is also committed to improving and renewing our roads and other infrastructure by allocating additional Council funds and strongly advocating for State and Federal Governments to provide additional funding.

Councils 2006-2010 Colac Otway Recreation Strategy also supports each of these projects as they propose to seek external funding to achieve improved facilities, encourage club growth and development providing a broad range of accessible activities for the community.

Specifically pertaining to the Colac Lawn Sports project, over the past 18 months the three clubs have worked together to investigate options particularly acknowledging the notice given to the St. Andrews Uniting Croquet Club to vacate their site. As a result of this the three clubs have agreed to co-locate and both the croquet clubs have agreed to merge as one club. What was once considered a negative situation for the St. Andrews Uniting Croquet Club has resulted in a very positive opportunity not only for the clubs but also for the sport of croquet in Colac.

The Birregurra Bowls Club approached Council approximately 12 months ago seeking funding to undertake the Clubs synthetic surface project. At that time the Federal Government were conducting the Community Water Grants which provided funding for

community groups proposing to undertake projects that demonstrated efficient and effective water management. The Federal Government ceased this funding program and subsequently the Birregurra Bowling Clubs proposed application did not proceed. The Club have maintained contact with Council and although the Sport and Recreation Victoria Community Facilities Program was considered appropriate an alternative better suited funding program was announced in October 2008.

### **Issues/Options**

Each of these projects have been instigated because of inadequate community sport and recreation facilities due to age and general wear and tear. Importantly, the Birregurra Bowls Club initiative captures a funding opportunity to improve energy efficiencies which will reduce ongoing costs to the club. Each of these projects address current facility issues and once completed the proposed projects will enable each of the clubs to further develop and encourage increased physical activity participation.

There are three options:

- Not support the submission of these funding applications acknowledging the current state of facilities and the impact this has on club growth and development and community health and wellbeing.
- Support the submission of these funding applications acknowledging that Council's contributions will be sought through the 2009/2010 budget process. (Only two of these require 2009/2010 budget allocations).
- Select one or two of the applications for submission acknowledging each of these projects have been assessed on their merits and it is proposed that all of the applications are appropriate for the funding program consideration.

### **Proposal**

It is proposed that as a result of the project development undertaken by the specific clubs as detailed together with Council's Recreation Unit, three funding applications will be submitted under the Sport and Recreation Victoria Community Facilities Funding Program 2009-2010.

Specifically these applications are;

- Regional Soccer Strategy (City of Greater Geelong to be the applicant with Colac Otway Shire being a project partner with Golden Plains and Surfcoast Shire and Football Federation of Victoria) – Planning Category.
- Redevelopment of Eastern Reserve Netball Courts Colac - Minors Category.
- Colac Lawn Sports Facility Improvements – Minors Category.

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

It is expected that announcements regarding these funding applications would be made by the Minister for Sport in early 2009, however there is no published confirmed date at this stage. The funding applications are submitted clearly stating that Council funds are not committed and that this is dependant upon outcomes from the Council 2009/20210 budget process. The business cases for these applications would also indicate the reliance on the State Government contribution. This approach is accepted by Sport and Recreation Victoria but the club contributions must be defined and confirmed in the applications.

The Eastern Reserve application is supported by quotes indicating the total project is \$200,000 with confirmed club contributions of \$80,000 and \$60,000 each sought from Colac Otway Shire and Sport and Recreation Victoria.

At the time of writing this report total project cost details and club contributions for the Colac Lawn Sports Project are being confirmed. For the purpose of this report the total project cost of \$200,000 is to be considered acknowledging Council has \$50,000 allocated in the 2008/2009 budget for facility improvement works. Each of the project partners have agreed

to scope this project on the basis of the current opportunity to use the Council committed 2008/2009 funds to lever State Government funds through this program of up to \$60,000.

The Regional Soccer Plan is expected to cost \$60,000 with the intention to seek the maximum allocation of \$30,000 from Sport and Recreation Victoria with project partners contributing the remaining \$30,000. Colac Otway Shire has been requested to contribute \$5,000 towards this regional project.

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

All risk management and compliance requirements for these projects have been addressed in the project planning and development.

### **Environmental Considerations**

Environmental Sustainable Design features are specifically included in the funding program guidelines encouraging applicants to consider where possible. Each of the proposed Colac Otway Shire projects have taken these features into account and specifically improved water management systems are included in the Colac Lawn Sports project proposal.

### **Communication Strategy/Consultation**

The Sport and Recreation Victoria Community Facilities Funding Program is a very competitive funding program and this is communicated to community clubs and organisations on a regular basis to ensure clubs are not working in isolation of funding applications which are not appropriate or do not meet the funding criteria.

There has been significant consultation undertaken by Council's Recreation Unit over the course of the year regarding various funding opportunities to enable clubs to be application and project ready. This is evident through the work put into the three proposed funding applications to the SRV Community Facilities Funding Program and the one application to be submitted to the Bowls Synthetic Surface Funding Program.

### **Implementation**

If supported the three funding applications as detailed will be submitted to Sport and Recreation Victoria by 3 November 2008 and the one application as detailed will be submitted under the Bowls Synthetic Surface Funding Program by 24 November 2008.

All of these projects are to be implemented in 2009/2010 subject to confirmed funding contributions from Sport and Recreation Victoria and Council.

### **Conclusion**

The Sport and Recreation Victoria Community Facilities Funding Program is a very important program for the Colac Otway Shire to seek funding to develop new and improved facilities and to undertake specific recreation planning. Council has been successful in the past under this program and without the State Government support many of the projects would not have advanced. These funding applications will be submitted on the basis of confirmed funding contributions from all project partners including Council through the 2009/2010 budget process.

### **Attachments**

Nil

**Recommendation(s)**

***That Council support the submission of the following three funding applications to the Sport and Recreation Victoria 2009/2010 Community Facilities Funding Program by 3 November 2008:***

- 1. Eastern Reserve Netball Facilities Improvement Project Colac***
- 2. Colac Lawn Sports Facility Improvement Project***
- 3. Regional Soccer Strategy (as a project partner not lead applicant)***

***and the Birregurra Bowls Club Synthetic Surface Project to be submitted under the Sport and Recreation Victoria Synthetic Surfaces Program by 24 November 2008 with each of these projects to be further presented to Council through the Council 2009/2010 Budget process for consideration subject to State Government funding.***

~~~~~\ ~~~~~

OM082810-5 2009 GREAT VICTORIAN BIKE RIDE FUNDING REQUEST

AUTHOR: Jodie Fincham ENDORSED: Colin Hayman
DEPARTMENT: Corporate and Community Services FILE REF: GEN 00338

Purpose

The purpose of this report is to seek Council endorsement for financial support of the 2009 Great Victorian Bike Ride event to assist with promotion of the event, which proposes to travel through the Colac Otway Shire with a two night stay in Apollo Bay in December 2009.

Background

Bicycle Victoria has approached Council seeking permission and funding support for the purpose of the 2009 Great Victorian Bike Ride (GVBR). The event is proposed to travel from Portland to Geelong via the Great Ocean Road (GOR) through the Colac Otway Shire staying two nights in Apollo Bay (including one rest day). The 2009 GVBR will commence on 28 November 2009 and finish on 6 December 2009. Bicycle Victoria plan to include the Great Ocean Road every four/five years given the GOR route is the most popular of the GVBR routes and draws the most registrations. Colac Otway Shire hosted the GVBR in 2004 with one night spent at Gellibrand and one night at Apollo Bay. It is estimated the 2009 GVBR will attract approximately 5,000 riders with a further 500 estimated volunteers, organisers and support crews. Bicycle Victoria estimate riders spend an average of \$35 per day and an estimated 76.4% of riders return to towns they have visited on the ride. Rest day spend is estimated at \$50 per person per day, equating to \$500,000 over two days with 5,000 participants. Bicycle Victoria is a self funded, not-for profit community organisation

The Colac Otway Festival and Event Scheme provides funding support up to a maximum of \$7,500 to events staged within the Shire. This funding program is conducted annually and the next program will call for applications in March 2009. This will be too late for Bicycle Victoria as the route, sponsorship and marketing must be confirmed for promotion by the end of November 2008.

Bicycle Victoria is seeking from Council;

- \$8,000 cash contribution per night to help with the promotion of the event (\$16,000 total)
- Space to camp approx 5,000 people – waiving of site fees
- Access to Water and Sullage – fees waived
- In kind waste services including the supply of 160 wheelie bins (BV will bring compactor trucks to remove waste and recycling)
- Passion and enthusiasm to make it the most memorable bike ride ever.

Otways Tourism has confirmed a financial contribution of \$8,500 in support of the event. This amount will assist with promotion of the event and reduces the cash contribution requested by Bicycle Victoria to Council.

The Apollo Bay Kennett River Public Reserves Committee of Management has declined to waive site fees for space to camp 5,000. However, the Committee has agreed to a modified camping fee which is a significant reduction from the usual commercial rate, reducing the fee to \$6,000 for use of the Apollo Bay Recreation Reserve and Apollo Bay Pony Club space for two nights by event participants.

Waste services are to remain the responsibility of Bicycle Victoria, given neither Council nor the Apollo Bay Kennett River Public Reserves Committee of Management have the capacity to deliver the requested 160 wheelie bins.

Council Plan/Other Strategies/Policy

This report directly relates to Council's Corporate Plan objective of providing strategic direction to ensure sustainable economic development and quality lifestyle for our residents and visitors.

Issues/Options

There are a number of issues, including:

- Bicycle Victoria requires advice by November 2008 at the latest of the funding and resource support to confirm the 2009 route.
- Bicycle Victoria identify the rest day for the town (Apollo Bay) as having the highest economic yield. Rest day spend is estimated at \$50 per person per day. Failure to provide funding (\$16,000) may jeopardise choice of Apollo Bay as rest day location.
- Potential to create a significant precedent which will impact on the integrity of the Festival & Events Funding Support Scheme and planning if funding used exceeds maximum amount.
- Recognised by community members in attendance at meetings that the event potentially provides significant unparalleled financial benefits to the communities of Apollo Bay, Wye River, Separation Creek and Kennett River.

Options

There are numerous options;

1. Advise Bicycle Victoria they must apply for funding under the next event funding round (March 2009) which jeopardises the event because of Bicycle Victoria timelines.
2. Forward advance funding of \$7,500 immediately recognising there currently is no funding allocation within the Events Unit budget, reducing the 2009/2010 Festival and Events Scheme budget of \$7,500 by one event.
3. Council supports in principle funding of \$7,500 to the 2009 GVBR on the basis that a business case would be presented to the 2009/2010 budget process. This has potential to risk the event in the Shire because of timing implications.
4. Stipulate that Council contribution of \$7,500 includes \$3,000 to offset costs associated with use of the Apollo Bay Recreation Reserve.

Proposal

By adopting the preferred option of providing funding support of \$7,500 for the event this will ensure that the event is likely to proceed along the proposed route within the Colac Otway municipality. The provision of funding through the 2009/2010 Festival and Events Scheme budget of \$7,500 will reduce the funding scheme by one event.

Providing the requested financial assistance to the Great Victorian Bike Ride will ensure that the Colac Otway Shire has the opportunity to be featured in a PR campaign valued at \$70,000, featured in an 8 page full colour brochure dedicated to the Great Victorian Bike Ride and a promotion DVD featuring the route and towns on the ride. In addition there are opportunities for the community to explore ways of the contributing to the event through provision of additional support events.

Financial and other Resource Implications

It is recognised that there is currently no funding allocation within the Events Unit budget for this event. Funding for the 2009 GVBR would be provided through the proposed funding allocation for the 2009/2010 Festival and Event Support Scheme, thereby reducing funding for the scheme by one event prior to the opening of applications. The request to Council from Bicycle Victoria to support this project would need to be considered under the Budgetary Process for the 2009/2010 Budget.

Risk Management & Compliance Issues

There is a risk that if no funding is provided, Bicycle Victoria could review the event route resulting in Apollo Bay losing the rest day and associated significant economic benefits that could be delivered to the township.

Event organisers are required to comply with Council's E team process which ensures compliance and reduced risk to Council with regard to the event.

Environmental Considerations

There are no environment considerations associated with this report. Bicycle Victoria will be required to comply with Council's E Team event approval process and submit a complete event management plan which addresses environmental considerations.

Communication Strategy/Consultation

Through meetings held between Council Officers, Bicycle Victoria, Gary McPike and Frank Buchanan it was identified that a modified camping fee per rider would be offered by the Apollo Bay Kennett River Public Reserves Committee of Management (APKRPRCOM) of \$6,000 (plus GST) for both nights. It has also been identified that waste services would remain the responsibility of Bicycle Victoria, given neither Council nor the APKRPRCOM have the capacity and that Otway Tourism will co-contribute \$8,500.

Subsequently, it was considered that through financial contributions the requested funding of \$16,000 could be met. This amount comprises a potential \$7,500 from Council, (including \$3,000 to offset the cost of the use of the Apollo Bay Recreation reserve as camping space) and \$8,500 provided by Otway Tourism.

Implementation

It is proposed that Council would provide in principle support for the provision of \$7,500 from the 2009/2010 Festival and Event Support Scheme.

Conclusion

Although Bicycle Victoria were initially seeking a Council contribution of \$16,000 (\$8,000 cash contribution per night) to assist with promotion of the event, the requested amount has been reduced to \$7,500 due to a co-contribution of \$8,500 by Otway Tourism. Given that Bicycle Victoria are seeking to have site fees waived for the event, it is suggested that \$3,000 of the proposed Council contribution be used to offset this expense and be used to pay for use of the Apollo Bay Recreation reserve and pony club. The reduction in the amount to be provided by Council enables compliance with current Event Funding guidelines, which stipulate the maximum amount of funding to events under the Festival and Events Support Scheme is capped at \$7,500. The provision of in principle funding of this event will strongly support the possibility for overnight stops within the Colac Otway region.

Attachments

There are no attachments

Recommendation(s)

That Council :

- 1. Endorses the forward advance funding of \$7,500 for the proposed 2009 Great Victorian Bike Ride, reducing the 2009/2010 Festival and Events Scheme budget by one event; and***
- 2. Endorses that the amount of \$7,500 includes an amount of \$3,000 to be used to offset the cost of space to camp approximately 5000 people at the Apollo Bay Recreation reserve.***

~~~~~U~~~~~

**OM082810-6 2008/2009 BEECHY TRAIN PROPOSAL: OLD BEECHY RAIL TRAIL**

AUTHOR: Marg Scanlon  
DEPARTMENT: Corporate and Community Services

ENDORSED: Colin Hayman  
FILE REF: GEN 00374

**Purpose**

The purpose of the report is to seek Council approval for the Beechy Train to travel on the Old Beechy Rail Trail (OBRT) for up to ten journeys during the period November 2008 to April 2009. The Beechy Train is to continue the same period as 2006/2007 on behalf of the Section 86 Old Beechy Rail Trail Committee (OBRTC) under Council's insurance.

The purpose of the report is also to confirm that the Old Beechy Rail Trail Committee can approve future use of the Beechy Train, under its current Instrument of Delegation and Charter.

**Background**

Following endorsement at the August 2006 meeting by OBRT Committee (OBRTC), the October 2006 Council meeting approved Chris and Maree Smith (the Beechy Train operator) to operate the Beechy Train on the OBRT for up to ten journeys in the period November 2006 to April 2007, the Beechy Train operated on behalf of the Section 86 OBRT committee, under Council's insurance.

Similar permission was granted in October 2007 for a 2007/2008 season under the same conditions, however the Train did not operate during the second season due to other (Mayoral) commitments of the Train Operator. Cr. Smith reported this at the June 2008 OBRTC meeting.

The OBRTC has endorsed at the June 2008 meeting the proposed continuation of up to 10 Beechy Train journeys to be conducted during the period from November 2008 to April 2009 inclusive, the Beechy Train operating on behalf of the Section 86 OBRT committee under Council's insurance. The OBRTC noted that where possible use of the Beechy Train should continue to be confined to off-peak times such as weekdays.

The latest Instrument of Delegation for the Old Beechy Rail Trail Committee was signed and sealed by Council following a resolution on 23 May 2007.

The approval of the Beechy Train would be under the Committee's Charter and would be subject to the completion of a risk management plan.

**Council Plan/Other Strategies/Policy**

Activities of the OBRTC are referred to:

- Council Plan: Community Priority for Economic Development - *complete implementation of the Beechy Line Rail Trail and undertake promotion of the Trail.*
- Colac Otway 2006-2010 Recreation Strategy.
- Arts & Culture Strategy 2007-2011.
- Old Beechy Rail Trail Committee Section 86 Charter and Instrument of Delegation 2001.

**Issues/Options**

There are two options for Council to consider:

1. Approve the Beechy Train to travel on the OBRT for up to ten journeys in the period November 2008 to April 2009 with the Beechy Train continuing to operate on behalf of the Section 86 OBRTC under Council's insurance.

The Beechy Train operated incident free during the inaugural period of operation and an amount of \$1,000 was donated towards the OBRT maintenance budget by the operator. Despite not operating in the second season, an amount of \$1,000 was again donated.

2. Not approve the Beechy Train to travel on the OBRT for up to ten journeys in the period November 2008 to April 2009.

In the inaugural season 80 passengers enjoyed the scenery and amenity of this important attraction in the Otways because the Beechy Train allowed them to participate, when they otherwise would not have been able. There are already 50 people on the waiting list for the 2008/2009 season, proving the activity meets an identified community need.

**Proposal**

It is proposed that Council approves the Beechy Train to travel on the OBRT for up to ten journeys in the period November 2008 to April 2009, the Beechy Train continuing to operate on behalf of the Section 86 OBRTC, under Council's insurance. It is also proposed that the OBRTC be advised that they can consider and approve future requests for the operation of the Beechy Trail under the Instrument of Delegation subject to a completion of a risk management plan on an annual basis.

**Financial and other Resource Implications**

There are no resource implications in approving the recommendation. The Beechy Train infrastructure has been fully funded by the operator. There will not be any increase in Council's insurance premium as a result of approving the activity. There is the positive financial outcome of an additional \$1,000 being added to the maintenance budget of the OBRT after the close of the 2008/2009 season.

**Risk Management & Compliance Issues**

A comprehensive Risk Management Plan was put in place for the 2006/2007 and the planned 2007/2008 seasons. All conditions were fully met. At the time of preparing this report the Risk Management Plan for 2008/2009 has not been completed however it is scheduled to be completed over coming weeks with input from the Beechy Train Operator and Council staff. The operator has agreed to comply with the risk management requirements as will be identified within the Risk Management Plan which is developed by the operator and Council's Risk Management Co-ordinator.

**Environmental Considerations**

Maintenance audits of the Old Beechy Rail Trail infrastructure are currently conducted monthly. There is a positive environmental outcome from the Beechy Train activities, allowing additional maintenance tasks to be actioned immediately such as removal of fallen tree branches, or noted for attention as soon as practicable. The Train does not degrade the trail surface as it is fitted with car tyres, similar to those on the RAV 4 used for maintenance purposes.

**Communication Strategy/Consultation**

There is broad community of interest representation on the OBRTC and other stakeholder groups receive minutes of the meetings. The current OBRTC membership fully endorses the

recommendation to conduct a 2008/2009 season of up to 10 train rides. Under the Community Consultation and Engagement Policy Section 86 committees are not required to seek feedback on activities that have been approved by Council. For this reason it is considered that adequate consultation has been carried out.

### **Implementation**

If approved by Council the Beechy Trail operator will be advised immediately to ensure the 2008/2009 Beechy Train season will operate from November 2008 to April 2009 inclusive with up to ten journeys.

### **Conclusion**

The Beechy Train has proved popular with community members. The first season was conducted incident free. The Beechy Train enhances the range of nature-based recreational activities available in the Colac Otway Shire, particularly for those with special needs, meeting an identified niche market.

### **Recommendation**

#### ***That Council -***

- 1. Approves the Beechy Train to travel on the Old Beechy Rail Trail for up to ten journeys in the period November 2008 to April 2009 inclusive and the Beechy Train to continue to operate on behalf of the Section 86 Old Beechy Rail Trail Committee under Council's insurance; and***
- 2. Advises the Old Beechy Rail Trail Committee that they can approve future use of the Beechy Train subject to the completion of a risk management plan on an annual basis removing the necessity for the item to be approved by Council.***

~~~~~\ ~~~~~

OM082810-7 BEECHY PRECINCT GLOBAL CONNECTOR INCLUDING JOINT USE LIBRARY AGREEMENT

AUTHOR: Colin Hayman
DEPARTMENT: Corporate and Community Services

ENDORSED: Tracey Slatter
FILE REF: GEN0374

Purpose

The purpose of this report is to provide Council with the proposed *“Development and Joint Use Agreement”* between the Council of the Colac Secondary College, Colac Otway Shire Council and the Department of Education and Early Childhood Development (DEECD) for the purpose of the Beechy Precinct specifically referencing the Global Connector including the Joint Use Library for endorsement. A copy of the Development and Joint Use Agreement is attached to this report.

Summary:

1. The Development and Joint Use Agreement is prepared for Council's consideration.
2. The Agreement has been developed through a number of discussions and negotiations between the various parties.
3. Council already operates other Joint Use Facilities. The most significant being Bluewater Fitness Centre. The facility is operated for joint community and school use.
4. Financial analysis demonstrates the cost benefit of the Joint Use Library.

Background

The idea to develop an Education Recreation Community Precinct in Colac emerged through a collaborative process involving staff, School Councillors and Colac Otway Shire Council. A Project Feasibility Case was endorsed by both School Councils and by the (then) Department of Education and Training (DET) to scope the concept further. Council together with the two schools identified the opportunity to further develop what was potentially just a merger of the two schools to one site, to a broader community project to achieve significant outcomes for the entire community.

The process commenced with a public forum in August 2006.

Project Chronological Progress to Date

The Project Chronological Progress to Date that is attached indicates the journey of the project in the period since August 2006.

This document outlines the key milestones and achievements of the project.

Also attached is a list of the Council reports concerning the Beechy Centre and related subjects that have been considered by Council.

Recent Reports

At the August 2008 Council meeting it was resolved:

“That Council endorse the attached draft agreement with authority given to the Chief Executive Officer to sign the final Memorandum of Understanding on the basis that there are no commercial significant changes and that the Memorandum of Understanding be signed prior to calling for construction tenders for the Global Connector including the Joint Use Library.”

At the September 2008 Council Meeting it was resolved:

“That Council note the draft Development and Joint Use Agreement and consider the signing of the final agreement at the October 2008 Council meeting.”

The further development of the Development and Joint Use Agreement has taken place. Council officers together with DEECD and Colac Secondary College representatives have worked towards the development of a legally binding agreement for the ongoing operations, roles and responsibilities for the Global Connector including the Joint Use Library with the intent to progress a legally binding agreement prior to the commencement of construction.

Council Plan/Other Strategies/Policy

Colac Otway Shire strategic support

On 28 February 2007 Council adopted the Draft Final Colac Structure Plan which specifically detailed the Colac Education, Recreation Community Precinct. The development of a new secondary school in Colac, near Central Reserve, in the context of the State Government's "Building Futures" policy provides an opportunity to design a precinct that can benefit the whole community for decades to come. The Concept Plan and Design Guidelines developed provide a mechanism or management tool to retain, recognise or modify the spatial development that currently exists and which, through any expansion, has the potential to exist on this site.

Council's 2006-2010 Recreation Strategy identifies the need and opportunity to improve and scope facilities and infrastructure within Colac's Central Reserve and Bluewater Fitness Centre. The Recreation Strategy identifies this opportunity in partnership with the Department of Education and Early Childhood Development (DEECD) given the existing partnership with the Bluewater Fitness Centre Stadium. Specifically the Recreation Strategy recommended that the opportunity to improve sporting and recreation facilities be further investigated specifically Central Reserve and Bluewater Fitness Centre in light of the proposed Education Recreation Community Precinct development.

State Government strategic support

The Education Recreation Community Precinct Project is consistent with current State Government policy and direction specifically the *Building Future's Policy* and *Shared Facility Partnerships*.

The *Building Futures Policy* is the State Government's policy and process for all capital investment in school facilities and infrastructure.

Shared Facility Partnerships is a Guide to Good Governance for Schools and the Community. The Guide was launched by Minister Batchelor in Colac in July 2008.

The Guide provides an overview on Shared-facility partnerships and provides information on Planning, Developing and Managing a Partnership.

Issues/Options

Issues

Over the course of the project thus far, community consultation processes, benchmarking research and the Project Management Group have identified and raised various issues which have been considered and scoped. In the report to the March 2008 Council Meeting details were provided in respect to each of the issues:

- Access
- Management
- Limited Education opportunities
- Community Disadvantage
- Facility Governance and Management
- Financial capacity of Council/community

Guiding Principles

One of the guiding principles supporting the development of the Beechy Centre is the importance of the Centre being accessible to the whole community to encourage life long learning. It is considered important that persons of all ages, backgrounds and abilities have access to the Centre to participate in established interests or to establish new interest areas through opportunities previously not available whether they are educational, social, sporting, recreational or other.

These guiding principles have been translated through the design development and operational aspects of the Global Connector which will specifically include:

- Various dedicated spaces for telecommunication resources including access to computers and audio visual equipment.
- Dedicated meeting spaces with multi function capacities.
- Shared library and collection area for community and school access.
- 'Shopfront' for post compulsory education providers in the region offering information regarding availability and opportunities for adult and further education.
- Seminar and dedicated private study rooms with enhancing equipment and resources.
- Space and resources specifically to provide access and support for emerging local community businesses.
- A lifelong learning hub to encourage learning regardless of age, interests or abilities.

Facility Governance and Operations

The facility governance structure and details regarding the specific operations of the Global Connector including the Joint Use Library have been a consistent point of discussion for the project partners. The discussions have focused on the previous decisions of Council, particularly the conditions of approval agreed at Council's March 2008 meeting.

The planning and development of the Beechy Precinct has been progressing for the past two years and much of this planning has included consideration of how the facilities would function and be managed from an operational and facility asset perspective.

The key issue in developing the legally binding agreements for the Beechy Precinct Global Connector has been the challenge to develop new agreements that enable community and school access to the facilities and not limit access to out of school hours. It is imperative that regardless of changes to management and policy direction at any point in time, the original intent regarding access to these joint use facilities continues.

A Joint Committee will be established in respect of the facility. The Agreement notes that the Joint Committee comprises:

- 2 members appointed by the College Council
- 2 members appointed by the Shire Council
- 1 member of the Library Operator
- 2 independent community representatives with 1 of the independent members being chairperson

A function of the Joint Committee will be to provide advice to the College Council, the Shire Council and the Library Operator in relation to the operation and use of the facility.

Further Agreements/Documentation

Further agreements and documentation will be developed prior to the date of Practical Completion of the Facility. These include an agreement with the Library Operator (likely to be the Corangamite Regional Library Corporation) on the operations of the facility and details on the Joint Committee.

Existing Library

At the July 2008 Council Meeting, Council considered a report on Branch Library Design Principles.

The Design Principles document provided information on:

1. Size - floor area
2. Responsibility
3. Essential space components
4. Desirable components
5. Optional
6. General considerations

The information was used in the analysis and designs of both the new proposed joint use libraries in Colac and Apollo Bay.

For Colac the current building is 547 sq metres. Based on the population of Colac and surrounds, the suggested floorspace is 900 sq metres. The new joint use library will be 1,500 sq metres.

The size of the collection as at 30 June 2008 was 28,285. The suggested collection size is 34,500. The new joint use library will have a minimum bookstock of 50,000.

Both the suggested floorspace and collection size at the new Joint Use Library will exceed the recommendations.

Existing Joint Use Agreement - Bluewater Fitness Centre

Council has had an effective Joint Use arrangement in place since 1992.

Council entered into a formal Licence Agreement with the (then) Department of Education for a period of 30 years in 1992. This agreement specifically refers to the access, maintenance and operations of the Bluewater Fitness Centre Stadium including the two squash courts, the minor hall and the associated public amenities. In accordance with this agreement the Colac Otway Shire Council are responsible for:

- operating and maintaining the facility
- fixing the terms and conditions for the use of the facility
- hiring of the facility to community
- the employment of staff and engagement of contractors to undertake necessary services
- cleaning, repair, maintenance and security of the facility and making capital improvements
- compliance with all necessary regulations or permits
- preparation of a five year rolling business plan and a 10 year rolling asset maintenance and management plan

This arrangement has worked successfully to the benefit of the Council, the School and the community. This represents a positive precedent for the Global Connector facility, including the joint use library.

Service Levels

The Library/Resource Area will be opened to the general public at the current level of 41 hours per week. Other parts of the facility such as meeting rooms will be available for more extended hours than the formal operating hours of the library.

The use of other areas of the facility are set down in the agreement.

Timelines

The current project timelines for the development and construction of the Global Connector including the Joint Use Library which is a component of Stage 2 is as follows:

- Final design specifications and tender documentation to be completed September 2008
- Call for tenders to the construction contract for the Global Connector including the Joint Use Library - November 2008
- Contract to be awarded in November/December 2008
- Construction to commence January 2009
- Facility to be opened and operational early 2010.

Stage two of the project also includes further classroom construction.

Support to Existing library users and engagement with potential library users

It is recognised that the change of library location may be unsettling for some current library users. It is important that there are good processes to support existing library users (as well as encourage new library users) as part of the transition to the new facility. These processes will be put in place during the transition period (between now and the building being completed and during the early months of the library operating).

In anticipation of this, Council has secured funding from the State Government for a project officer. One of the roles of the project officer will be to work with existing and potential library users to gain their input to the more detailed aspects of how the library will operate so that it provides a welcoming, comfortable and enjoyable environment for all users. The project officer will work with existing and potential library users and the library staff to help achieve a successful outcome for the whole community. As part of this it may be that different spaces in the library are designated for some user groups or sessions to provide an environment that is particularly welcoming and inclusive of their needs.

In terms of access the new Colac Bus Service will include the Beechy Precinct so providing an accessible and convenient means for people to access the facility by public transport.

It may be that, despite these initiatives and support, a small number of people – particularly some of the older members of our community – may not feel comfortable or be able to access the new facility. During the transition period, the project officer will work with these people to identify alternative suitable arrangements for them to continue to receive library services that meet their needs. For example the visiting library service could extend to include some home visits or there may be models involving other services such as the Senior Citizens Centre.

The project officer will also undertake a range of activities with the broader community to encourage a breadth and diversity of users and use of the new Global Connector facility.

The combination of initiatives to encourage new and existing members of our community to use the new facility aims to help achieve Council's objective of addressing disadvantage and improving people's access to positive social and economic outcomes.

Options

1. Council notes the Development and Joint Use Agreement as developed so far and delegates to the Chief Executive Officer the signing and sealing of the final agreement.
2. Council resolves to sign and seal the Development and Joint Use Agreement.

Proposal

It is proposed that Council sign and seal the Development and Joint Use Agreement.

Financial and other Resource Implications

As previously reported significant staffing and financial resources have been committed to the Beechy Precinct planning and development achieved to date.

A detailed report on financial implications was included in the March 2008 Council Report. At the meeting Council committed to the implementation of the Global Connector. Financial Information is included as an attachment to this report.

Operating Costs

The Shire currently pays for the operations and maintenance of the current Library building. The current operational costs are \$53,500. Made up of building operational and minor maintenance expenditure of \$23,500 and depreciation of \$30,000. The depreciation is based on the previous valuation data. Buildings and useful lives of assets will be reviewed for the 2008/09 financial year.

It is important to note that if the current building was extended in size then any increase would incur commensurate operating cost increases.

The Memorandum of Understanding and the Development and Joint Use Agreement provides details on the responsibility for operating and maintenance costs of the Global Connector Building.

The Shire will be responsible for 50% of the maintenance and operating costs of the new facility. Due to the increased size and facilities available to the community the costs of the new facility will be expected to be greater than \$23,500, but with the design of the new facility and the use of the latest design standards it is expected that costs including energy will be reduced.

Initial estimates for Council's proportion of the operating costs of the Global Connector is \$40,000 to \$45,000. This compares favourably with current operating costs.

With the design of the new facility and the use of the latest design standards it is expected that costs including energy will be reduced.

The College Council will reimburse the Library Operator for their share of costs in respect of the library systems. This will be subject to an agreement between the various parties.

Staffing Costs

The Shire or the Corangamite Regional Library Corporation will be responsible for the payment for the cost of employing existing Corangamite Regional Library Staff (Colac Branch) and new staff at the new facility.

The School will continue to pay for their staff and their proportion of any new library staff. The costs will include salaries and associated on-costs and employee entitlements. The numbers of staff for College contribution purposes will be based on the numbers of students at the campus of the College.

Cost of Project and Funding

Council has contributed financial and significant staff resources to the Beechy Precinct development.

The Global Connector including the Joint Use Library cost estimate of \$5,894,000 comprises the following confirmed allocations:

| | |
|-------|-------------|
| DEECD | \$2,940,000 |
| TAFE | \$33,000 |
| COS | \$2,921,000 |

Comprising:

- State Government - \$1,500,000 (Living Libraries \$500,000/CSF \$1,000,000)
- Federal Government - \$272,000
- Colac Otway Shire - \$1,149,000 (allow a maximum of \$1,300,000)

Note that these figures include cost escalations to the tender date and architect's fees.

The timing of the Shire's payments is set down in the agreement. For the 2008/09 financial year an amount of \$400,000 would be required. This represents the amount of grants that Council is expected to receive in the financial year.

This arrangement means that Council in partnership with the other parties is able to provide the community with a \$5.9 million facility over at least 30 years for \$1.3 million of Council funds or 20% of the total building cost. Another way of looking at this is that Council is providing a facility at a cost of less than \$50,000.00 a year equivalent capital cost.

Capital Expenditure

The agreement details the process in considering Capital Expenditure as well as asset maintenance and management. Expenditure related to Capital Expenditure will be detailed in a Business Plan that is prepared by the College Council and endorsed by the Council.

The Shire Council and the College Council will share the cost of Capital Expenditure in respect of the Facility on the basis agreed between them, as reflected in the agreed Business Plans in respect of the Facility, taking into account the following matters:

- (i) the parties each contributed half of the funds required for the construction of the Facility;
- (ii) the Facility is owned by the Department but is subject to long term use rights granted to the Shire Council; and
- (iii) what is fair and reasonable in the circumstances.

Summary

Council will be contributing an amount of up to \$1.3 million towards a total facility cost of \$5.894 million for the Global Connector. As per the agreement the initial term being for a 30 year period.

Council and the Community will have Joint Use of a facility which comprises not only a Joint Use Library significantly larger than the existing library, but meeting rooms, children areas and ITC, Lecture and Seminar Areas. These are additional facilities that would not be able to be accommodated in existing facilities. While the community will have access to a large part of the facility the Council's contribution is approximately 20% of the total facility cost (based on \$1.15m of \$5.894m).

Taking into account land and building costs, Council would be unlikely to be able to provide these facilities for such a modest outlay.

Risk Management & Compliance Issues

The proposed tendering process for the construction contract of the Global Connector will be managed by the DEECD. Council will be represented in partnership with the Department in the Global Connector project but not the managing organisation of the construction tender or contracts as the project is located on Department land.

Council needs to manage the risk of potential cost blow-outs as a result of unforeseen events. Discussions with the project architect and DEECD indicate that cost estimates of these projects are very accurate and are required by DEECD to be within 5% of actual cost. Any variation within this 5% is managed through minor variations to the tender specifications to bring the price back to cost estimate. Any variations would be subject to Council approval. The process is detailed in the Agreement.

Environmental Considerations

Environmental considerations have been taken into account for the design and development of the Beechy Precinct and specifically the Global Connector including the Joint Use Library. Ongoing environmental considerations are being taken into account for the facility fit out, construction methods and design of the remainder Beechy Precinct elements.

Communication Strategy/Consultation

Community consultation throughout the life of the project has been undertaken through various mediums including public forums, focus groups, feedback forms, establishment of project sub committees, media releases, newsletters and project information columns.

The Chronology attached details the timelines associated with the project.

Also attached is a list of media releases that have been provided including information on the Precinct project and other aspects.

Information has also been included in Mayoral Columns, advertisements and newsletters.

Implementation

On the signing and sealing of the Agreement by Council the document will be forwarded to the other parties for signing.

The Development and Joint Use Agreement will be acknowledged as the legally binding agreement for the Beechy Precinct Global Connector between The Department of Education and Early Childhood Development (DEECD), the Colac Secondary College and the Colac Otway Shire Council. The Building process for the Global Connector and other parts of stage 2 of the development will be undertaken by DEECD.

As noted above, a project position has been funded by the Department of Planning and Community Development (DPCD). The position will assist the various Governments Departments, Colac Otway Shire and the City of Greater Geelong with related projects. The position accountabilities are included as an attachment to this report but will include:

- broker partnerships, establish and maintain strong networks and relationships;
- develop community engagement and communications strategies;
- Liaison between various bodies and user groups;
- Lead and develop the capability of the working groups.

This position and other mechanisms will ensure a smooth transition to the new facility early in 2010 and aim to engage a significant number and diverse range of our community to participate in the new facility. Increasing the number of people using library and related facilities is a key part to ensuring that this new Global Connector helps to address disadvantage in our community.

Conclusion

This opportunity presented to Council to support the development of the Global Connector including the Joint Use Library is a unique opportunity for the Colac Otway community to have access to lifelong learning programs and activities, new information technology, multi-functional meeting rooms, seminar and lecture theatre, specific space to cater for children's activities including Toy Library, all of which are not currently provided within the one location in Colac.

The Global Connector including the Joint Use Library is the first of the innovative facilities to be developed within the Beechy Precinct that will offer a diverse range of social, economic, educational and recreation programs and services to the whole community. The Global Connector proposal presents Council with an opportunity to partner with both Federal and State Government to address the significant disadvantage evident in Colac through the provision of new facilities and resources which are currently not available. The level of funding contributions proposed represents excellent value for money for Colac Otway Shire and helps ensure the project is financially responsible.

The Global Connector has been a partnership between the Federal and State Governments, various agencies, the community, the School and Council for the use and development of the facility.

Support will be provided to existing library users to support the transition from the current to the new library location. Broad community engagement will occur to attract a diversity of users and grow the number and type of people who access the library so as to improve the social and economic outcomes for our community.

This is an exciting opportunity for Colac Otway Shire.

- The Global Connector/Beechy Precinct is a means of increasing standard of life, learning, culture and recreation activity in Colac.
- The Global Connector/Beechy Precinct has support from all levels of government and make Colac a leader – paving the way for other communities to take an integrated, whole-of-community approach to recreation and education facilities.
- The Global Connector/Beechy Precinct is a benchmark for other Councils and communities.
- The Global Connector/Beechy Precinct will make Colac a learning, recreational and cultural hub for the South West and Barwon region.
- The Global Connector/Beechy Precinct is a means of building Colac Otway Shire's appeal as a place to live, work and invest.

Attachments

1. Development and Joint Use Agreement
2. Beechy Precinct Project Overview Chronological Progress to Date
3. Media Releases
4. Council Reports
5. Financial Information
6. Partnership Broker – Schools as Community Facilities

Recommendation

That Council signs and seals the Development and Joint Use Agreement between The Minister of Education, The Council of Colac Secondary College and the Colac Otway Shire Council.

~~~~~\U ~~~~~



---

final  
draft

**The Minister for Education**

Minister

**The Council of Colac Secondary College**

College Council

**Colac Otway Shire Council**

Shire Council

**Development and Joint Use Agreement (Responsible Partner)**

---

As at 24 October 2008

## Table of Contents

|                |                                                                             |           |
|----------------|-----------------------------------------------------------------------------|-----------|
| <b>1.....</b>  | <b>Definitions and interpretation .....</b>                                 | <b>1</b>  |
| 1.1            | Definitions .....                                                           | 1         |
| 1.2            | Interpretation .....                                                        | 5         |
| <b>2.....</b>  | <b>Necessary approvals .....</b>                                            | <b>6</b>  |
| <b>3.....</b>  | <b>Nature of rights granted .....</b>                                       | <b>6</b>  |
| 3.1            | Grant of Licence .....                                                      | 6         |
| 3.2            | No Proprietary Rights .....                                                 | 6         |
| <b>4.....</b>  | <b>Contributions towards the construction of the Facility .....</b>         | <b>7</b>  |
| 4.1            | Contributions .....                                                         | 7         |
| 4.2            | Additional Construction Contributions .....                                 | 7         |
| 4.3            | Disputes in relation to additional costs .....                              | 8         |
| 4.4            | Tendering .....                                                             | 8         |
| <b>5.....</b>  | <b>Construction obligations of the College Council .....</b>                | <b>8</b>  |
| 5.1            | General obligations.....                                                    | 8         |
| 5.2            | Insurance .....                                                             | 9         |
| 5.3            | Specifications .....                                                        | 9         |
| 5.4            | Legal obligations .....                                                     | 10        |
| <b>6.....</b>  | <b>Construction obligations of the Minister and the Shire Council .....</b> | <b>10</b> |
| 6.1            | General obligations.....                                                    | 10        |
| 6.2            | Payment of Construction Contributions.....                                  | 10        |
| <b>7.....</b>  | <b>Matters prior to and upon the Date of Practical Completion .....</b>     | <b>11</b> |
| 7.1            | No early termination .....                                                  | 11        |
| 7.2            | Destruction of the Facility .....                                           | 11        |
| 7.3            | Practical Completion.....                                                   | 11        |
| <b>8.....</b>  | <b>Repayments to Parties .....</b>                                          | <b>11</b> |
| <b>9.....</b>  | <b>Joint Use Provisions .....</b>                                           | <b>11</b> |
| <b>10.....</b> | <b>Licence Term and Licence Fee .....</b>                                   | <b>11</b> |
| 10.1           | Licence.....                                                                | 11        |
| 10.2           | Licence Fee.....                                                            | 11        |
| 10.3           | Initial Term of Licence .....                                               | 12        |
| 10.4           | Further Term of Licence .....                                               | 12        |
| 10.5           | Renewal process.....                                                        | 12        |
| <b>11.....</b> | <b>Use of the Facility .....</b>                                            | <b>12</b> |
| 11.1           | Use of the Facility .....                                                   | 12        |
| 11.2           | Other matters relating to use .....                                         | 13        |
| 11.3           | Establishment and operation of the Library/Resource Area .....              | 14        |
| 11.4           | Appointment of Library Operator.....                                        | 14        |
| 11.5           | The College Council reserves rights .....                                   | 15        |
| 11.6           | Entry.....                                                                  | 15        |



|                |                                                                                  |           |
|----------------|----------------------------------------------------------------------------------|-----------|
| <b>12.....</b> | <b>Business and Other Plans.....</b>                                             | <b>15</b> |
| 12.1           | Rolling Plans .....                                                              | 15        |
| 12.2           | Endorsement.....                                                                 | 15        |
| 12.3           | Dispute .....                                                                    | 16        |
| 12.4           | Endorsement by Default .....                                                     | 16        |
| <b>13.....</b> | <b>Obligations of the Shire Council.....</b>                                     | <b>16</b> |
| 13.1           | General obligations.....                                                         | 16        |
| 13.2           | General prohibitions .....                                                       | 17        |
| 13.3           | Capital Expenditure obligations .....                                            | 17        |
| 13.4           | Financial responsibility .....                                                   | 17        |
| 13.5           | Proper persons only .....                                                        | 18        |
| 13.6           | Shire Council's insurance .....                                                  | 18        |
| 13.7           | Not to void insurance.....                                                       | 19        |
| 13.8           | Damage to the Facility.....                                                      | 19        |
| 13.9           | Dispute mechanism.....                                                           | 19        |
| 13.10          | Removing materials from the Facility at the conclusion of the Agreement.....     | 19        |
| 13.11          | Acknowledgement .....                                                            | 20        |
| 13.12          | Failure to comply .....                                                          | 20        |
| <b>14.....</b> | <b>Obligations of the College Council.....</b>                                   | <b>20</b> |
| 14.1           | Maintenance and Capital Expenditure obligations .....                            | 20        |
| 14.2           | Financial responsibility .....                                                   | 20        |
| 14.3           | College Council's Insurance .....                                                | 21        |
| 14.4           | Warranty.....                                                                    | 21        |
| 14.5           | Damage to the Facility.....                                                      | 22        |
| 14.6           | Dispute mechanism .....                                                          | 22        |
| <b>15.....</b> | <b>Joint Committee.....</b>                                                      | <b>22</b> |
| 15.1           | Creation and operation of the Joint Committee.....                               | 22        |
| 15.2           | Hiring obligations.....                                                          | 23        |
| <b>16.....</b> | <b>Breach of Joint Use Provisions .....</b>                                      | <b>24</b> |
| 16.1           | The College Council's right to require the Shire Council to correct breach ..... | 24        |
| <b>17.....</b> | <b>Disputes .....</b>                                                            | <b>24</b> |
| 17.1           | Notice of dispute.....                                                           | 24        |
| 17.2           | Expert.....                                                                      | 24        |
| 17.3           | Expert's power.....                                                              | 24        |
| 17.4           | Performance of obligations pending resolution of dispute .....                   | 25        |
| 17.5           | Right to arbitrate.....                                                          | 25        |
| <b>18.....</b> | <b>Termination .....</b>                                                         | <b>25</b> |
| 18.1           | Minister requires Department Land.....                                           | 25        |
| 18.2           | Destruction of Facility .....                                                    | 26        |
| <b>19.....</b> | <b>Minister's options on termination.....</b>                                    | <b>26</b> |
| 19.1           | Options.....                                                                     | 26        |
| 19.2           | Dispute .....                                                                    | 26        |
| 19.3           | Agreement to remain in force .....                                               | 27        |
| 19.4           | Dispute mechanism.....                                                           | 27        |

|                |                                           |           |
|----------------|-------------------------------------------|-----------|
| 19.5           | Compensation .....                        | 27        |
| 19.6           | No reimbursement of Licence Fee.....      | 28        |
| <b>20.....</b> | <b>Disposal.....</b>                      | <b>28</b> |
| 20.1           | Minister may deal with interests.....     | 28        |
| 20.2           | Dissolution of College Council .....      | 28        |
| 20.3           | Change of College Council name .....      | 28        |
| <b>21.....</b> | <b>Notices.....</b>                       | <b>28</b> |
| 21.1           | Method of giving Notices .....            | 28        |
| 21.2           | Address for Notices .....                 | 29        |
| 21.3           | New address .....                         | 29        |
| 21.4           | Time of receipt.....                      | 29        |
| <b>22.....</b> | <b>Governing law .....</b>                | <b>29</b> |
| <b>23.....</b> | <b>Variations .....</b>                   | <b>29</b> |
| <b>24.....</b> | <b>Waivers.....</b>                       | <b>29</b> |
| <b>25.....</b> | <b>Further acts.....</b>                  | <b>29</b> |
| <b>26.....</b> | <b>Confidentiality.....</b>               | <b>30</b> |
| <b>27.....</b> | <b>Conflict of interest .....</b>         | <b>30</b> |
| <b>28.....</b> | <b>Entire agreement.....</b>              | <b>30</b> |
| <b>29.....</b> | <b>Counterparts .....</b>                 | <b>30</b> |
| <b>30.....</b> | <b>Costs.....</b>                         | <b>30</b> |
| <b>31.....</b> | <b>Assignment .....</b>                   | <b>30</b> |
| <b>32.....</b> | <b>Acting on behalf of Minister .....</b> | <b>31</b> |
| <b>33.....</b> | <b>GST .....</b>                          | <b>31</b> |
| <b>34.....</b> | <b>Relationship of the parties .....</b>  | <b>31</b> |
|                | <b>Schedule .....</b>                     | <b>32</b> |
|                | <b>Annexure A.....</b>                    | <b>37</b> |
|                | <b>Annexure B .....</b>                   | <b>38</b> |
|                | <b>Annexure C .....</b>                   | <b>39</b> |
|                | <b>Annexure D .....</b>                   | <b>40</b> |

## This Development and Joint Use Agreement made on the date stated in Item 1 of the Schedule

- Parties**
- The Minister for Education** of 2 Treasury Place, East Melbourne 3002, for and on behalf of the State of Victoria and the Department of Education and Early Childhood Development ("**Minister**")
- The Council of Colac Secondary College** of corner of Hearn and Queen Streets, Colac, Victoria, 3250 ("**College Council**")
- Colac Otway Shire Council** of 2 - 6 Rae Street, Colac, Victoria, 3250 ("**Shire Council**")

### Recitals

- A. The Minister is a responsible Minister under the Act.
- B. The College Council is a body corporate under the Act.
- C. The Shire Council is a body corporate under the *Local Government Act 1989* (Vic).
- D. The Department Land is used for the purposes of the College, being a "Government School" within the meaning of the Act.
- E. The Minister and the College Council are undertaking redevelopment works on the Department Land ("**the Project**"). The Project is part of The Beechy Precinct, which is to be constructed on the Department Land and the Shire Council Land.
- F. In conjunction with the Project, the parties have agreed to build the Facility, and the College Council has agreed to grant a licence to the Shire Council to use the Facility for the Permitted Purposes, subject to and upon the terms and conditions of this Agreement. The Shire Council will contribute towards the cost of constructing the Facility.
- G. The Minister, College Council and the Shire Council agree that, upon the Date of Practical Completion of the Facility, the Joint Use Provisions will become effective for the purpose of regulating the use of the Facility.

### The Parties agree

---

## 1. Definitions and interpretation

### 1.1 Definitions

In this Agreement, unless inconsistent with the context or subject matter:

"**Act**" means the *Education and Training Reform Act 2006* (Vic).

"**Adjustment Event**" has the meaning given to it in the GST Legislation.

"**Agreement**" means this Development and Joint Use Agreement including any Annexures and Schedules.

"**Building Works Contract**" means the building works contract to be entered into by the College Council and the Contractor for the Project, including the construction of the Facility,

being a construct only contract in the form of Australian Standard - General Conditions of Contract (AS2124-1992) as amended in accordance with Ministerial Directions issued under the *Project Development and Construction Management Act 1994* (Vic).

**"Capital Expenditure"** means expenditure on new works or upgrade works in relation to the Facility.

**"Car Parks"** means the part of the Facility described in paragraph (b) of Item 2 in the Schedule and shown on Plan 3.

**"College"** means the school described in Item 4 of the Schedule.

**"Construction Contributions"** means the financial contributions of the Minister, the College Council and the Shire Council towards the cost of constructing the Facility.

**"Construction Costs"** means the amount specified in Item 7 of the Schedule, being the estimated costs of constructing the Facility at the Date of the Agreement.

**"Contractor"** has the meaning given to it under the Building Works Contract.

**"CPI"** means the All Groups Consumer Price Index number published by the Australian Bureau of Statistics or, if the All Groups Consumer Price Index number ceases to be published, the nearest equivalent economic indicator.

**"Date of Practical Completion"** means the date on which the Facility reaches Practical Completion under the Building Works Contract.

**"Date of the Agreement"** means the date in Item 1 of the Schedule.

**"Department"** means the Department of Education and Early Childhood Development of the State of Victoria.

**"Department Land"** means the whole of the land marked with a red border on Plan 1.

**"Existing School Library Staff"** means the staff employed to work in and/or for the purposes of the Library/Resource Area employed by the Department as at the date of the Agreement.

**"Existing Corangamite Library Staff"** means library staff employed by the Corangamite Regional Library Corporation (Colac Branch) as at the date of the Agreement.

**"Facility"** means the facility known as the Global Connector Building as described in Item 2 (a) in the Schedule and shown in Plan 2; the Car Parks and the Surrounding Area, to be located on the Department Land as outlined in red on Plan 3.

**"Further Term"** means the period by which the Licence is extended (if at all) under clause 10.4.

**"Government Agency"** means a body or person charged with the administration of any Law.

**"GST"** means the tax payable on taxable supplies under GST Legislation.

**"GST Legislation"** means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any related Act imposing such tax or legislation that is enacted to validate, recapture or recoup such tax.

**"Hours of Use of the Facility"** means the hours set out in Item 12 of the Schedule.

**"Hub/Technical Area"** means the part of the Facility described in paragraph (a)(vii) of Item 2 in the Schedule and shown coloured in brown on Plan 2.

**"Initial Term"** means the period of time for which the Licence is granted under clause 10.3.

**"Input Tax Credit"** has the meaning given to it in the GST Legislation.

**"ITC, Lecture and Seminar Area"** means the part of the Facility described in paragraph (a)(iii) of Item 2 in the Schedule and shown coloured in orange on Plan 2.

**"Joint Committee"** means the committee formed under clause 15.

**"Joint Use Provisions"** means clauses 10 to 16 inclusive of this Agreement.

**"Law"** means any legislation and includes any subordinate legislation, ordinances, by-laws, regulations, rules, other statutory instruments issued and orders made under that legislation.

**"Library Admin Area"** means the part of the Facility described in paragraph (a)(vi) of Item 2 in the Schedule and shown outlined in blue on Plan 2.

**"Library Operator"** is the operator appointed by the Shire Council to operate the Library/Resource Area in accordance with a separate agreement to be developed between the Shire Council, the College Council and the Library Operator.

**"Library/Resource Area"** means the part of the Facility described in paragraph (a)(i) of Item 2 in the Schedule and shown outlined in yellow on Plan 2.

**"Library Staff"** means the staff employed to work in and/or for the purposes of the Library/Resource Area (not including cleaning staff), comprising Existing School Library Staff employed by the Department, Existing Corangamite Library Staff employed by the Corangamite Regional Library Corporation (Colac Branch) and New Library Staff employed by the Shire Council or Library Operator.

**"Licence"** is the non-exclusive licence to use the Facility granted under 10.1.

**"Licence Fee"** means the annual fee payable by the Shire Council under clause 10.2.

**"Licence Term"** means:

- (a) the term of the Licence, comprising the Initial Term and the Further Term; or
- (b) if this Agreement is terminated prior to the end of the Initial Term or the Further Term (as the case may be), the period up to and including the date of such termination.

**"Meeting Room Area"** means the part of the Facility described in paragraph (a)(ii) of Item 2 in the Schedule and shown outlined in purple on Plan 2.

**"Minister"** means the Minister responsible for the administration of relevant provisions of the Act.

**"MOU"** means the Memorandum of Understanding between the Department, the College Council and the Shire Council dated 23 September 2008.

**"New Library Staff"** means the staff employed to work in and/or for the purposes of the Library/Resource Area employed by the Shire Council or Library Operator pursuant to clause 11.3(c).

**"Opening Hours"** means the opening hours of the Facility (or any part thereof) current at the time, within the Hours of Use of the Facility.

**"Permitted Purposes"** means the use of the Facility as specified in Item 3 of the Schedule or as amended and agreed to by the College Council from time to time and notified in writing to the Shire Council.

**"Plan 1"** means the plan showing the Department Land and the Shire Council Land annexed as Annexure A.

**"Plan 2"** means the plan showing the Facility annexed as Annexure B.

**"Plan 3"** means the plan showing the location of the Facility on the Department Land annexed as Annexure C.

**"Practical Completion"** has the meaning given to that term under the Building Works Contract.

**"Principal"** means the principal of the College or any other person acting from time to time as and with the authority of the principal of the College.

**"Project Management Group"** means the project management group established pursuant to clause 10 of the MOU.

**"School Area"** means the part of the Facility described in paragraph (a)(v) of Item 2 in the Schedule and shown outlined in pink on Plan 2.

**"School Day"** means a day on which the College is open.

**"School Hours"** means, in respect of a School Day, the hours as set out under Item 5 of the Schedule.

**"Shire Council Area"** means the part of the Facility described in paragraph (a)(iv) of Item 2 in the Schedule and shown outlined in green on Plan 2.

**"Shire Council Land"** means the whole of the land marked with a blue border on Plan 1.

**"Specifications"** means the plans and specifications for the construction of the Facility contained in or referred to in the Building Works Contract.

**"Staff Room and Staff Amenities"** means the part of the School Area shown coloured in pink on Plan 2.

**"Statutory Charges"** means any amount charged against the Facility by any Government Agency.

**"Superintendent"** means the superintendent appointed under the Building Works Contract.

**"Surrounding Area"** means the part of the Facility described in paragraph (c) of Item 2 in the Schedule and shown on Plan 3.

**"Tax"** means any present or future tax, levy, impost, deduction, charge, duty, compulsory loan or withholding (together with any related interest, penalty, fine or expense in connection with any of them) levied or imposed by any Government Agency, other than any imposed on net overall income.

**"Taxable Supply"** has the meaning given to it in the GST Legislation.

**"The Beechy Precinct"** means the educational, recreational and community facilities to be constructed on the Department Land and the Shire Council Land pursuant to the MOU.

**"Valuer-General"** means the holder of the office of Valuer General under the *Valuation of Land Act 1960* (Vic).

**"Variation"** has the meaning given to that term in the Building Works Contract.

## 1.2 Interpretation

In this Agreement, unless inconsistent with the context or subject matter:

- (a) a reference to any legislation or legislative provision:
  - (i) includes any statutory modification or re-enactment of, or legislative provision substituted for that legislation or legislative provision; and
  - (ii) includes any subordinate legislation, ordinances, by-laws, regulations, rules, other statutory instruments issued and orders made under that legislation or legislative provision;
- (b) where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;
- (c) any marginal notes or headings are included for convenience and will not affect the interpretation of this Agreement;
- (d) a reference to any party to this Agreement or any other document or arrangement includes that party's executors, administrators, substitutes, successors and permitted assigns;
- (e) the singular includes the plural and vice versa;
- (f) words denoting any gender include all genders;
- (g) if any day specified by this Agreement falls on a Saturday, Sunday or a day appointed under the *Public Holidays Act 1993* (Vic) as a holiday for the whole day, that day will be the next day following the specified day which is not a Saturday, Sunday or day appointed under the *Public Holidays Act 1993* (Vic);
- (h) a reference to this Agreement includes any schedule, annexure, special conditions or attachment to it;
- (i) a reference to a recital, clause, subclause, paragraph, schedule, annexure or attachment is to a recital, clause, subclause, paragraph, schedule, annexure or attachment of or to this Agreement;

- (j) a reference to this Agreement or to any deed, agreement, document or instrument includes a reference to such documents as amended, novated, supplemented, varied, altered or replaced from time to time;
- (k) a reference to an individual or person includes a corporation, partnership, joint venture, association, authority, trust, state or government body and vice versa;
- (l) a reference to any thing is a reference to the whole and each part of it;
- (m) a reference to a group of persons is a reference to all of them collectively and to each of them individually;
- (n) a reference to "**dollars**" or "\$" is reference to Australian currency;
- (o) the terms "**including**" and "**include**" are not terms of limitation;
- (p) a reference to a matter being "**to the knowledge**" of a person means that the matter is to the best of the knowledge and belief of that person after making reasonable enquiries in the circumstances.

---

## 2. Necessary approvals

- (a) The Minister approves, pursuant to sections 2.3.12(1) and 5.2.7(5) of the Act:
  - (i) the College Council entering into this Agreement; and
  - (ii) the construction of the Facility on the Department Land in accordance with the Specifications.
- (b) The Shire Council confirms that it has obtained, at its own cost, all the necessary approvals and consents required under the *Local Government Act 1989 (Vic)* to enable it to enter into this Agreement and to comply with its obligations.

---

## 3. Nature of rights granted

### 3.1 Grant of Licence

The Minister and the College Council grant a licence to:

- (a) the Shire Council and its servants and agents; and
- (b) the Contractor and its servants and agents,

to enter upon the Department Land and to do all such things as may be necessary to carry out their obligations under this Agreement and the Building Works Contract in relation to the construction of the Facility.

### 3.2 No Proprietary Rights

- (a) The rights conferred by this Agreement:
  - (i) will rest in contract only; and



- (ii) will not create in or confer or grant upon or in the College Council or the Shire Council or any other person (either jointly or severally) any estate or any tenancy or interest whatsoever in the Facility, or otherwise create any estate or interest in the Department Land.
- (b) The parties acknowledge that:
  - (i) the use of the Facility by the Shire Council and members of the public will not be exclusive and will be subject to the provisions of this Agreement; and
  - (ii) the right to exclusive possession of the Facility shall remain with the State of Victoria.

---

## 4. Contributions towards the construction of the Facility

### 4.1 Contributions

- (a) The Minister will contribute towards the cost of the Facility by contributing the Department Land.
- (b) The Minister, the College Council and the Shire Council will contribute towards the cost of constructing the Facility in accordance with the amounts, if any, as specified in Item 6 of the Schedule ("**Construction Contributions**").
- (c) The Construction Contributions are to be exclusive of any GST payable.

### 4.2 Additional Construction Contributions

The College Council and the Shire Council acknowledge and agree that:

- (a) their respective Construction Contributions towards the cost of constructing the Facility are based upon current prices and values;
- (b) in the event that the cost of constructing the Facility, prior to entering into the Building Works Contract, exceeds the Construction Costs, the parties may either:
  - (i) alter, vary or amend the Specifications in accordance with clause 5.3(b) in order to reduce the costs of construction; or
  - (ii) meet the additional cost of constructing the Facility in such manner as may be agreed by the parties in writing, provided that the Shire Council's additional contributions prior to entering into the Building Works Contract do not exceed \$151,000;
- (c) in the event that the cost of constructing the Facility under the Building Works Contract exceeds the Construction Costs for reasons other than the default of the principal (as defined in the Building Works Contract), as notified by the Superintendent under clause 4.2(e) and following consultation between the Shire Council and the School Council pursuant to clause 4.2(f), the parties will fund the additional costs in the following proportions, if clause 4.2(d) does not apply and the parties have not otherwise reached agreement under clause 4.2(f):
  - (i) Minister 50%

- (ii) College Council 0%
- (iii) Shire Council 50%
- (d) if the cost of constructing the Facility under the Building Works Contract exceeds the Construction Costs due to variations requested by either the College Council or the Shire Council then the party requesting the variation will be responsible for the additional costs;
- (e) the Superintendent must notify the parties in writing if he or she considers that the cost of constructing the Facility under the Building Works Contract is likely to exceed the Construction Costs.
- (f) Following notification received under clause 4.2(e), the Shire Council and the College Council will meet to discuss whether there are any options for reducing the cost of constructing the Facility under the Building Works Contract so that it does not exceed the Construction Costs. Any agreement reached between the Shire Council and the School Council as a result of these discussions must be recorded in writing and advised to the Superintendent.

### 4.3 Disputes in relation to additional costs

If a dispute arises in relation to clause 4.2(b) and the parties cannot resolve their differences this Agreement is terminated.

### 4.4 Tendering

- (a) The College Council shall comply with all Laws as well as ministerial directions, government policies and other requirements, including, but not limited to those:
  - (i) published by the Building Commission and required under the *Project Development and Construction Management Act 1994* (Vic);
  - (ii) published by the Victorian Government Purchasing Board and required under the *Financial Management Act 1994* (Vic).
- (b) For the purposes of sub-paragraph (a), in the event that a ministerial direction conflicts with a supply policy within the meaning of the *Financial Management Act 1994* (Vic), the ministerial direction will prevail.
- (c) The Shire Council shall ensure that the full amount of its contribution towards the cost of constructing the Facility pursuant to clause 4.1 complies with the *Local Government Act 1989* (Vic) and the Shire Council's internal tendering policies.

---

## 5. Construction obligations of the College Council

### 5.1 General obligations

The College Council will:

- (a) be responsible for procuring the construction of the Facility;

- (b) enter into the Building Works Contract with the appointed contractor for the Project, including the construction of the Facility;
- (c) ensure that the construction of the Facility is commenced, carried out and completed in accordance with the provisions of the Building Works Contract;
- (d) do all acts, matters and things which a reasonably prudent proprietor in similar circumstances would do in relation to enforcing the terms of the Building Works Contract and ensuring that the rights and entitlements of the principal (as defined in the Building Works Contract) are exercised in a proper and timely manner including all procedures in relation to any Variations;
- (e) make payment on account of its Construction Contribution and any additional costs payable by it in such amounts as required under this Agreement;
- (f) ensure that the Shire Council and the Project Management Group are kept informed about the progress of construction of the Facility and any variations to the Building Works Contract via the regular site meetings for the Project; and
- (g) inform the Shire Council and the Project Management Group of the date and time of each site meeting in respect of the Project within a reasonable time prior to the site meeting being held.

## 5.2 Insurance

The College Council must ensure that the provisions of the Building Works Contract, in relation to the construction of the Facility, include the insurance requirements as specified in Item 8 (a) and (b) of the Schedule.

## 5.3 Specifications

The College Council will:

- (a) submit Specifications for the approval of the Shire Council and the Department pursuant to clause 6.1(a)(i);
- (b) only be permitted to alter, vary or amend the Specifications if:
  - (i) the alteration, variation or amendment will not, subject to clause 4.2, result in any increase in the amount to be contributed towards the cost of the Facility by the parties; and
  - (ii) the Shire Council and the Department have first given written approval under clause 6.1(a)(ii); or
  - (iii) the parties otherwise agree in writing to:
    - A. such alteration, variation or amendment; and
    - B. any adjustment to each party's respective Construction Contributions arising out of the alteration, variation or amendment.

## 5.4 Legal obligations

The College Council will at its own cost, apply for and comply with all Laws, authorisations and agreements capable of application to the design and construction of the Facility, including:

- (a) all necessary permits and approvals under the *Planning and Environment Act 1987* (Vic) and the *Building Act 1993* (Vic); and
- (b) the Code of Practice for the Building and Construction Industry prepared by the Minister responsible for administering the *Project Development and Construction Management Act 1994* (Vic).

---

## 6. Construction obligations of the Minister and the Shire Council

### 6.1 General obligations

- (a) The Department (on behalf of the Minister) and the Shire Council will:
  - (i) review and give initial written approval to Specifications proposed by the College Council within the time limits reasonably specified by the College Council, which approval shall not be unreasonably withheld; and
  - (ii) review and may approve in writing any alteration, variation or amendment of Specifications proposed by the College Council from time to time in accordance with clause 5.3(b), which approval shall not be unreasonably withheld.
- (b) The Shire Council will send a representative to attend all site meetings notified to it by the College Council pursuant to clause 5.1(g).

### 6.2 Payment of Construction Contributions

- (a) The Minister will make payment on account of his or her Construction Contribution (if any) and any additional costs payable in such amounts as required under this Agreement at such times as determined by Department policy.
- (b) The Shire Council will make payment on account of its Construction Contribution (if any) and any additional costs payable in such amounts as required under this Agreement according to the following schedule:

| Amount                                      | Date                                 |
|---------------------------------------------|--------------------------------------|
| \$400,000                                   | 1 May 2009                           |
| \$500,000                                   | 1 August 2009                        |
| \$500,000                                   | 1 November 2009                      |
| \$600,000                                   | 1 February 2010                      |
| \$500,000                                   | 1 May 2010                           |
| \$421,000 plus any additional costs payable | Practical Completion of the Facility |

---

## **7. Matters prior to and upon the Date of Practical Completion**

### **7.1 No early termination**

No party will be entitled to terminate this Agreement for breach by any other party at any time after the Building Works Contract has been executed and before the Facility has reached Practical Completion under the Building Works Contract.

### **7.2 Destruction of the Facility**

If any part or the whole of the Facility is destroyed or damaged before the Facility has reached Practical Completion under the Building Works Contract, all money received as insurance proceeds will be applied towards the reconstruction or reinstatement of the Facility.

### **7.3 Practical Completion**

The College Council must notify the Minister and the Shire Council in writing that Practical Completion of the Facility has been achieved.

---

## **8. Repayments to Parties**

If the College Council:

- (a) receives a payment representing in whole or in part the Minister's or the Shire Council's Construction Contribution; and
- (b) for any reason is not required to pay that amount or part of that amount to the Contractor under the Building Works Contract,

the College Council will:

- (c) refund that amount or part of that amount to the Minister or the Shire Council; and
- (d) not pay interest to the Minister or the Shire Council, unless interest has accrued on such money (in which case, such interest will be paid in full).

---

## **9. Joint Use Provisions**

The Joint Use Provisions will only have effect from the Date of Practical Completion.

---

## **10. Licence Term and Licence Fee**

### **10.1 Licence**

The Minister and the College Council grant a licence to the Shire Council to use the Facility, subject to and upon the terms and conditions of this Agreement.

### **10.2 Licence Fee**

- (a) The Shire Council will pay to the College Council the annual Licence Fee as specified in Item 9 of the Schedule.

- (b) The Shire Council will pay the Licence Fee to the College Council within 30 days of the Date of Practical Completion and annually thereafter on demand.

### **10.3 Initial Term of Licence**

The Initial Term of the Licence shall be for that period specified in Item 10 of the Schedule and will run from the Date of Practical Completion.

### **10.4 Further Term of Licence**

The Shire Council may give notice to the College Council not earlier than 18 months and not later than three months before the expiration of the Initial Term of the Licence requesting a renewal of the Licence for a further period, not exceeding the Further Term specified in Item 11 of the Schedule.

### **10.5 Renewal process**

After receipt of a notice given under clause 10.4, the College Council will consult with the Minister regarding the request for renewal and as soon as practicable the College Council will give notice to the Shire Council, either that:

- (a) the Minister and the College Council have no objection to a renewal of the Licence for the specified period, in which event the Licence will be deemed to be renewed from the expiry of the Initial Term for the Further Term on the terms and conditions of this Agreement (other than clause 10.4 or this clause 10.5) with the Licence Fee determined in accordance with clause 10.2; or
- (b) the Minister and the College Council have formed the opinion that the Licence should not be renewed in which case the Licence Term will terminate at the end of the Initial Term.

---

## **11. Use of the Facility**

### **11.1 Use of the Facility**

- (a) The Joint Committee will co-ordinate a booking system for the Facility (excluding the School Area, the Car Parks and the Surrounding Area) within the Hours of Use of the Facility.
- (b) The College Council and the Shire Council are entitled to shared use of the Library/Resource Area during the Hours of Use of the Facility.
- (c) The general public is entitled to access the Library/Resource Area during all Opening Hours. The Library/Resource Area will be open within the Hours of Use of the Facility, for at least 41 hours per week unless otherwise advised in writing by the Shire Council. If the Shire Council requests an increase to the Opening Hours of the Library/Resource Area, then it must give 30 days written notice to the College Council.
- (d) The Library Admin Area will be available to all Library Staff and College staff during the Opening Hours of the Library/Resource Area.
- (e) The School Council will advise the Joint Committee of its use requirements in

respect of the ITC, Lecture and Seminar Area for each school term at least two weeks prior to the commencement of the school term. During the times that the ITC, Lecture and Seminar Area is not required by the School, the Shire Council or community users may book use of the ITC and Lecture Seminar Area with the Joint Committee.

- (f) The Shire Council is entitled to priority use of the Shire Council Area during the Opening Hours of the Facility.
- (g) If the College Council wishes to use any part of the Shire Council Area it must obtain permission from the Shire Council.
- (h) The College Council is entitled to exclusive use of the School Area during the Opening Hours of the Facility, subject to the Library Staff being entitled to access the Staff Room and Staff Amenities located in the School Area.
- (i) The College Council and the Shire Council are entitled to shared use of the Meeting Room Area during the Opening Hours of the Facility. The Joint Committee will administer the use of the Meeting Room Area. If the College Council, the Shire Council or the general public wish to use any part of the Meeting Room Area they must make a booking with the Joint Committee.
- (j) The Shire Council is entitled to locate equipment in the Hub/Technical Area, subject to the College's requirements. The Shire Council is otherwise entitled to use the Hub/Technical Area as agreed in writing with the College Council. The Shire Council must obtain the College Council's permission to access the Hub/Technical Area.
- (k) The Car Parks will be available for use by all users of the Beechy Precinct any time during the Hours of Use of the Facility.

## **11.2 Other matters relating to use**

- (a) Use of the Facility by the College Council and the Shire Council shall take into account the needs of both parties, including any curriculum initiatives of the College. The College Council will promptly contact the Shire Council if a proposed curriculum initiative may impact upon the Shire Council's use of the Facility as provided by this Agreement prior to implementing such curriculum initiative. The College Council and the Shire Council will discuss and agree on the suitability of the curriculum initiative taking into account the Shire Council's rights pursuant to this Agreement. The Shire Council must act promptly in meeting with the School Council for such discussions.
- (b) Subject to clause 11.2(a), the College Council and the Shire Council will encourage use of the Facility (excluding School Area) by community groups, such use to be administered by the Joint Committee.
- (c) Use of the Facility by the College Council and the Shire Council is subject to compliance with all applicable permits and Laws relevant to that party's use of the Facility.
- (d) The Shire Council will be responsible for obtaining all relevant Planning Permits prior to commencing use of the Facility and complying with any conditions contained within each Planning Permit.

### **11.3 Establishment and operation of the Library/Resource Area**

- (a) The initial book stock for the Library/Resource Area will be a minimum of 50,000 items drawn from the existing stock of the College and the Corangamite Regional Library Corporation, which will be clearly marked for identification.
- (b) The parties will consult and agree in relation to the purchase or sourcing of additional book stock, equipment or other resources (including contributions towards acquisition costs), in consultation with the Joint Committee and taking into account the advice of the Library Operator.
- (c) The Library Staff will comprise:
  - (i) Existing School Library Staff employed by the Department who will continue to be employed by the Department until their tenure expires;
  - (ii) Existing Corangamite Library Staff employed by the Corangamite Regional Library Corporation (Colac Branch) who will continue to be employed by the Corangamite Regional Library Corporation until their tenure expires; and
  - (iii) New Library Staff, to be employed by either the Shire Council or the Library Operator.
- (d) The Library Staff will be managed by the Library Operator subject to the rights of the Department and the Corangamite Regional Library Corporation as employers of the Existing School Library Staff and Existing Corangamite Library Staff.
- (e) Library Staff will be maintained at a level agreed between the parties, based on:
  - (i) the current level of staff at the existing Corangamite Regional Library Corporation (Colac Branch); and
  - (ii) the College's entitlement for library staff.
- (f) The parties will use their best endeavours to ensure an appropriate balance and diversity of user groups for the Library/Resource Area, including students and other community members.

### **11.4 Appointment of Library Operator**

- (a) The Shire Council may appoint a Library Operator to operate the Library/Resource Area, subject to prior consultation with the parties, and will be responsible for paying any fees and costs charged by the Library Operator, pursuant to a separate agreement developed between the Shire Council and the College Council.
- (b) If appointed, the Library Operator will manage and pay for the operating costs in respect of the library systems. The College Council will reimburse the Library Operator for a share of these costs as agreed and recorded in the separate agreement with the Shire Council and the Library Operator referred to in clause 11.4(a). This agreement will also describe the library systems.



## 11.5 The College Council reserves rights

The Minister and the College Council reserve the right to undertake works which are necessary to comply with any Law or to ensure the safe and proper use of the Facility and the Department Land including:

- (a) maintaining and upgrading the Facility;
- (b) providing or maintaining any services to any part of the Facility;
- (c) creating any easement or other right through or around the Department Land; and
- (d) constructing any structures or fixtures in, over or through the Facility provided always that no such construction, structure or fixture may unreasonably interfere with the Shire Council's use of the Facility in accordance with this Agreement.

## 11.6 Entry

Either the Minister or the College Council may enter the Facility at any reasonable time in order to exercise its right under clause 11.3. If the College Council intends to enter the Facility during the time the Shire Council is entitled to use the Facility, the College Council must give the Shire Council reasonable notice before exercising its rights. The College Council must exercise its rights at a reasonable time and in a way which minimises any interference with the Shire Council's use of the Facility. If there is an emergency, the Minister or the College Council and/or any person authorised by the Minister or the College Council may enter the Facility at any time without notice.

---

## 12. Business and Other Plans

### 12.1 Rolling Plans

Within 3 months of the Date of Practical Completion of the Facility, the College Council will prepare, and not later than 31 December annually will update, in relation to the Facility:

- (a) a 5-year rolling business plan;
- (b) a 5-year rolling capital works plan and Capital Expenditure plan; and
- (c) a 5-year rolling asset maintenance and management plan;

("Business Plans").

### 12.2 Endorsement

- (a) Not later than 30 days after preparation or updating of the Business Plans, the College Council shall request endorsement of the Business Plans by the Shire Council.
- (b) Not later than 60 days after receiving a request for endorsement under clause 12.2(a), the Shire Council will either:
  - (i) notify the College Council in writing of its endorsement; or
  - (ii) notify the College Council in writing that it will not endorse the Business Plans, providing its reasons for doing so and reasonable requests to

amend the Business Plans.

- (c) Not later than 30 days after receiving a request from the Shire Council under clause 12.2(b)(ii) to amend the Business Plans, the College Council will amend the Business Plans as reasonably requested by the Shire Council and resubmit to the Shire Council who shall endorse the Business Plans as soon as practicable after receipt of the amended Business Plans.

### **12.3 Dispute**

If the College Council does not agree to a request by the Shire Council to amend the Business Plans under clause 12.2(b)(ii), the College Council shall issue a notice of a dispute under clause 17.

### **12.4 Endorsement by Default**

Any Business Plans in respect of which the Shire Council does not respond in accordance with clause 12.2 will, upon the College Council giving 14 days' written notice to the Shire Council of its intention to invoke this subclause, be deemed to have been endorsed by the Shire Council.

---

## **13. Obligations of the Shire Council**

### **13.1 General obligations**

The Shire Council will:

- (a) use the Facility in a business-like and reputable manner appropriate for a facility in the nature of the Facility, and will not permit it to be used other than for the Permitted Purposes;
- (b) leave the Facility and any equipment, fixtures and fittings on or in the Facility in a clean and tidy condition after each use;
- (c) not cause any injury or nuisance to neighbours or other users of the College or the Facility;
- (d) at its own cost, comply with and observe all relevant Laws capable of application to the Department Land or to the operation of the Facility, or any Laws that affect this Agreement or anything done or to be done under it, or that relate to the Shire Council's occupation or use of the Facility;
- (e) comply with all Department policies or guidelines which deal with the safety or health of persons in buildings on the Department's premises or otherwise under its control;
- (f) obey all rules from time to time made by the College Council with regard to the management of the College;
- (g) at the request of the Principal, cease any action which in the opinion of the Principal endangers the College's students or property;
- (h) observe fire precautions;

- (i) ensure that all external doors and windows at the Facility are secured and locked and all lights, heating and cooling are turned off when leaving the Facility; and
- (j) at all times exercise due care, skill and judgement and act with the utmost good faith.

### **13.2 General prohibitions**

The Shire Council must not:

- (a) alter the Facility without the prior written approval of the College Council;
- (b) allow the use of advertising for commercial purposes at the Facility or the College without the prior written approval of the Joint Committee;
- (c) spread any damaging substances on any surfaces of the Department Land, the Facility or the College;
- (d) permit in or upon the Department Land or the Facility, any:
  - (i) noxious, noisome, hazardous or offensive act, trade, business or occupation;
  - (ii) act, matter or thing whatsoever which in the reasonable opinion of the College Council may cause disturbance, nuisance, damage or danger to people at or entering the Facility or the College or to the owners or occupiers of neighbouring premises, including the College Council, and any person using the grounds of the College; or
  - (iii) chemical or hazardous things except to the extent that it is necessary for the Permitted Purposes or maintenance of the Facility.

### **13.3 Capital Expenditure obligations**

The Shire Council and the College Council will share responsibility for Capital Expenditure in respect of the Facility in accordance with clauses 13.4(d) and 13.4(e) of this Agreement.

### **13.4 Financial responsibility**

- (a) The Shire Council will reimburse the College Council for 50% of all maintenance and repair costs in respect of the Facility. The Shire Council will make payment within 30 days of being provided with a tax invoice by the College Council.
- (b) The Shire Council will pay for 50% of the operating costs incurred by the College Council in respect of the Facility. Operating costs include cleaning costs, security costs, the cost of utilities supplied to the Facility, the employment of staff (except for Library Staff), the engagement of contractors for the purposes of the Facility, any Statutory Charges in respect of the Facility and telephone and telecommunication charges. These operating costs do not include the operating costs associated with the library systems which will be the subject of a separate agreement between the Shire Council, the Library Operator and the College Council as referred to in clause 11.4(b). The Shire Council will make payment within 30 days of being provided with a tax invoice for the relevant cost by the College Council.

- (c) The Shire Council or the Library Operator will be responsible for the cost of employing all New Library Staff at the Facility, subject to reimbursement by the College Council pursuant to clause 14.2(d).
- (d) The Shire Council and the College Council will share the cost of Capital Expenditure in respect of the Facility on the basis agreed between them, as reflected in the agreed Business Plans in respect of the Facility, taking into account the following matters:
  - (i) the parties each contributed half of the funds required for the construction of the Facility;
  - (ii) the Facility is owned by the Department but is subject to long term use rights granted to the Shire Council; and
  - (iii) what is fair and reasonable in the circumstances.
- (e) The College Council and the Shire Council must act in good faith in connection with all discussions pursuant to clause 13.4(d) above.

### 13.5 Proper persons only

- (a) If:
  - (i) at any time the Principal, acting reasonably, forms the opinion that a person employed or engaged by the Shire Council for the purposes of the Facility is not a proper person to be acting in such capacity in relation to a facility of the nature of the Facility insofar as it is used by School pupils;

then:

  - (ii) the Minister may require the Shire Council to remove such person from the Facility and, if appropriate, to replace him or her with someone of equal competence and/or experience; or

to the extent permitted by law:

  - (iii) the Principal may give a notice to the Shire Council requesting the Shire Council to cease to employ or engage that person at the Facility or take such other action as may be appropriate.
- (b) Upon receipt of a notice given under clause 13.5(a)(iii), the Shire Council will promptly consider the terms of the notice and determine an appropriate course of action, which may include termination of the person.

### 13.6 Shire Council's insurance

The Shire Council will:

- (a) enter into and maintain at all times during the Licence Term all insurances required to insure against risks reasonably anticipated in respect of the Facility or arising out of its use, including but not limited to the insurances set out in paragraphs (a) to (f)

of Item 13 of the Schedule (subject to the College Council's reimbursement pursuant to clause 14.2(c)); and

- (b) promptly, on request by the College Council, produce for inspection by the College Council those policies of insurance.

### **13.7 Not to void insurance**

The Shire Council must not do or permit any act, matter or thing to be done which may invalidate any insurance in relation to the Facility, make any insurance void or voidable or increase the rate of premium of any insurance of the College Council or any other person in relation to the Facility.

### **13.8 Damage to the Facility**

The Shire Council will reimburse the College Council for the reasonable cost of repairing, replacing or making good any damage to any part of the Facility, the College or the grounds of the College and the College Council's plant, fixtures and equipment in the Facility (including items of a capital nature) within 28 days upon receipt of a Notice from the College Council to the Shire Council:

- (a) informing the Shire Council that:
  - (i) such damage was the result in whole or in substantial part of a wilful or reckless act or omission of the Shire Council or of any person or persons for whom the Shire Council is responsible (including any person or persons in or upon any part of the Facility during the use thereof by the Shire Council and with the Shire Council's actual or implied permission or invitation); and
  - (ii) such damage arises from a risk which the insurances required to be obtained under clause 13.6 do not cover; and
- (b) setting out details of the costs incurred.

### **13.9 Dispute mechanism**

If the Shire Council disputes a Notice received under clause 13.8 it may within 14 days of receipt of the Notice refer the matter for resolution in accordance with clause 17.

### **13.10 Removing materials from the Facility at the conclusion of the Agreement**

At its own expense within one month of the expiration or sooner termination of this Agreement, and at the request of the School Council, the Shire Council will:

- (a) remove all materials and equipment brought onto the Facility by the Shire Council or the Shire Council's employees, agents, customers, or invitees and make good all damage to the Facility caused by the removal thereof; and
- (b) remove all signs and writing from the Facility and make good any damage or injury caused by the affixing, retention or removal thereof.

### **13.11 Acknowledgement**

The Shire Council acknowledges that it understands all risks, difficulties, contingencies and other matters relating to its use of the Facility under this Agreement.

### **13.12 Failure to comply**

If the Shire Council fails to comply with any of its obligations under this clause within 14 days after written notice of such default has been sent to it (or in the cases where immediate action is required to rectify the default, upon receipt of the written notice) by the College Council, then:

- (a) the College Council, without in any way being bound to do so, may rectify the Shire Council's default on behalf of the Shire Council; and
- (b) the full cost of the College Council in doing so will be a debt due from the Shire Council to the College Council, which debt will be due and payable 7 days from the date of the invoice provided by the College Council to the Shire Council in respect of the cost incurred by the College Council under this clause 13, recoverable by action.

---

## **14. Obligations of the College Council**

### **14.1 Maintenance and Capital Expenditure obligations**

- (a) The College Council will be responsible for the general operating, cleaning, maintenance, repair and security of the Facility to a standard not less than that generally considered appropriate for a facility similar to the Facility.
- (b) The College Council and the Shire Council will share responsibility for Capital Expenditure in respect of the Facility in accordance with clauses 13.4(d) and 13.4(e) of this Agreement.
- (c) The College Council will procure all Capital Expenditure works in respect of the Facility unless otherwise agreed between the College Council and the Shire Council.

### **14.2 Financial responsibility**

- (a) Subject to reimbursement by the Shire Council pursuant to clause 13.4(a) and 13.4(b), the College Council will be responsible for paying all financial costs of operating and managing the Facility including:
  - (i) costs associated with the maintenance of the Facility under clause 14.1(a);
  - (ii) the employment of staff and the engagement of contractors for the purposes of the Facility (except for Library Staff);
  - (iii) Statutory Charges;
  - (iv) costs of entering into and maintaining insurances under clause 14.3;
  - (v) telephone and telecommunication charges; and

- (vi) any other costs or expenses associated with the Facility.
- (b) The College Council will be responsible for paying the costs charged by providers of gas, electricity and water to the Facility, subject to the reimbursement from the Shire Council pursuant to clause 13.4(b);
- (c) The College Council will reimburse the Shire Council for 50% of the cost of the insurance required by paragraphs (b) and (d) of Item 13 of the Schedule. The College Council will make payment within 30 days of being provided with a tax invoice by the Shire Council.
- (d) The College Council will contribute towards the costs of employing the New Library Staff. The College Council's contribution will be calculated by the Principal at the start of each School year based on the costs of staff that the College would be expected to incur in operating a school library at the College during School Hours taking into account the number of students at the campus of the College located on the Department Land (as indicated in the College's Student Resource package for that year). For the avoidance of doubt, the College Council's contribution will include an allowance for statutory on-costs or other employee entitlements, these being sick leave, annual leave, any other leave, leave loading, work cover, superannuation, provision for long service leave and training and personal development.
- (e) The College Council agrees to pay any redundancy costs incurred by the Shire Council or the Library Operator relating to any lawful termination of any of the New Library Staff which results directly from a reduction in the College's entitlement for library staff.

### **14.3 College Council's Insurance**

The College Council will enter into and maintain at all times during the Licence Term the insurance set out in paragraph (g) of Item 13 of the Schedule.

### **14.4 Warranty**

If at any time the Shire Council is required:

- (a) to apply for and obtain any:
  - (i) licence;
  - (ii) permit approval;
  - (iii) authorisation;
  - (iv) planning permit; or
- (b) to comply with the requirements of any statute, regulation or order whether Commonwealth, State or local,

in connection with the Facility, then the College Council will, at the cost of the Shire Council, do all such acts or things within its power, including the signing of any necessary consents or documents, as the Shire Council may reasonably require to assist the Shire Council.

## 14.5 Damage to the Facility

The Shire Council will not be obliged to reimburse the College Council for the cost of repairing, replacing or making good any damage to any part of the Facility which is the subject of a notice from the Shire Council to the College Council:

- (a) informing the College Council that:
  - (i) such damage was the result in whole or in substantial part of a wilful or reckless act or omission of the College Council or of any person or persons for whom the College Council is responsible (including any person or persons in or upon any part of the Facility during the use thereof by the College Council and with the College Council's actual or implied permission or invitation); and
  - (ii) such damage arises from a risk which the insurances required to be obtained under clause 14.3 do not cover; and
- (b) setting out details of the costs incurred.

## 14.6 Dispute mechanism

If the College Council disputes a notice received under clause 14.5 it may within 14 days of receipt of the notification refer the matter for resolution in accordance with clause 17.

---

## 15. Joint Committee

### 15.1 Creation and operation of the Joint Committee

- (a) The parties will establish a Joint Committee in respect of the Facility comprising:
  - (i) 2 members appointed by the College Council ("**the College Council Representatives**");
  - (ii) 2 members appointed by the Shire Council ("**the Shire Council Representatives**");
  - (iii) 1 member of the Library Operator (if one is appointed) ("**the Library Operator Representative**");
  - (iv) 2 independent community representatives who have submitted an expression of interest and whose appointment is approved by both the Shire Council and the College Council.
- (b) The College Council and the Shire Council will give Notice of the first appointees to each other, and the Joint Committee will be formed, within 7 days after the Date of Practical Completion.
- (c) The College Council and the Shire Council will advise each other of the names and addresses of persons appointed to the Joint Committee from time to time and may revoke appointments and substitute other persons as appointees at any time.
- (d) The chairperson must be one of the independent members of the Joint Committee.



- (e) The Joint Committee will operate throughout the life of this Agreement in accordance with the terms of the Agreement.
- (f) A purpose of the Joint Committee is ensure consistent approaches to the use of the Facility which reflect the needs of the College, the Shire Council and the community.
- (g) The Joint Committee will meet at least quarterly, unless the parties agree otherwise.
- (h) The Joint Committee must not conduct any business unless:
  - (i) if a Library Operator has not been appointed, at least 3 members are present in person including at least 1 of the members appointed by the College Council and at least 1 of the members appointed by the Shire Council; or
  - (ii) if a Library Operator has been appointed, at least 4 members are present in person including the Library Operator Representative, at least 1 of the members appointed by the College Council and at least 1 of the members appointed by the Shire Council.
- (i) The function of the Joint Committee is to provide advice and recommendations for the consideration of the College Council and the Shire Council in relation to the operation and use of the Facility. The College Council and the Shire Council have an absolute discretion whether or not to accept such advice and recommendations. The role and functions of the Joint Committee will be more fully described in Annexure D to this Agreement. The parties will agree on the contents of Annexure D prior to the date of Practical Completion of the Facility.
- (j) If the Shire Council's Representatives and the College Council's Representatives have attempted to resolve an issue through the Joint Committee yet the issue has not been resolved to the satisfaction of all parties then any party may submit the issue to dispute resolution in accordance with clause 17.

## 15.2 Hiring obligations

- (a) The Joint Committee will be responsible for:
  - (i) hiring the areas within the Facility (except for the School Area, the Library Admin Area and the Hub/technical area) out for use by members of the public;
  - (ii) subject to paragraph 15.2(b) fixing the terms and conditions for the use of these areas of Facility; and
  - (iii) instructing all users of these areas of the Facility as to what constitutes appropriate behaviour and how to ensure security is maintained during that use.
- (b) The terms and conditions for the use of these areas of the Facility:
  - (i) may include the general fees for the use of these areas;
  - (ii) must require that all users leave these areas in a tidy condition;

- (iii) must only allow these areas to be used at times when neither the Shire Council or the College Council are using them; and
  - (iv) must require that all users enter into and maintain at all times during the use of these areas all insurances required to insure against risks reasonably anticipated in respect of these areas of the Facility or arising out of the use of these areas including but not limited to the insurance set out under paragraph (a) of Item 13 of the Schedule and produce evidence of such insurance.
- (c) The fees for the use of the Facility will be remitted to the Joint Committee. These fees will be managed and used by the Joint Committee in connection with the Facility, as decided by the Joint Committee.

---

## **16. Breach of Joint Use Provisions**

### **16.1 The College Council's right to require the Shire Council to correct breach**

If the Shire Council breaches an obligation under the Joint Use Provisions, the College Council may give the Shire Council a notice that the Shire Council is in breach, and require the Shire Council to rectify it within a time specified in the notice (which must be a reasonable time in all the circumstances). If the Shire Council fails to rectify the breach within the time specified to the reasonable satisfaction of the College Council, the College Council may do anything that the College Council reasonably believes is necessary to rectify the breach in order to protect the Facility as an asset of the Department or to protect the safety of students, staff and officers of the College and the public. The Shire Council must reimburse the College Council for any costs the College Council incurs in rectifying the breach. Any other right of the College Council is not affected.

---

## **17. Disputes**

### **17.1 Notice of dispute**

The parties agree to consult in good faith with each other, but if any dispute or difference arises between the parties with respect to or arising out of or in connection with this Agreement (except in relation to a dispute under clause 19.2), then a party may serve upon the other parties a notice of the dispute or difference which shall be resolved in the manner set out in this clause 17.

### **17.2 Expert**

If a dispute or difference that is the subject of a notice served under clause 17.1 is not settled within 14 days of receipt of the notice, it will be settled by an expert appointed by the Chairperson or acting Chairperson of the Victorian Chapter of the Institute of Arbitrators and Mediators, Australia, who shall be requested to appoint an independent person reasonably expert in the matters or areas the subject of the dispute or difference.

### **17.3 Expert's power**

The parties agree that the expert appointed under this clause 17:

- (a) subject to clause 17.5, will make a decision which is binding on the parties;

- (b) will be entitled to charge fees and expenses which are to be paid equally by the parties;
- (c) will initiate such enquiries and investigations as the expert considers necessary or desirable for the purposes of performing the expert's functions;
- (d) will determine and inform the parties to the dispute of a time for presentation to the expert by the parties of their respective positions. Unless the parties both otherwise agree, the presentation must be no later than 10 days after the appointment of the expert;
- (e) must make a determination or finding in respect of the dispute within 30 days of appointment;
- (f) will act as an expert and not an arbitrator;
- (g) will keep confidential all materials and information made available to him or her in respect of the dispute; and
- (h) is released by the parties to this Agreement from liability (other than for fraud) in acting as an expert.

#### **17.4 Performance of obligations pending resolution of dispute**

- (a) Prior to resolution of a dispute under this clause 17, the parties must continue to perform their respective obligations under this Agreement.
- (b) Pending resolution of a dispute under this clause 17, whether or not the dispute relates to payment of money, each party must pay all amounts under this Agreement when due in accordance with this Agreement without regard to the pending dispute.

#### **17.5 Right to arbitrate**

- (a) The determination or finding of the expert shall be binding upon the parties unless, within 14 days of the date of the determination or finding, any dissatisfied party gives written notice to the other parties that it requires the dispute to be referred to arbitration.
- (b) Upon the giving of a notice by any party under paragraph (a), the dispute will be submitted to the arbitration of a nominee of the Chairman (or acting Chairman) of the Victorian Chapter of the Institute of Arbitrators and Mediators, Australia.
- (c) An award made by the arbitrator will be final and binding on the parties.
- (d) In accordance with section 20 of the *Commercial Arbitration Act* 1984 (Vic), the parties agree that, in any arbitration proceedings conducted pursuant to this clause 17.5, a party may be represented by a duly qualified legal practitioner.

---

## **18. Termination**

### **18.1 Minister requires Department Land**

If the Minister requires the Department Land or part of it for:

- (a) the construction of school buildings;
- (b) disposal of the Department Land or part of it;
- (c) closure of the College; or
- (d) any other reason,

then the Minister may terminate this Agreement on notice in writing to the parties.

## **18.2 Destruction of Facility**

If the Facility is damaged or destroyed so as to render it or part of it unfit for use and it is, in the opinion of the Minister, impractical or undesirable to reinstate the Facility or part of the Facility, then the Minister may terminate this Agreement on notice in writing to the parties.

---

## **19. Minister's options on termination**

### **19.1 Options**

If this Agreement is terminated by the Minister under clause 18.1 or 18.2, then the Minister will, after consultation with the Shire Council, offer to the Shire Council one of the following options:

(a) **Option 1**

the subdivision of the whole or part of the Department Land to create a separate saleable parcel and first offer the parcel for sale to the Shire Council at a price to be agreed by the parties and approved by the Land Monitor, or its successor, or failing agreement as determined by the Valuer-General in consultation with the Land Monitor or its successor;

(b) **Option 2**

the entering into a lease of the whole or part of the Facility between the Minister and the Shire Council consistent with the terms and conditions of this Agreement, with the rent as agreed by the parties, or failing agreement as determined by the Valuer-General; or

(c) **Option 3**

subject to clauses 19.5(b) and 19.6, the payment by way of compensation to the Shire Council of such amount as the Minister reasonably determines in good faith taking into account the contribution towards the cost of constructing the Facility made by the Shire Council under this Agreement.

### **19.2 Dispute**

If a dispute arises between the parties as to:

- (a) the basis of the lease and terms and conditions under Option 2; and
- (b) the compensation payable to the Shire Council under Option 3,

then such dispute will be settled by way of arbitration in accordance with the requirements of clause 19.4. It is expressly acknowledged that the choice of an option under clause 19.1 is entirely at the discretion of the Minister and cannot be the subject of a dispute.

### **19.3 Agreement to remain in force**

The parties acknowledge that if the Agreement is terminated under clause 18.1, and to the extent possible if the Agreement is terminated under clause 18.2, this Agreement will remain in force and the Shire Council will be entitled to continue to use the Facility until the Minister has chosen an option under clause 19.1 or until the arbitrator makes a decision under clause 19.4.

### **19.4 Dispute mechanism**

- (a) If a dispute or difference arises between the parties as to any matter set out in clause 19.2, then any party may give to the other parties notice of the dispute or difference.
- (b) Any such dispute will be submitted to the arbitration of a nominee of the Chairperson or acting Chairperson of the Victorian Chapter of the Institute of Arbitrators and Mediators Australia.
- (c) An award made by the arbitrator will be final and binding on the parties.
- (d) In accordance with section 20 of the *Commercial Arbitration Act 1984 (Vic)*, the parties agree that, in any arbitration proceedings conducted pursuant to this clause 19.4, a party may be represented by a duly qualified legal practitioner.

### **19.5 Compensation**

- (a) No compensation will be paid on termination of this Agreement by the Minister under clause 18.1 or 18.2 other than in accordance with clause 19.1(c).
- (b) If this Agreement is terminated by the Minister under clause 18.1 or 18.2 and the Minister chooses Option 3 under clause 19.1(c) then the amount of any compensation payable to the Shire Council will be the amount determined by the Minister at the Minister's discretion, but will take into consideration:
  - (i) the Construction Contribution made by the Shire Council, reduced to reflect the portion of the Licence Term which has then expired; and
  - (ii) any amount which the Shire Council:
    - A. has received or is entitled to receive by way of:
      - 1) indemnity under contract of insurance entered into and maintained in accordance with clause 13.6; or
      - 2) damages in respect of the loss or destruction of the Facility; or
    - B. would have received or would have been entitled to receive if the contracts of insurance had been entered into and maintained in accordance with clause 13.6.

## **19.6 No reimbursement of Licence Fee**

If this Agreement is terminated by the Minister under clause 18.2, and Option 3 under clause 19.1(c) is chosen, no part of the Licence Fee will be reimbursed to the Shire Council to reflect the portion of the Licence Term which has yet to run.

---

## **20. Disposal**

### **20.1 Minister may deal with interests**

This Agreement shall not be construed so as to prevent:

- (a) the Minister at any time during the term from subdividing, selling or otherwise disposing of or dealing with the whole or any part or parts of the lands presently or hereafter occupied by the College; and
- (b) the assignment by the Minister or the College Council of their respective interests in this Agreement.

### **20.2 Dissolution of College Council**

Notwithstanding anything to the contrary in this Agreement, the parties acknowledge and agree that any Order or legislative enactment or regulation dissolving the College Council shall for all purposes be deemed to have simultaneously effected a transfer by the College Council to the Minister of the whole of the College Council's right, title, interest and obligations under this Agreement except where a new College Council is to be substituted, in which case the deemed transfer is to the new College Council rather than the Minister.

### **20.3 Change of College Council name**

If the College Council changes its name, no transfer of its rights, title, interest and obligations occurs but the College Council must notify the parties of the change in name in writing.

---

## **21. Notices**

### **21.1 Method of giving Notices**

A notice, consent, approval or other communication (a "**Notice**") under this Agreement must be in writing, signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:

- (a) hand delivered;
- (b) sent by prepaid and certified mail; or
- (c) transmitted by facsimile,

to that person's address.

## **21.2 Address for Notices**

For the purpose of this clause 21.2 the address and facsimile number of each party will be those addresses and facsimile numbers set out in Item 14 of the Schedule, or such other addresses as may be substituted under clause 21.3.

## **21.3 New address**

Where Notice of a new address has been given by any party to another party the new address will be substituted for the previous address of the party giving such Notice as and from the date of service of such Notice.

## **21.4 Time of receipt**

A Notice shall be deemed to have been received by the addressee:

- (a) in the case of delivery by hand, on delivery at the address of the addressee;
- (b) in the case of a posted letter, on the second (seventh, if posted to or from a place outside Australia) day after posting;
- (c) in the case of facsimile, on production of a transmission report by the machine from which the facsimile was sent which indicates that the facsimile was sent in its entirety to the facsimile number of the recipient;

unless the delivery is made on a non-business day, or after 4.00 pm on a business day, in which case the communication will be deemed to be received on the next business day.

---

## **22. Governing law**

This Agreement shall be construed according to the Law of the State of Victoria.

---

## **23. Variations**

No addition to or variation of this Agreement shall be of any force or effect unless in writing signed by or on behalf of all parties.

---

## **24. Waivers**

No waiver or indulgence by any party to this Agreement shall be binding upon the parties unless in writing. A waiver of one breach of any term or condition of this Agreement shall not operate as a continuing waiver unless so expressed nor operate as a waiver of another breach of the same or any other term or condition of this Agreement.

---

## **25. Further acts**

The parties shall promptly do and perform such further acts and execute and deliver all further instruments required by Law or reasonably requested by any other party, to establish, maintain and protect the respective rights and remedies of the other parties and to carry out and effect the intent and purpose of this Agreement.

---

## **26. Confidentiality**

- (a) Except as expressly provided in clause 26(b) below the parties:
- (i) will treat as confidential all information which comes into their possession pursuant to or as a result of or in the performance of this Agreement;
  - (ii) will not without the permission of the Minister disclose such information to an outside party; and
  - (iii) will not without the permission of the Minister disclose any details of the terms and conditions of this Agreement to an outside party
- (b) The exceptions to the parties' obligations in clause 26(a) are:
- (i) where the information is required to be disclosed in order for the relevant party to perform its obligations under this Agreement;
  - (ii) where disclosure is required by law;
  - (iii) where information is already in the public domain; or
  - (iv) where the disclosure is otherwise consented to by the parties.

---

## **27. Conflict of interest**

The Shire Council warrants that, to the best of its knowledge and belief after due inquiry as at the date of this Agreement, it has no duties or interests that create or might reasonably be anticipated to create a conflict with its duties and obligations under this Agreement.

---

## **28. Entire agreement**

This Agreement contains the entire agreement between the parties and supersedes any other communications or representations or earlier written or verbal agreements made in connection with the subject matter of this Agreement.

---

## **29. Counterparts**

This Agreement may be executed in any number of counterparts all of which taken together shall be deemed to constitute one and the same instrument.

---

## **30. Costs**

Each party shall bear its own legal costs.

---

## **31. Assignment**

The Shire Council must not assign or transfer any part of its rights or obligations under this Agreement or sub-licence the Facility.



---

## 32. Acting on behalf of Minister

Any:

- (a) act, deed, document or thing to be made, done, executed or performed (excluding the execution of this Agreement); and
- (b) right, duty or power (including the right to issue a notice or give any consent) of the Minister to be exercised under this Agreement,

may be made, done, executed, performed or exercised on behalf of the Minister by any employee of the Department authorised in that regard by the Minister.

---

## 33. GST

- (a) Where a party to this Agreement (the "**Supplier**") makes a Taxable Supply under or in connection with this Agreement or in connection with any matter or thing occurring under this Agreement to another party to this Agreement (the "**Recipient**") and the consideration otherwise payable for the Taxable Supply does not include GST, the Supplier will be entitled, in addition to any other consideration recoverable in respect of the Taxable Supply, to recover from the Recipient the amount of any GST on the Taxable Supply.
- (b) If the amount paid by the Recipient to the Supplier in respect of GST differs from the GST on the Taxable Supply (taking into account any Adjustment Events that occur in relation to the Taxable Supply), an adjustment will be made. If the amount paid by the Recipient exceeds the GST on the Taxable Supply, the Supplier will refund the excess to the Recipient. If the amount paid by the Recipient is less than the GST on the Taxable Supply, the Recipient will pay the deficiency to the Supplier.
- (c) Where a party to this Agreement is entitled, under or in connection with this Agreement or in connection with any matter or thing occurring under this Agreement, to recover all or a proportion of its costs or is entitled to be compensated for all or a proportion of its costs, the amount of the recovery or compensation shall be reduced by the amount of (or the same proportion of the amount of) any Input Tax Credits available in respect of those costs.
- (d) A party will not be obliged to pay any amount in respect of GST to the other party unless and until a valid tax invoice (being an invoice that complies with the GST Legislation) has been issued in respect of that GST.

---

## 34. Relationship of the parties

No party to this Agreement is a partner, agent or trustee of the other party. No party has the power or authority directly or indirectly through its employees or agents to bind the other party to any agreement, negotiate or enter into any binding relationship for or on behalf of the other party, or pledge the credit of the other party.

## Schedule

### Item 1 Date of Agreement

The date the Minister signs the Agreement

### Item 2 Facility - Clause 1.1

- (a) The Global Connector Building, as shown on Plan 2, comprising:
- (i) the library/resource area including gallery area and public amenities shown outlined in yellow;
  - (ii) meeting rooms 1 to 5 and associated male and female amenities shown outlined in purple;
  - (iii) ITC, lecture and seminar area shown outlined in orange;
  - (iv) activity areas 1 and 2, toy and library store and outdoor play area shown outlined in green;
  - (v) School Area (comprising staff room, offices, male and female amenities, sickbay, uniform room, school reception, burser's office, principal's office, TAFE room, school meeting room, secure store, holding room and student reception) shown outlined in pink;
  - (vi) Library Admin Area (comprising library work room, audio visual room, library office, library kitchen, archive store room and delivery area) shown outlined in blue; and
  - (vii) Hub/technical area shown coloured in brown.
- (b) Car Parks being the two car parking areas as shown on Plan 3.
- (c) Surrounding Area being the areas within the red outlined area on Plan 3 not including the Global Connector Building and the Car Parks.

### Item 3 Permitted Purposes - Clause 1.1

- (a) In respect of the Library/Resource Area and the Library Admin Area, the provision of community, library, educational and incidental services for adults and children that would normally be provided in Victoria at a facility similar to the Library/Resource Area and the Library Admin Area and which by law are capable of being provided at the Library/Resource Area and the Library Admin Area.
- (b) In respect of the Meeting Room Area, the ITC, Lecture and Seminar Room Area, the Shire Council Area and the School Area, the provision of community, educational, recreational and incidental services that would normally be provided in Victoria at a facility similar to the Facility and which by law are capable of being provided at the Facility.
- (c) In respect of the Hub/Technical Area, the storage of computer equipment or as otherwise agreed between the parties in writing.

(d) In respect of the Car Parks, the provision of car parking facilities for the Facility.

**Item 4 College - Clause 1.1**

Colac Secondary College

**Item 5 School Hours - Clause 1.1**

8.00 am to 5.00 pm each School Day

**Item 6 Construction Contributions Clause 4.1(b)**

- (a) Minister: \$2,973,000 [Includes \$33,000 from Post Compulsory Education Provider]
- (b) College Council: \$ Nil
- (c) Shire Council: \$2,921,000 [comprising:
- (i) State Government grants of \$1,500,000 (Living Libraries \$500,000 and CSF \$1,000,000)
  - (ii) Federal Government grant of \$272,000
  - (iii) Shire Council's own funds of \$1,149,000]

**Item 7 Construction Costs - Clause 1.1**

\$5,894,000 (includes consultants' fees)

**Item 8 Construction Insurances - Clause 5.2**

- (a) Public liability insurance covering the Shire Council, the College Council and the State of Victoria, and their respective employees, including any person who is a volunteer school worker within the meaning of Section 5.6.1 of the Act, while acting in the course of their employment, against any liability in respect of death or personal injury or the destruction of or damage to property occurring in or on the Facility or arising out of or in connection with the construction or in relation to the use of the Facility.

The public liability insurance must be in the joint names of the Shire Council, the College Council and the State of Victoria and must, with the exception of the limit of the cover provided, cover each of those parties and their respective employees in the same manner as if that party was the only party insured.

The limit of the cover provided by the public liability insurance must not be less than \$10,000,000 per insured event.

- (b) Insurance in the joint names of the Shire Council, the College Council and the State of Victoria which provides those parties with replacement value cover in respect of the loss or destruction of or damage to the Facility and any buildings or structures erected in or on the Facility and any apparatus or equipment belonging to or used by the State of Victoria, the College Council or the Shire Council which is housed, stored, kept or used in or on the Facility.

**Item 9 Licence Fee - Clause 10.2**

\$1.00 on demand

**Item 10 Initial Term - Clause 10.3**

30 years

**Item 11 Further Term - Clause 10.4**

20 years

**Item 12 Hours of Use of the Facility - Clause 1.1**

7.00 am to 10.30 pm Monday to Friday

7.00 am to 10.00 pm Saturday and Sunday

or otherwise as authorized by the Planning Scheme or Planning Permit

**Item 13 Insurances - Clause 13.6(a) and clause 14.3**

**Shire Council's Insurance**

The Shire Council will procure and maintain the following policies of insurance:

- (a) Public liability insurance which provides the Shire Council including its employees (while acting in the course of their employment) with at least \$10,000,000 cover per event against any liability resulting from death or personal injury or the destruction of or damage to property occurring in or on the Facility or arising out of or in relation to the use of the Facility;
- (b) Industrial special risks insurance (or equivalent insurance) which provides the State of Victoria, the College Council and the Shire Council with insurance cover for the reinstatement or replacement value of the Facility against the destruction of or damage to the Facility;
- (c) Industrial special risks insurance (or equivalent insurance) which provides the Shire Council with insurance cover for the reinstatement or replacement value of any apparatus or equipment belonging to the Shire Council which is housed, stored, kept or used in or on the Facility;
- (d) Industrial special risks insurance (or equivalent insurance) which provides the Shire Council with insurance cover for the reinstatement or replacement value of any apparatus or equipment belonging jointly to the Shire Council and the College Council which is housed, stored, kept or used in or on the Facility;
- (e) Insurance in accordance with the requirements of the *Accident Compensation Act* 1985 (Vic) and the *Accident Compensation (Work Cover Insurance) Act* 1993 (Vic) which provides the servants, agents and employees of the Shire Council with cover against personal injury or sickness arising from provided goods or services or working in or on the Facility; and
- (f) If applicable, insurance which provides the Shire Council's volunteer workers, working in or on the Facility or providing goods or services to the Facility, with cover equivalent to that required by the *Accident Compensation (Work Cover*

*Insurance) Act 1993 (Vic) in respect of an employer's employees, and which is commonly known as accident and sickness insurance.*

#### **College Council's Insurance**

- (g) Industrial Special Risks Insurance (or equivalent insurance) which provides the College Council with insurance cover for the reinstatement or replacement value of any apparatus or equipment belonging to or used by the State of Victoria or the College Council which is housed, stored, kept or used in or on the Facility.

#### **Item 14 Addresses - Clause 21.2**

- (a) The Minister:

General Manager  
Infrastructure Division  
Department of Education and Early Childhood Development

2 Treasury Place  
East Melbourne Vic 3002

Postal Address:  
GPO Box 4367  
Melbourne Vic 3001

Fax: 9637 3060

- (b) The College Council:

The Secretary  
Council of Colac Secondary College  
Corner of Hearn and Queen Streets  
Colac Vic 3250

Postal address:  
PO Box 42  
Colac Vic 3250

Fax: 5231 1232

- (c) The Shire Council:

Chief Executive Officer  
Colac Otway Shire Council  
2 - 6 Rae Street  
Colac Vic 3250

Postal address:  
PO Box 283  
Colac Vic 3250

Fax: 5232 1046

**Executed** as an Agreement.

**Signed** by **Bronwyn Pike, MP**

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
in her capacity as **Minister for Education** in the  
presence of:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Witness in full

**The Common Seal of the Council of Colac  
Secondary College** was affixed by order of the  
Council and in the presence of the President of the  
College Council and its Authorised Appointee:

\_\_\_\_\_  
Signature of President of College Council

\_\_\_\_\_  
Signature of Authorised Appointee

\_\_\_\_\_  
Name of President of College Council in full

\_\_\_\_\_  
Name of Authorised Appointee in full

**The Common Seal of Colac Otway Shire  
Council** was affixed in the presence of:

\_\_\_\_\_  
Signature of Chief Executive Officer

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Chief Executive Officer

\_\_\_\_\_  
Name of Witness in full

## **Annexure A**

Plan 1 - Plan of the Department Land and the Shire Council Land

FINAL  
DRAFT



**Beechy Precinct**



MAP SCALE = 1 : 3001

**LEGEND**

- PROPERTY**
- Parcel
  - Assessment/Property
  - Proposed Parcels
  - Road Polygons
  - Crown Land
  - Road
- Road Infrastructure**
- level crossing
  - gate
  - ford
  - bridge



**Colac Otway**  
SHIRE  
*'Naturally Progressive'*

Cadastral Information from Land Vx 1.0m,  
Department of Sustainability & Environment.

**Disclaimer Note**

Colac Otway Shire Council (the Council) does not warrant or represent that the above information is free from errors or omissions. A person using the information should conduct independent enquiries to verify the accuracy of the information.

To the extent permitted by law, the Council, its employees and agents shall have no liability (including liability by reason of negligence) to any person for any loss, damage, cost or expense incurred or arising as a result of any information, whether by reason of any error, omission or misrepresentation in the information or for any action taken by any person in reliance upon the information.

Printed: 24/10/2008



## **Annexure B**

Plan 2 - Plan of the Facility

FINAL  
DRAFT



LIBRARY/RESOURCE BUILDING  
FFL 133.5

LIBRARY COLLECTION

## **Annexure C**

Plan 3 - Plan showing the location of the Facility on the Department Land

FINAL  
DRAFT

RESIDENTIAL ZONE

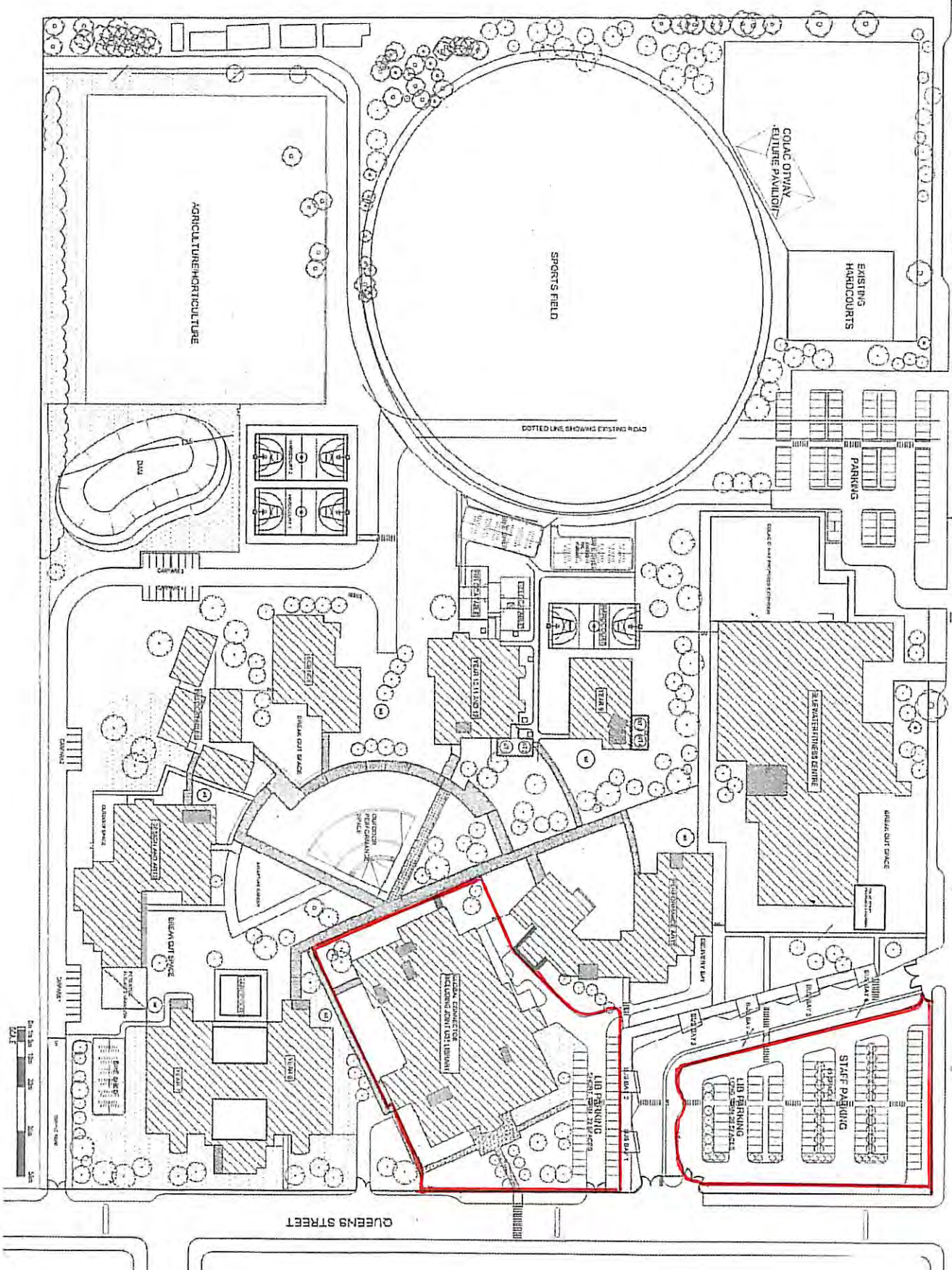
# MASTER PLAN

HEARN STREET

STEWAR

RESIDENTIAL ZONE

# PLAN 3



## **Annexure D**

Description of the role and functions of the Joint Committee

To be agreed between the parties and incorporated into this Agreement prior to the date of Practical Completion of the Facility.

FINAL  
DRAFT

**BEECHY PRECINCT  
PROJECT OVERVIEW CHRONOLOGICAL PROGRESS TO DATE  
AUGUST 2006 to September 2008**

| DATE              | PROGRESS                                                                                                                                                                                                                                                                                              |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 August 2006     | First Public Forum held with approximately 120 attendees with presentations from Regional Managers of the then Department of Education and Department of Victorian Communities. Introduction of the project concept.                                                                                  |
| 8 September 2006  | Media announcement of the school merge.                                                                                                                                                                                                                                                               |
| 24 October 2006   | Second Public Forum with approximately 90 attendees. Facilitated by the Mayor and design approach and elements presented by Leigh Dicker. Workshops held for input to concepts.                                                                                                                       |
| 22 November 2006  | Council Report tabled providing update on the Beechy Centre project                                                                                                                                                                                                                                   |
| 15 December 2006  | Third public forum facilitated by the Project Architect, Leigh Dicker. The forum was conducted as a workshop providing attendees with the opportunity to provide input to the concept designs as presented by Leigh Dicker.<br>Approximately 80 attendees, with a good cross community representation |
| 14 February 2007  | Fourth Public Forum facilitated by the Mayor and Leigh Dicker encouraging the 80 attendees to participate in workgroups of particular interest; Global Connector, Performing Arts, Sports Facilities etc. Good community and school representation                                                    |
| 28 February 2007  | Colac Structure Plan endorsed. The Colac Structure Plan formally identifies the Colac Education, Recreation Community Precinct.                                                                                                                                                                       |
| 8 March 2007      | Project introduction presentation to Department Secretaries Peter Dawkins and Yehudi Blacher by Colac Otway Shire CEO and Mayor                                                                                                                                                                       |
| 23 May 2007       | Council Report tabled providing an update of the Beechy Centre Project                                                                                                                                                                                                                                |
| 24 May 2007       | Beechy Centre Project Management Group commences fortnightly meetings with commencement of governance structure.                                                                                                                                                                                      |
| 4 June 2007       | Approximately 27 school, Council, DEECD representatives and the project architect visited three library facilities in Melbourne (Altona Meadows, Hume Global Learning Village, Thomastown and Caroline Springs)                                                                                       |
| 4 July 2007       | Project presentation to Stewart McArthur                                                                                                                                                                                                                                                              |
| 6 July 2007       | Application formally submitted to DVC (now Department of Community Planning and Development) for the planning, design and construction of all community elements of the project.                                                                                                                      |
| 27 August 2007    | Fifth Public Forum<br>Targeted forum specifically for the development of the sub committee structures. Key stakeholders invited seeking expressions of interest to the participate in the sub committees                                                                                              |
| September 2007    | First Global Connector Newsletter released                                                                                                                                                                                                                                                            |
| 18 September 2007 | Memo and concept plans provided to interested library users.                                                                                                                                                                                                                                          |
| 26 September 2007 | Office Accommodation Review Council Report tabled                                                                                                                                                                                                                                                     |

|                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| September 2007   | Commencement of the project sub committees, specifically; <ul style="list-style-type: none"> <li>- Global Connector</li> <li>- Colac Youth and Recreation Centre</li> <li>- Bluewater Fitness Centre Stadium</li> <li>- Central Reserve</li> </ul>                                                                                                                                                                                                                                      |
| 1 October 2007   | Global Connector Public Forum with guest Dr. Alan Bundy. Approximately 40 general public attendees with the majority having an interest in the current library. School and community organisation representatives also.                                                                                                                                                                                                                                                                 |
| 9 October 2007   | Second Global Connector Newsletter released including copy of Dr Alan Bundy's preliminary report.                                                                                                                                                                                                                                                                                                                                                                                       |
| 9 October 2007   | Traffic Management Plan Working Group first meeting; <ul style="list-style-type: none"> <li>- Agreed to project lead agency (Dept. Education and Early Childhood Development)</li> <li>- Agreed to financial contributions to the project (DEECD \$10,000, DOI \$5,000, VicRoads \$5,000 and COS \$5,000)</li> <li>- Project brief to be finalised and endorsed for commencement.</li> <li>- Formal engagement of Fenner Consulting to undertake the Traffic Management Plan</li> </ul> |
| 17 October 2007  | Formal election commitment pledge from Federal Government of \$635,000 further to the DOTARS application.                                                                                                                                                                                                                                                                                                                                                                               |
| November 2007    | Stratcorp engaged to undertake Bluewater Fitness Centre Feasibility Study.                                                                                                                                                                                                                                                                                                                                                                                                              |
| 12 November 2007 | Public Forum providing opportunity for input to preliminary plans.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 20 November 2007 | Bluewater Fitness Centre Stadium Committee representatives visit Camperdown Stadium (Joint Use Stadium between Camperdown P-12 College and the Corangamite Shire).                                                                                                                                                                                                                                                                                                                      |
| 23 November 2007 | First edition of the Education, Recreation & Community Precinct (Beechy Centre) Community Update released in the Colac Herald.                                                                                                                                                                                                                                                                                                                                                          |
| 27 November 2007 | 1. GenR8 conducted workshop session with project partners to assist with the development of the draft Communication Strategic Plan.<br>2. Youth Forum held to discuss Beechy Precinct youth input and communications.                                                                                                                                                                                                                                                                   |
| 3 December 2007  | Disability Services Network Forum – project discussions and opportunity for input.                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4 December 2007  | Colac Access Recreation Group (CARG) Forum – project discussions and opportunity for input.                                                                                                                                                                                                                                                                                                                                                                                             |
| 10 December 2007 | Second edition of the Education, Recreation & Community Precinct (Beechy Centre) Community Update released in the Colac Herald.                                                                                                                                                                                                                                                                                                                                                         |
| 17 December 2007 | Public Forum with the formal release of the Preliminary Global Connector Plans and commencement of the 8 week community consultation and review period.<br>Information packs including feedback forms released.                                                                                                                                                                                                                                                                         |
| 23 December 2007 | Education, Recreation & Community Precinct (Beechy Centre) – Community Update Number 3 released in the Colac Herald.                                                                                                                                                                                                                                                                                                                                                                    |
| 21 January 2008  | Education, Recreation & Community Precinct (Beechy Centre)- Community Update Number 4 released in the Colac Herald.                                                                                                                                                                                                                                                                                                                                                                     |
| 8 February 2008  | Submissions closed to Council.<br>From this consultation process a total of 364 submissions were received                                                                                                                                                                                                                                                                                                                                                                               |

|                   |                                                                                                                                                                                                                                                        |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | <p>in the following format;</p> <ul style="list-style-type: none"> <li>• 223 completed feedback forms</li> <li>• 40 written submissions (with 5 hearings)</li> <li>• 95 individual postcards</li> <li>• 6 Petitions (with 3,516 signatures)</li> </ul> |
| 18 February 2008  | Formal commencement of Major Projects Financing Strategy for Council consideration in March 2008.                                                                                                                                                      |
| February 2008     | Updated submission lodged to Department of Planning and Community Development based on Global Connector and Bluewater Fitness Centre Stadium QS figures and seeking Project Manager funding contributions.                                             |
| March 2008        | Council formally considers and endorses recommendation to financially commit to the project on the basis of agreement specifications.                                                                                                                  |
| April 2008        | Formally engaged Minter Ellison as legal expertise for the development of Precinct agreements.                                                                                                                                                         |
| 23 May 2008       | Colac Otway Shire CEO and Officers met with DEECD Melbourne Facilities Unit representatives to discuss facility and operational agreements.                                                                                                            |
| 19 June 2008      | Colac Otway Shire CEO and Officers met with DEECD Melbourne Facilities Unit representatives to discuss facility and operational agreements.                                                                                                            |
| 2 July 2008       | Minister Bachelor announces funding from Living Libraries and Community Support Fund.                                                                                                                                                                  |
| 9 July 2008       | Minister Merlino announces funding for the Central Reserve Multi-Purpose Sports Legacy Project.                                                                                                                                                        |
| 26 August 2008    | Council endorses the signing of the Memorandum of Understanding                                                                                                                                                                                        |
| 17 September 2008 | Memorandum of Understanding endorsed by DEECD and Colac Otway Shire CEO                                                                                                                                                                                |



## ATTACHMENT - 3

### MEDIA RELEASES

Since July 2006 a number of media releases have provided information on the Precinct project and other aspects.

|                   |                                                                             |
|-------------------|-----------------------------------------------------------------------------|
| July 21 2006      | Community Forum will Discuss Education Options                              |
| August 3 2006     | Education Forum Success                                                     |
| September 8 2006  | Precinct sets new Standard for Education                                    |
| September 28 2006 | Shire Releases Concept Plan for Education Recreation and Community Precinct |
| October 26 2006   | Forum held for Education, Recreation and Community Precinct                 |
| December 22 2006  | Education Recreation and Community Precinct                                 |
| February 6 2007   | Community Forum for Education, Recreation and Community Precinct            |
| February 15 2007  | Community forum held for Education, Recreation and Community Precinct       |
| September 18 2007 | New School from Start of New Year                                           |
| September 19 2007 | Council Encourages Input into Library Concept                               |
| September 24 2007 | New Community Library will be a Model for Other Municipalities              |
| September 25 2007 | Forum for Community Library                                                 |
| September 26 2007 | Council Reviews Staff Accommodation                                         |
| October 2 2007    | Forum Hears from Expert                                                     |
| October 12 2007   | Shared Community Library Petition                                           |
| October 16 2007   | Funding for Stadium Redevelopment Investigation                             |
| November 16 2007  | Library Sub-Committee Meets to Consider Initial Plans                       |
| December 6 2007   | Beechy Centre Draft Plans on Display                                        |
| December 13 2007  | Preliminary Designs Released for the Joint Use Library                      |
| December 18 2007  | Community forum held for Preliminary Plans                                  |
| January 17 2008   | Sub-committees to meet with Project Architect                               |
| February 14 2008  | Submissions on Beechy Centre                                                |
| February 18 2008  | Beechy Centre – Joint Use Library                                           |
| February 27 2008  | New areas of Study on Horizon for Colac                                     |
| February 27 2008  | New Library for a Developing Community                                      |
| March 26 2008     | New Library Facilities to go ahead at Beechy Centre                         |
| March 26 2008     | Library Goes Ahead                                                          |
| March 26 2008     | Library Facility Funding                                                    |
| May 15 2008       | Beechy Centre Final Design discussed with key Stakeholders                  |
| May 16 2008       | Beechy Centre Precinct Furthering Education Options in Colac Otway          |
| May 27 2008       | Council endorses Final Designs for Global Connector                         |
| July 3 2008       | Community & Government work together to deliver Beechy Precinct             |

Information has also been included in Mayoral Columns, advertisements, newsletters and Council reports.

## ATTACHMENT - 4

### COUNCIL REPORTS

The following provides details of Council reports concerning the Community Precinct/Beechy Centre, the Joint Use Library and associated themes.

|                   |                                                                                                                             |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 22 November 2006  | Colac Education Recreation Community Precinct                                                                               |
| 28 February 2007  | Colac Structure Plan                                                                                                        |
| 23 May 2007       | Colac Recreation Education and Community Project                                                                            |
| 26 September 2007 | Office Accommodation Review – Progress Update                                                                               |
| 24 October 2007   | Beechy Centre<br>Notice of Motion<br>Petition – Colac Branch Corangamite Regional Library Corp.                             |
| 21 November 2007  | Joint Use Library                                                                                                           |
| 12 December 2007  | Beechy Centre Consultation Plan<br>Joint Use Library Precinct<br>Petition - Colac Branch Corangamite Regional Library Corp. |
| 25 March 2008     | Beechy Precinct Project – Global Connector including Joint Use Library                                                      |
| 27 May 2008       | Global Connector including the Joint Use Library                                                                            |
| 22 July 2008      | Branch Library Design Principles                                                                                            |
| 26 August 2008    | Beechy Precinct Project Global Connector including Joint Use Library                                                        |
| 23 September 2008 | Beechy Precinct Agreements                                                                                                  |

Regular updates have also been included in the Chief Executive Officer's reports to Council.

**FINANCIAL INFORMATION**Funding Options

Council has available to it, possible funding options:

- (a) Borrowings
- (b) Rating
- (c) Sale of Property
- (d) Reserves

**(a) Borrowing**

Council's borrowing strategy aims to provide a framework for Council to work within when sourcing funds for various projects by borrowings. Part of Council's medium to long term financial strategy is to provide adequate and appropriate levels of service to the community, whilst maintaining a prudent financial position. In the light of this requirement, it can be seen that the borrowing strategy is an integral part of Council's long term financial plan.

Borrowings are identified as an important funding source for capital works programs. In the past, Council has previously borrowed strongly to finance large infrastructure projects, including those not on Council land such as the Bluewater Fitness Centre.

The following table provides a history of Council borrowings for the last six years and the prudential ratios applicable.

The latest 2007/08 figures indicate a further improvement in the various indicators.

Borrowing Position 2002/03 to 2007/08

| Year    | Total Borrowings<br>30-Jun<br>'000 | Working Capital<br>Ratio<br>% | Debt Mgt<br>Loan<br>Debt / Rates<br>% | Debt Mgt<br>Debt Serv Cost<br>/ Revenue<br>% |
|---------|------------------------------------|-------------------------------|---------------------------------------|----------------------------------------------|
| 2002/03 | \$4,591                            | 155%                          | 42.15%                                | 1.30%                                        |
| 2003/04 | \$4,865                            | 201%                          | 41.72%                                | 1.30%                                        |
| 2004/05 | \$4,333                            | 173%                          | 35.14%                                | 1.12%                                        |
| 2005/06 | \$3,923                            | 243%                          | 29.72%                                | 0.87%                                        |
| 2006/07 | \$3,466                            | 267%                          | 23.49%                                | 0.80%                                        |
| 2007/08 | \$2,980                            | 226%                          | 18.19%                                | 0.67%                                        |

The SRP indicates when Council should consider borrowing. The SRP indicates that the Shire will have the capacity to borrow up to \$6m by 2010/11. A smaller level of borrowings can occur earlier. The following factors should be taken into account when considering borrowing:

- *Prudential guidelines and level of the rating base*
- *Ability to raise revenue to fund the project in addition to rates*
- *Achieving the right mix of capital works and debt commitments*
- *Community needs and demographics*
- *Major infrastructure assets that will serve the community for a long period of time*

The funding of the Joint Use Library will result in an increase over and above allowed for in the current SRP.

The Colac Otway Shire has been in a debt reduction phase for a number of years as indicated by the figures above.

Council is responsible and accountable for indebtedness and the cost of debt servicing needs to be controlled to manageable levels.

By comparing the level of debt and a number of different debt ratios within the large Shire council grouping it starts to provide a picture of what level of debt may be appropriate for Colac Otway. The Large Shire Grouping includes 15 Councils of varying sizes.

As at 30 June 2007 the range of debt for the large Shire Grouping was \$1.1 million to \$13.4 million and the Debt Commitment ratios ranged from 4.2% to 9.2%. The average debt for the 15 Councils as at 30 June 2007 was \$6.36m (Colac Otway - \$3.47) while the average Debt Commitment ratio was 6.9% (Colac Otway – 5.0%).

These figures indicate that Colac Otway's debt level is well below the average for this group of Councils. The level of debt is approximately 55% of the average while Council's Debt Commitment ratio is approximately 72% of the average.

Council should also assess its capacity to borrow against the Victorian State Government's prudential guidelines.

All borrowings by individual councils are assessed under a borrowings assessment policy adopted by the Local Government Division.

The policy identifies four key areas of financial management with certain thresholds that are required to be met.

| Area                   | Financial Indicator                           | Threshold | Position 2005/06 | Position 2006/07 | Position 2007/08 |
|------------------------|-----------------------------------------------|-----------|------------------|------------------|------------------|
| <b>Liquidity</b>       | Current Assets to Current Liabilities         | 110%      | 243.20%          | 266.60%          | 226.00%          |
| <b>Debt Exposure</b>   | Total indebtedness to Total Realisable Assets | 50%       | 13.90%           | 12.10%           | 11.20%           |
| <b>Debt Management</b> | Total Debt as a % of Rate Revenue             | 80%       | 30.24%           | 23.49%           | 18.19%           |
| <b>Debt Management</b> | Debt Servicing Costs as a % of Total Revenue  | 5%        | 0.90%            | 0.80%            | 0.67%            |

Colac Otway Shire is well within the State Government prudential guidelines as at 30 June 2008 and is forecast to improve all thresholds except the liquidity ratio.

As can be seen Colac Otway is under the prudential guidelines set by the State Government and compares favourably with the Large Shire Grouping.

Borrowings are a critical component of the funding mix to deliver the infrastructure to the community.

The use of loan funds to fund capital expenditure is an effective mechanism of linking the payment of the asset (via debt redemption payments) to the successive Council populations who receive benefits over the life of that asset. This is known as intergenerational equity.

This theory is based on the premise that successive generations and new residents should contribute to infrastructure or facilities that they will enjoy and benefit from.

By borrowing, Council will ensure today's ratepayers are not fully funding these facilities.

There are limits though on what Council should borrow due to the cost of interest payments. If Council borrowed too heavily it would result in an inability to invest in capital works due to funds being consumed in debt repayment.

It is important that Council remains well within the prudential guidelines and other relevant indicators.

The Council report to the March 2008 meeting indicated that Council could borrow to a maximum of \$4 million over a 3-4 year period 2008/09 to 2012/2013.

For example if Council borrowed an amount of \$1.3m for the Joint Use Library over a 15 year period it would equate to annual repayments of \$151,000 based on monthly repayments at an interest rate of 8.2%.

This would equate to an approx 0.9% increase in rates. This is a guide only as interest rates vary. The term of the loan could also be extended to 30 years based on the initial term of the agreement. This would reduce the annual repayments to \$117,000 based on monthly repayments at an interest rate of 8.2%.

#### **(b) Rates**

The budget for 2008/09 increased general rates and charges by an average of 5.8% per assessment.

Based on data from the MAV, Colac Otway Shire' rates per assessment is the average and on a per population basis is above the average for the large Shire grouping.

Rates and Charges are an important part as they are an important source of revenue.

Higher percentage of rates and charges as a proportion of total revenue represents greater financial independence and financial sustainability.

Over the last five years the percentage has increased:

|           |         |
|-----------|---------|
| - 2003/04 | - 40.9% |
| - 2004/05 | - 39.4% |
| - 2005/06 | - 44.0% |
| - 2006/07 | - 46.4% |
| - 2007/08 | - 49.7% |

Rates revenue will continue to be the major funding source for council operations in the foreseeable future. This is because government grants in most cases are pegged to around CPI levels, while costs to council keep increasing in excess of CPI. Council has limited capacity to raise revenue through other means.

It is also necessary to balance the importance of rate revenue as a funding source with community sensitivity to increases.

#### **(c) Sale of Property**

Council has many properties as part of its Asset Register.

Further work is being undertaken to establish an accurate listing of Council's Land & Buildings.

A detailed analysis will then need to be undertaken to establish whether there may be properties that are surplus to Council's needs.

#### **(d) Reserves**

Council currently maintains a number of financial reserves. These reserves have been established to clearly identify funds which have been allocated for specific projects or areas of Council operation.

As at 30 June 2008, Council had \$2.75 million in reserves made up as follows:

|                           |                    |
|---------------------------|--------------------|
| Landfill Rehabilitation   | 300,000            |
| Plant Replacement         | 504,000            |
| Share of CRLC Plant Repl. | 8,000              |
| Marengo Transfer Station  | 225,000            |
| Saleyards Reserve         | 86,000             |
| Waste Management Reserve  | 170,000            |
| Car Parking               | 246,000            |
| Recreational Lands        | 358,000            |
| Lakeside Estate           | <u>855,000</u>     |
| <b>TOTAL RESERVES</b>     | <b>\$2,752,000</b> |

Council's financial reserves fall into two categories:

- 1 - Statutory Reserves – Car Parking and Recreational Lands.
- 2 – Discretionary Reserves – all others.

Discretionary Reserves have been established for specific purposes but without any statutory obligation to do so. Funds are directed to these reserves by Council resolution or through the budgetary process.

#### **Financial Indicators**

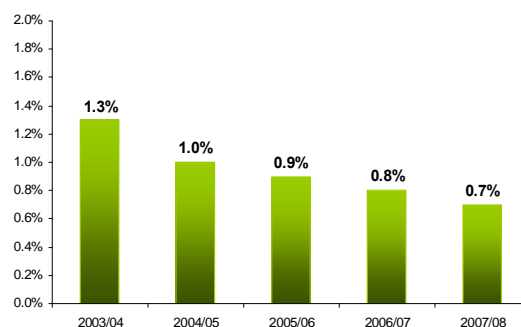
All of the following indicators show an improved financial position over the last five year period. The details are included in the 2007-08 Annual Report.

The indicators include ones that are required to be included as part of the Accounting Regulations plus indicators that are used by the Victorian Auditor General in assessing Financial Sustainability.

#### **Debt Servicing Ratio**

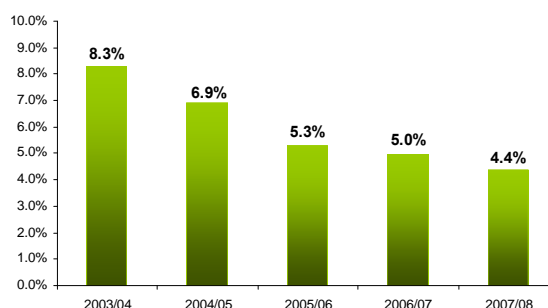
The Debt Servicing Ratio essentially shows how much Council spends on maintaining our outstanding debts compared with how much revenue Council earns. The lower the ratio, the better off Council is. These debt servicing costs refer to the payment of interest on loan borrowings, finance lease interest and bank overdraft. The ratio expresses the amount of interest paid as a percentage of Council's total revenue.

The ratio has reduced significantly over the five year period, with Council's ratio of 4.4% being well under the prudential limit of 5% set by the Victorian State Government.



#### **Debt Commitment Ratio**

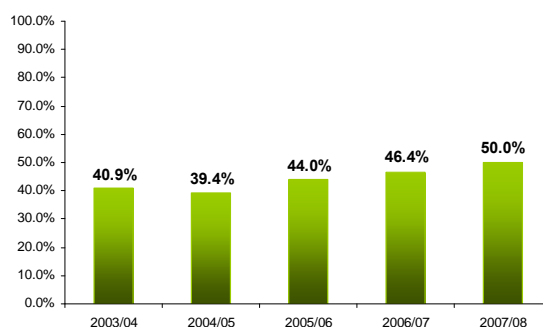
The Debt Commitment Ratio is used to illustrate how much of Council's revenue is used to fund Council's existing debt for the year. This includes the payment of loan principal and interest, finance lease principal and interest. The rate at which the ratio either increases or



decreases is a reflection of Council's debt redemption strategy. The debt commitment ratio expresses the percentage of rate revenue utilised to pay interest and redeem debt principal.

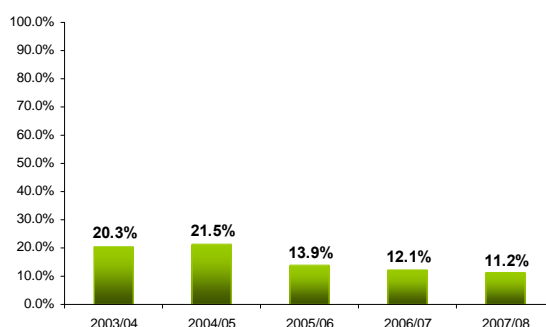
### Revenue Ratio

The Revenue Ratio shows the level of Council's reliance on rate revenue. It is an indication of how much of Council's total revenue comes from rates and charges. It is influenced by other revenue sources such as government grants, contributions, special charges, user fees and charges. Rate income is a secure and predictable source of revenue. A low ratio can warn of undue reliance on other forms of revenue, which may or may not be sustainable e.g. government grants.



### Debt Exposure Ratio

The Debt Exposure Ratio enables an assessment of Council's solvency and exposure to debt. A low ratio means that Council's realisable (or saleable) assets, such as land, buildings, plant and equipment exceed its overall liabilities. Total indebtedness refers to the total liabilities of Council compared with total realisable assets.



Overall, the ratio has reduced since 2002/03. The 2007/2008 ratio of 11.2% is well under the limit of 50% set by the Victorian State Government.

## Victorian Auditor General – Financial Sustainability Indicators

Financial sustainability is defined in a number of different ways. A generally accepted definition is whether local governments have sufficient current and prospective financial capacity (inflows) to meet their current and prospective financial requirements (outflows).

To be sustainable, local governments need to have some excess capacity at any point in time to be able to manage future financial risks and shocks without having to radically adjust their current revenue or expenditure policies.

The indicators utilised by the Victorian Auditor General to assess the financial viability of councils are:

- Operating Result – a measure of whether Council generates enough revenue from all sources to cover operating costs (including the cost of replacing assets, reflected in depreciation expense)

- Liquidity – a measure of whether Council has sufficient working capital to meet short term commitments
- Self-Financing – a measure of whether Council generates sufficient operating cash flows to invest in asset renewal and to repay any debt it may have incurred in the past
- Indebtedness – a measure of whether Council is overly reliant on debt to fund capital programmes
- Investment Gap – a measure of whether Council has been replacing assets at a rate consistent with the rate they are being consumed.

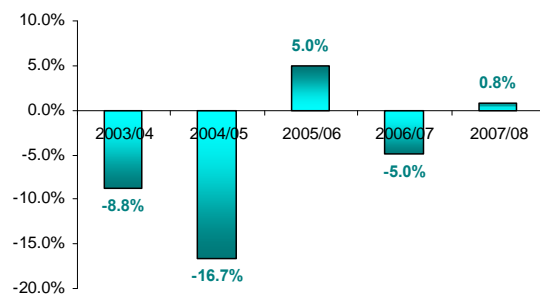
The following information indicates positive movement in each of the indicators for the 2007/08 financial year.

| Indicators              | Colac Otway Result | Risk Levels                |                               |                   |
|-------------------------|--------------------|----------------------------|-------------------------------|-------------------|
|                         |                    | High                       | Medium                        | Low               |
| Underlying Result Ratio | 0.8%               | Negative 10% or less       | Between negative 10% and zero | Greater than zero |
| Liquidity Ratio         | 226%               | Equal to or less than 100% | Between 100% and 150%         | Greater than 150% |
| Indebtedness Ratio      | 24.1%              | Greater than 60%           | Between 40% and 60%           | Less than 40%     |
| Self-Financing Ratio    | 25.8%              | Less than 10%              | Between 10% and 20%           | Greater than 20%  |
| Investment Gap Ratio    | 119%               | Equal to or less than 100% | Between 100% and 150%         | Greater than 150% |

Risk assessment is prepared in accordance with the Victorian Auditor General's financial viability guidelines

### Underlying Result Ratio

The overall trend indicates that the Shire is moving towards generating an underlying surplus which can be utilised for new assets or asset renewal. This is a positive result for Council and falls within the 'Low' risk category of the Victorian Auditor General Risk assessment for the financial sustainability of Council.

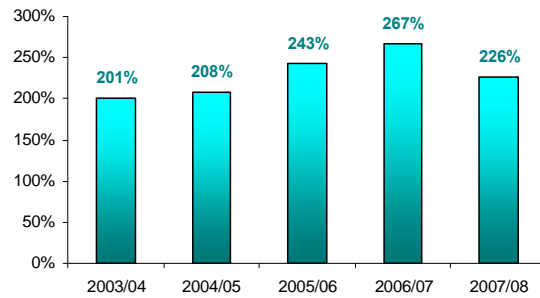




### Liquidity Ratio (or Working Capital Ratio)

The Working Capital Ratio expresses the level of current assets, such as cash and investments, that Council has available to meet its current liabilities including outstanding creditors and employee entitlements.

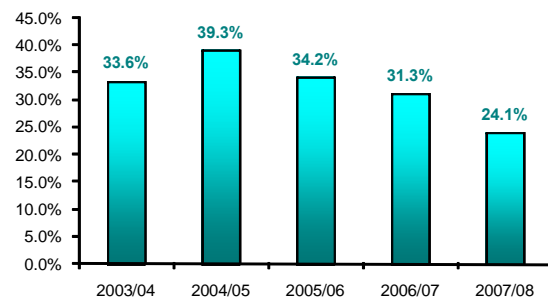
Council's Working Capital Ratio is higher than forecast due to receiving government grants for 2008/2009 in advance and the expenditure for some Capital Works being carried forward to 2008/2009.



The target in Council's Strategic Resource Plan is to maintain a ratio of at least 125%. Council's current ratio is well over the prudential limit of 110% set by the State Government of Victoria. This indicates that the Shire has no immediate issue with repaying its liabilities when they fall due. This is a positive result for Council and falls within the 'Low' risk category of the Victorian Auditor General Risk assessment for financial sustainability of Council.

### Indebtedness Ratio

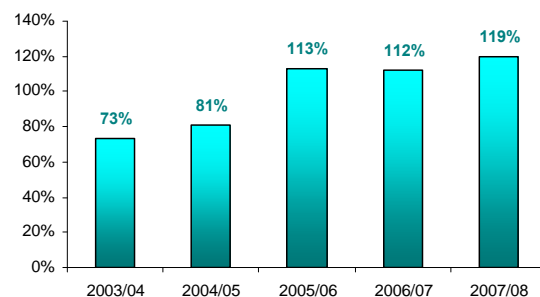
The Shire has no concern over its ability to repay debt from its own sources of revenue (such as rates and charges). This is a positive result for Council and falls within the 'Low' risk category of the Victorian Auditor General Risk assessment for financial sustainability of Council.



### Self Financing Ratio

Results indicate that the Shire is generating enough cash from operations to fund the acquisition of new assets and the renewal of existing assets. This is also a positive result for Council and falls within the 'Low' risk category of the Victorian Auditor General Risk assessment for financial sustainability of Council.

the Victorian Auditor General Risk assessment for financial sustainability of Council.



**NB:** This indicator is built around the assumption that all Councils have underfunded the renewal of assets in the past. If Councils have remedied the infrastructure renewal gap then a result between 100% and 150% would be deemed to be 'Low' risk.

### **Partnership Broker – Schools as Community Facilities**

A new position is to be advertised by the Department of Planning and Community Development (DPCD). The position will assist the various Government Departments, Colac Otway Shire and the City of Greater Geelong in the development of their projects.

#### **“POSITION ACCOUNTABILITIES**

- *Lead and contribute to the overall development and evaluation of new models for governance and business planning for the successful operations of the shared use facilities at the Beechy Precinct and Vines Road projects. It is expected that these models will be used by similar projects across the State.*
- *Broker partnerships, establish and maintain strong networks and relationships and undertake negotiation with the key stakeholders within the state government departments/agencies and across local government and with community organisations to facilitate integrated approaches to the project outcomes.*
- *Develop community engagement and communications strategies for each of the projects to;*
  - *ensure community and stakeholder awareness of and involvement in the processes to develop a user profile for each of the facilities,*
  - *develop a strong sense of involvement in the facilities through the development phase and into then into the future,*
  - *ensure the community and key organisations are fully engaged and involved in developing the outcomes,*
  - *ensure project meets agreed timelines and resources allocations.*
- *Liases between the projects main governing bodies, developers, user groups, architect and other community and reference groups.*
- *Manage the transition from the former separate operational/governance arrangements to a new integrated operational/ governance arrangements.*
- *Lead and develop the capability of the working groups and manage the working group/s activities including meetings, workshops and resources, and contribute to business planning and reporting processes of the state and local government representatives*
- *Provide local area information and written advice on overall priorities based on the local evidence and stakeholder and community consultation to the each project management arrangement.*
- *An additional responsibility of this position is to oversee the development of a governance and business planning model for the Beechy Precinct Global Connector and to coordinate any consultancy engaged to support the project outcomes.”*

**OM082810-8 FAMILY & CHILDREN'S CENTRE PROPOSAL FOR COLAC**

AUTHOR: Greg Fletcher  
DEPARTMENT: Corporate and Community Services

ENDORSED: Colin Hayman  
FILE REF: GEN0430

**Purpose**

This report is to present to Council information regarding the proposed Family & Children's Centre in Colac and the recommendation that Council approve in-principle sessional Council Maternal & Child Health Services and other activities at the Centre.

**Background*****National***

In November 2007, the Commonwealth Government announced that it would provide up to \$16.9 million to support the national rollout of the Australian Early Development Index (AEDI) in Australian primary schools, in consultation with the States and Territories and Catholic and Independent Schools and systems. An AEDI study has already taken place in Colac Otway, in 2007, with concerning results that require significant actions. The AEDI proposed by the Commonwealth Government will be utilised in a further study of Colac Otway primary schools preparatory students and future research and analysis.

In August 2008, the Commonwealth Department of Education, Employment and Workplace Relations (DEEWR) released a discussion paper called "A national quality framework for early childhood education and care"

It proposed to increase preschool hours from 10 hours per week to 15 hours per week, 40 weeks per year with Government-funded, play-based early childhood education delivered by a university-qualified early childhood teacher in public, private and community-based preschools and childcare. This will be available for all children in the year before formal schooling. COAG's target is for universal access to early learning for all four year olds by 2013. This could commence in 2009 for facilities that can provide the services. In addition, there are to be a further 260 early learning and care centres, including six specialist autism centres established around the country.

This is to be supported by improving the quality of early childhood education and care through the establishment of:

- strong National Quality Standards
- A-E quality rating system
- support for education and training of the early childhood workforce
- the development of an Early Years Learning Framework
- Child care rebates will be increased to improving the affordability of child care. Following national endorsement, the final framework is expected to be introduced from 1 July 2009.

***State***

In 2007, the funding responsibility and guidelines for Maternal & Child Health services were transferred from the Department of Human Services to the Department of Education and Early Childhood Development. This transfer has provided the opportunity to develop integrated early childhood services. A Maternal and Child Health Service Activity Framework will be rolled out over the next 12 months to support early childhood development. This will be developed in conjunction with a comprehensive Early Years Learning and Development Framework that will describe common goals for children from 0-8 years of age.

The Victorian Government has directed significant focus on early years since it released its "*Victorian plan to improve outcomes in early childhood (2007)*" to reflect locally COAG's National Reform Agenda.

In September 2008, the Department for Education and Early Childhood Development (DEECD) published the "*Blueprint for Education and Early Childhood Development – Every child, every opportunity*". This publication sets a clear direction for early year's developments. It supports the leadership role of local government in improving early childhood services by negotiating a partnership agreement with the Municipal Association of Victoria.

As part of an early year's system improvement the Blueprint highlights the need to promote co-location and integration of services in new and existing facilities where this meets local needs. State and Commonwealth Government initiatives create new opportunities to co-locate early childhood services on or near school sites. Where co-location is not feasible, collaborative partnerships between schools and other services will be a strong focus.

Family & Children's Centres will enable partnerships between relevant specialist agencies, to identify and assist families who are experiencing difficulties, such as homelessness, postnatal depression, mental health concerns, drug and alcohol problems and family violence. The Government's ChildFIRST initiative will be the foundation for working with vulnerable families.

DEECD will create a more integrated learning and development system, bringing together education and early childhood development. There will be improved transitions between early childhood services and schools.

There will be a strong focus on professional learning, on sharing best practice and, particularly in rural areas, on planning responses to skills shortages. This work will build on the directions of the Maternal and Child Health Service workforce strategy, which has already made progress in a number of these areas.

Finally, DEECD will engage parents and communities as the first and most enduring influences on children's development. This will include making available better information and support to assist children's health, learning and development. There will be support to vulnerable families to create nurturing home environments, through evidence-based home learning programs.

This will ensure that all children are able to progress in their physical, social, emotional and intellectual development, although rates and types of progress will be different for individuals. This development will be evaluated through strategies such as the AEDI.

Quality early learning experiences will be provided by a review of the Children's Services Regulations 1998. The revised regulations will apply to family day care and out of school hours care services for the first time and will link to the Commonwealth Government's quality commitment to guide service provision.

There will be an effort to improve participation in Maternal and Child Health Services, to respond to Victoria's unprecedented baby boom. This will involve additional funding for the universal Maternal and Child Health Service and for the Enhanced Maternal and Child Health Service for families who need additional support.

DEECD will support the leadership role of local government in improving early childhood services. Municipal Early Years Plans will be further developed as the local mechanism for aligning and coordinating government policy and local priorities for children aged 0–8.

Local government will have a key leadership role in responding to the expansion of early childhood services as a result of increased birth rates and Commonwealth Government commitments.

To drive continuous improvement DEECD will develop and trial new mechanisms to recognise and share standout practice by local government and early childhood services.

### ***Regional***

In September 2008, the G21 Health & Wellbeing Pillar conducted a Partnership Forum for all health and community based service providers within the G21 region. One of the key priorities identified by the forum attendees was the importance of Community Strengthening & Social Inclusion for the Early Years.

It was determined that a Regional Strategic Early Years Planning Group be established to influence and drive the following important issues:

- Families and children can access services in their local community.
- Transition processes through life stages.
- Integrated early year's services including child and family health and well-being.
- Adult services to be more child and family focussed.
- Engaging the community.

This Group could include local government, child and family services, early childhood intervention services, children's health services (community and acute), early childhood intervention services, DEECD, DHS, Catholic Education, Federal government, GP Association, parent support networks, Wathaurong, Framlingham and Diversitat.

### ***Local***

In late 2007, Council, Colac Area Health, Neighbourhood Renewal supported local primary schools to undertake the Australian Early Development Index (AEDI) survey of all preparatory students in Colac Otway to identify their level preparedness when commencing school in 2007.

The surveyed domains included:

- Physical health and wellbeing
- Social competence
- Emotional maturity
- Language and cognitive development
- Communication skills and general knowledge.

Districts identified where children are vulnerable in one or more domains were Colac 35.1%, Elliminyt/Irrewillipe 29.6% and Apollo Bay 26.9%. Future work needs to be developed to address these issues. One body of work will include Council's Municipal Early Year's Plan which is to be developed in 2008/09.

There has been an increase in net infant enrolments over the last three years. This increase, if sustained or continued, will have a compounded impact on the level of increased kindergarten hours and child care within the Shire. Table 1 shows the increase in net number of infant enrolments for the year as provided to the Department of Human Services.

**Table 1: Net Infant Enrolments in Colac Otway Shire over the last 3 years.**

| Year    | Births |
|---------|--------|
| 2007/08 | 285    |
| 2006/07 | 259    |
| 2005/06 | 248    |

There is currently a significant focus by the State and Commonwealth Governments on the need for enhancing early childhood development services. These changes need to be assessed and implemented where necessary. Council is involved in early year's services (Family Day Care and Maternal & Child Health Services), planning through the Municipal Early Year's Plan and early year's infrastructure which includes kindergartens on Council land. Council has a critical part to play in providing supportive environments, developing partnerships, providing active recreation environments, and supporting healthy choices.

As mentioned, Council is about to prepare a new Municipal Early Year's Plan which will need to consider and, where appropriate, recommend and plan for the early years in partnership with other agencies. This is a critical time to recognise these opportunities and build on the future support from State and Commonwealth initiatives.

As a side issue, Council's role in planning for early year's services has been recognised with funding from the Commonwealth Government to investigate and recommend actions to increase kindergarten participation by children at risk of or experiencing disadvantage. This project is to be completed by 30 April 2009.

In 2007/08 DEECD announced the Children's Capital Program. This program included capital grants packages to assist with building costs for Children's Centres that will combine a range of integrated services that a family may need to help raise young children.

Discussions were held with Glastonbury Child and Family Services (Glastonbury) to set a process of consultation amongst early year's service providers. This process commenced in April 2008. An Expression of Interest was lodged by Glastonbury, as the local lead agency, to DEECD in April 2008 for Children's centre funding. This did not commit Glastonbury to a particular course of action but rather provided DEECD with information to plan for the next funding rounds. Colac Otway Shire was identified by DEECD as one of twenty-five priority regional LGA's. The maximum funding for Family & Children's Centres is \$500,000. Part of this funding requires that Maternal & Childhood services are provided from the Centre. These services may be sessionally provided within the Centre.

Officers from Council have been involved in discussions with Glastonbury in the concept of a Children's Centre within Colac since April 2008.

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

The Council Plan 2005 – 2009 highlights the community priority to *“Continue to support strong integration between the Colac Otway Shire and Health Services within the Shire”, page 15.*

Council's Early Year's Plan 2005 – 2008 (pages 33 to 38 recommends a number of actions that are appropriate to the proposed Children's Centre in Colac. These include:

- Identify the need for new and alternative Children's Services, including Family Day Care, Occasional Care and Long Day Care.

- Continue to develop the Early Years network of practitioners in children's health, education and wellbeing services throughout the Shire.
- Actively involve local communities in the planning and developing of early childhood services in the Shire.
- Provide a sustainable model for the delivery of Pre-school Services.
- Increasing immunisation rates by providing accessible and opportunistic immunisation services.
- Providing support services to meet the needs of new immigrants.
- Develop innovations in family support services.
- Stimulate the physical, social, emotional and cognitive development of disadvantaged children in their early years.

### **Issues/Options**

Glastonbury has purchased the former Wesley Church site at 11-15 Skenes Street, Colac with the intention to develop the Children's Centre. This is an extraordinary commitment by Glastonbury to the Colac Otway community and continues its ongoing support since 1854 to children in the Colac region. This commitment has come at an ideal time, not only to potentially benefit from funding opportunities, but also providing the opportunity to enhance early year's development as outlined in Council Early Years Plan 2005-2008.

There are ongoing discussions around the services to be included at the Centre. An architect has been engaged by Glastonbury to develop a concept plan in consultation with potential users. A quantity surveyor has been engaged to cost the development following the concept design. In addition, Glastonbury is currently preparing a Business Case for the development of the Centre which is to be presented to their Board and used in an application for funding which needs to be submitted prior to 31 December 2008. It is important that this application is submitted to DEECD at this time to beat the 'flood of applications' expected to be lodged over the next year or so.

Glastonbury, Council and Colac Area Health are currently working with local agencies that provide early year's services and community representatives through various committees to further determine potential services, management issues, costs, contributions, community needs and perceptions.

Council services that could be provided from the Centre include:

- Maternal & Child Health
- Family Day Care
- Immunisation
- Playgroups
- First Time Mother Groups
- Fathers Groups
- Grandparents Groups
- Post Natal Depression support in partnership with Colac Area Health
- Teenage Mothers Groups
- Strategic Planning for Early Years

Other services that could be provided from the Centre could include:

- Glastonbury's administration and services including (HIPPIE, PLAY and CLICK).
- Occasional Care
- Early Year's education and development (possibly by a kindergarten).
- Training for early year's service providers.
- Support programs and education for parents.
- Specialists consulting rooms.

- A base for other family and child service agencies.
- Early years meetings, forums, workshops.
- Case management, direct referrals, and One-Stop-Shop services.
- Cluster Management for kindergartens throughout the Shire.

The planning process for this project will rely on ongoing partnerships and cooperation over a period of time to see this project reach fruition.

To develop a Family & Children's Centre in Colac requires substantial funding from various State and Commonwealth Government departments (see Financial and other Resource Implications for further details). To realise suitable funding for the project there needs to be a Maternal and Child Health Services provided within the Centre.

This Centre will be a significant step forward to achieve Council's Municipal Early Year's Plan, as well as, the State's and Commonwealth's early year's objectives. The Centre will achieve these by:

- Ensuring that Maternal & Child Health remains an important element in the future directions of DEECD and early year' development and transitional processes.
- Providing a strong focus on professional learning, on sharing best practice, and on planning responses to skills shortages.
- Providing a suite of early year's services to support and enhance the leadership role of local government in improving early childhood services.
- Allowing for a centralised approach to undertake research and set benchmarks (through strategies such as AEDI) and develop holistic approaches to improve early year's development.
- Providing a greater opportunity to assist parents in their understanding and home based practices for early childhood development
- Providing accessible and complementary services for disadvantaged and vulnerable families.
- Providing services to cope with an increase in birth rates.
- Providing childcare and possibly a kindergarten to cope with the increase in the number of hours of kindergarten and childcare to be provided.
- Assisting local government's leadership role for aligning and coordinating government policy and local priorities for children aged 0–8.

There is currently no multiservice Family & Children's Centre within Colac Otway. There are a number of similar sized rural councils within the south-west region of Victoria that have or are planning to have a Children's Centre. The existing Centres have been developed and managed with considerable funding from the respective local government authority.

There are five options that Council needs to consider for the services that could be provided from the Family & Children's Centre.

### ***Option 1 - No Support***

Council decides not be party to the proposed Family & Children's Centre and ceases any further discussions with Glastonbury and other agencies involved in the project. This option would have a major detrimental impact on the ability of obtaining successful funding, especially from the State Government, to undertake the project. This option is counter to the objectives of Council's Municipal Early Years Plan and would limit any opportunity to access funding to improve early year's services in the future. This option does not support, in fact it inhibits, Council's role as an early year's planner and a coordinator of government policy and identifying local early year's priorities.



**Option 2 - Maternal & Child Health Sessional Services**

Retain the Maternal & Child Health Centre in Queen Street as the main base and provide sessional services at the Children's Centre. The number and types of sessional services would need to be determined.

This is an operational commitment to provide a component of Maternal & Child Health services from the Centre. The extent of these services will be discussed with our Maternal & Child Health nurses. There are already examples throughout the Shire where Council's Maternal & Child Health service is provided in multipurpose facilities which are managed by other agencies. These are located in Apollo Bay, Beecac, Birregurra, Forrest and Lavers Hill. This option satisfies the funding application criteria from DEECD.

**Option 3 –Maternal & Child Health Full Services**

Maternal & Child Health services currently operating at Queen Street, Colac are relocated to the Centre. This will allow for full time contact between nurses and other early years providers.

DEECD is aligning Maternal & Child Health services to other early childhood services. To a certain extent Maternal & Child Health services will be a lynch pin to achieving government policy in early year's services.

A concern expressed by the nurses is that the current Queen Street centre has been upgraded over a period of time to provide a quality venue. Their question is "Why should we leave this centre when it now works so well"? It is imperative that any plans for Maternal & Child Health services to be incorporated in the Children's Centre should provide a comparable or better venue than what is currently being used.

There will be relocation issues such as Information Technology, Centre administration and management, contributions and rental costs that will need to be determined over the next 12 months.

The remaining issue with this option is the future for the current Queen Street site. Possibilities include reuse by other Council services, turn it into a community facility or sell the property.

**Option 4 - Maternal & Child Health Sessional Services with other Council Services**

There are specific early year's services that could be enhanced by delivery from the Family & Children's Centre. These include immunisation (currently provided at COPACC) which could be provided in a family friendly and familiar environment. Playgroups, specific groups for first time mothers, fathers, grandparents, post natal depression, and teenage mothers could all be provided from the Family & Children's Centre and where appropriate with other service providers to provide a holistic approach to information, support and education.

Issues such as room bookings, travel for staff and set-up arrangements for immunisation would need to be worked through. It is expected, with all funding received, that these services would come online at the Family & Children's Centre over a period of 2 years.

**Option 5 – All of Council's Early Years Services**

Under this option Council negotiates to transfer as many early year's services as possible to the Family & Children's Centre. These will include all of the services mentioned in Option 2 to 4 as well as, Family Day Care and other early year's initiatives.

As the Family Day Care service is currently operated from Council's Rae Street office moving to the Family & Children's Centre would free up office space for other staff.

Under this option, relocation issues would increase from those mentioned in Option 3 to include payroll and other administrative functions.

### **Proposal**

This report recognises that Council has had the opportunity to receive this report and a previous presentation from Glastonbury on the proposed Family & Children's Centre. Glastonbury is seeking in-principle support from Council for, at the very least, sessional Maternal & Child Health services and other potential activities that could be included in the Centre. This in-principle support is sought by Glastonbury before applications are lodged at the end of this year.

The recommendations in this report only look at the minimum input to secure funding. The level of commitment at this stage is operational and will require relatively small financial support from Council.

It is proposed that discussions continue with Glastonbury on what other Council services can be included in the Centre up to the level of services outlined in Option 5. This will allow time for the Glastonbury Business Case to be fully developed and discussed with Council, as well as, assessing the appropriate service mix; which other agencies will commit to the Centre; and how this will come together with clear costings and an operational methodology.

Further information and recommendations will be provided to the next Council when more details are available.

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

The Victorian Government has previously delivered more than \$23 million to help fund 55 integrated Family & Children Centres across Victoria. Of these, 37 have already been built, nine are being constructed and nine are in the planning stage. A further Children's Capital Program was launched in 2007-2008 which includes \$20 million to build at least 40 Children Centres.

In the Federal Government's 2008-09 Budget there is \$114.5 million allocated over four years to build the first 38 additional Early Learning and Care Centres, which will include six autism-specific centres. The remaining 222 Centres will be funded progressively over the next four years.

Glastonbury has purchased the Colac Wesley Church as the first stage of developing a Family & Children's Centre. This site is around 4000 square metres and allows for considerable infrastructure development and car parking subject to Planning Approval. Glastonbury has been in ongoing discussions with government funding agencies to determine appropriate sources of funding to develop the Centre.

Neighbourhood Renewal (Department of Human Services – Office of Housing) was a long-term commitment by the State Government to narrow the gap between disadvantaged communities and the rest of the State. There has been a significant Neighbourhood Renewal project operating in Colac since 2002 which will conclude in 2010/11. To assist the future early years and family needs of disadvantaged communities in the Colac district Neighbourhood Renewal has conditionally approved a grant of \$250,000 for the Centre subject to further grants being successful to undertake this project.

Further funding will be sought from DEECD, as indicated previously, for up to \$500,000, DEEWR - Office of Early Childhood Education & Child Care and the Department for Planning & Community Development (DPCD).

It is estimated that the funds required to complete the project will total \$3,500,000. This is the amount being sought by Glastonbury from the above agencies, in addition to the property purchase and other costs incurred by Glastonbury.

Users of the facility will need to pay rental charges which will be dependent upon the size of rooms required and the times of operation. Although a schedule of costs has not been determined it is suggested that Glastonbury, as a 'Not for Profit' agency, will determine rental rates that will cover the running and maintenance of the facility.

Council will need to consider what financial support they could provide to the development. If Council proposes to run sessional services by Maternal & Child Health nurses the costs will be linked to a rental arrangement for the rooms.

The options outlined in this report have varying financial implications to Council. These are considered in Table 2.

**Table 2: Financial Implications for Five Options to be Considered by Council**

| <b>Option</b> | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Option 1      | Although there is no immediate financial or resource implications to Council there will be a significant loss of potential development opportunities for early year's services.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Option 2      | Council will need to operate and maintain Queen Street Maternal & Child Health centre at the current rate, as well as, pay rent for sessional usage of the Family & Children's Centre. The rental rate will be decided over the next 12 months and will be influenced by the floor space and equipment required, time and frequency. It is believed that this rate will be set to cover running and maintenance costs of the Centre. This will be significantly cheaper than renting from a commercial, profit-making facility on the open market.                                                   |
| Option 3      | Providing a full time Maternal & Child Health service in the Family & Children's Centre will be more costly to Council than running sessional services. These rental costs could be offset by the sale of the Queen Street centre and forwarding sale proceeds to a contribution to the Children's Centre. The value of the contribution could be calculated and used to offset rent for a pre-determined number of years.<br><br>Sale of the Queen Street centre would remove the building as a Council asset and any further running and maintenance costs, thereby, providing a recurrent saving. |
| Option 4      | Consider financials for Option 2 and the costs for rental space for other services. These costs may be negotiated or shared where there are two or more service providers involved with the same services. Current immunisation sessions are being held at COPACC Meeting Room 1 & 2 twice a month, each for 2 hours. Although there is payment to COPACC for the use of these rooms it stops the opportunity for COPACC to book out either or both rooms for a full day booking, thereby, reducing community use and potential income.                                                              |
| Option 5      | With all of Council's early years services being located in the Children's Centre rental charges would be higher again. To offset some of these costs there would be increased floor space at Council's Rae Street office which would not need to be provided in future office considerations.                                                                                                                                                                                                                                                                                                       |

Whichever option Council ultimately decides to take, there is still the opportunity to provide a contribution to the Family & Children's Centre in recognition of the opportunity that it will provide to improve the early year's development of children across the Shire through government funding.

Rural councils in South West Victoria of similar size to Colac Otway are contributing significant funds of somewhere between \$500,000 and \$1,300,000 to the establishment of Family & Children's Centres. It is not expected or required in this report that Council considers a contribution to the Children's Centre at this time. This is a matter for future Council discussions.

Discussions are also being held with kindergartens on their preparedness to move to the Family & Children's Centre. If one kindergarten, located on Council land, took up this opportunity there would be the potential to sell or otherwise use the vacant kindergarten site. If sold, the proceeds could be used in part or full to support relocation of that kindergarten to the Family & Children's Centre.

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

#### ***Funding***

DEECD funding is contingent upon Maternal and Child Health Services being delivered from the proposed Children's Centre. Without this, and other avenues of funding, the project is at risk of not being developed to its full potential.

#### ***Insufficient Funding***

If this project is unable to achieve the necessary funding to build a Family & Children's Centre all parties will need to consider what opportunities can be developed with the facility as it stands and how it can be developed over a period of time.

#### ***Ongoing Financial Arrangements***

The financial risk to Council is minimal when considering other similar sized councils which have contributed significant capital expenditure and retain operator responsibilities. Council's commitment would be to a rental agreement to cover running and maintenance costs. This will undoubtedly increase over the years but will be less than if the Centre was owned by a profit making enterprise.

#### ***Sustainability***

If Glastonbury is unable to manage and maintain the Family & Children's Centre they may require additional support from service providers using the Centre. Sustainability of the Centre will be part of the Glastonbury's Business Case it is currently preparing for its Board to consider.

#### ***Growth***

If the Centre needs to expand, due to increased services, there will need to be ongoing re-assessment of key services that meet the Centre's community and government goals. These will need to be considered on a regular basis. New services, some of which may not even be in existence now, may bring with them additional funding to develop the site further.

#### ***Unsustainability***

If Glastonbury is in a position where it needs to sell the Centre, discussions will need to occur between government, Council and other agencies to determine the best outcome for the community. If all funding expectations have been realised the development would be in excess of \$4.5 million, the majority being from government funds. This is a significant development in Colac and would be detrimental to all early year's services if it was to cease.

### **Environmental and Climate Change Considerations**

The location of the Family & Children's Centre is in close proximity to the retail district, primary schools and Neighbourhood Renewal areas, thereby, providing ease of access by walking or short drives.

The Colac bus run does not currently drive past the proposed Centre. This will be discussed in further reviews of the bus routes.

Consideration of climate change and the provision of outside shelter, Sunsmart policies, inside climate control, heatwave policies and building energy ratings will need to be developed over the next 2 years.

### **Communication Strategy/Consultation**

A number of group meetings have been held with local and regional early year's services over the past 6 months. These will continue to be held for the remainder of the project. Both State and Commonwealth Governments are aware of this project and the importance to Colac Otway. A Community Group has been formed to discuss community needs and expectations.

If Council chooses to be in the partnership for this Centre then ongoing communication, with Glastonbury and other agencies, and promotion of the Centre will be required.

### **Implementation**

At this stage, Council only needs to make a decision on the recommendations in this report. Once this has occurred, Glastonbury will finalise its Business Case for their Board to consider. If approved, applications will be forwarded to all funding bodies by Glastonbury. Once funding decisions have been made the Centre will progress to the funded stage.

Council will need to be involved and briefed on all of these stages.

### **Conclusion**

Positive early year's development provides infants and young children with the best opportunity to reach their potential physical, social and emotional capacity.

This report has been presented to Council at this time to provide Glastonbury with some certainty to continue the application preparation and submission process before the end of the year.

A Family & Children's Centre in Colac will provide a unique opportunity for families and early year's service providers within the whole Shire to benefit. This will be a long term project that will take at least 2 years to fully develop. State and Commonwealth funding is critical for its success.

Estimates for this project expect it to ultimately cost up to \$4.5 million. This will be a significant development within the Shire, which is predominantly funded through State and Commonwealth grants. As such, it will be a community facility requiring partnerships from and services with a number of early year's development and support agencies. The governance structure and future planning roles for the Centre would ideally be shared between Council, Glastonbury, Colac Area Health and other agencies to see it work effectively for the community. The management function of the Centre should be under one agency's responsibility. It is suggested that this be Glastonbury.

Finally, this report is to provide Council with information required to make a decision on whether or not it is prepared to agree in-principle to run sessional Maternal & Child Health services and other activities within the Centre. If Council chooses this option the minimal application requirements for funding from the State Government will be met. All options, supporting the Centre, mentioned in this report should be further considered during the planning phase of this project to determine the best and most appropriate service to the community.

**Attachments**

Nil

**Recommendation(s)**

***That Council –***

- 1. Approves in-principle, that as a minimum, sessional Maternal & Child Health services, immunisation and some other group activities are to be held at the proposed Family & Children’s Centre in Colac;***
- 2. Has ongoing discussions with Glastonbury and other agencies involved with the proposed Centre to investigate all of Council’s options; and***
- 3. Is kept briefed on the ongoing discussions, proposed directions and funding outcomes.***

~~~~~\ ~~~~~

OM082810-9 2007/2008 ANNUAL REPORT

| | | | |
|-------------|----------------------------------|-----------|-----------------|
| AUTHOR: | Margaret Giudice | ENDORSED: | Anne-Maree Neal |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | GEN01688 |

Purpose

The 2007/2008 Annual Report provides Council with the opportunity to consider, celebrate, and report to the community the achievements of the organisation over the past 12 months.

Background

The Local Government Act 1989 Part 6 Planning and Accountability S. 131 Annual Report requires:

'A Council must in respect of each financial year prepare an annual report containing –

- (a) a report of its operations during the financial year;*
- (b) audited standard statements for the financial year;*
- (c) audited financial statements for the financial year;*
- (d) a copy of the performance statement prepared under section 132; and*
- (e) a copy of the report on the performance statement prepared under section 133;*
- (f) any other matters required by the regulations'*

In addition S.134 requires Council to hold a 'Meeting to consider the annual report'.

A meeting must be held as soon as practicable but within the time required by the regulations, after the Council has sent the annual report to the Minister.

The Annual Report was sent to the Minister by 30 September 2008.

Corporate Plan/Other Strategies/Policy

The attached Annual Report and Council's consideration of the document meets Council's Legislative compliance requirements.

Issues/Options

The 2007/2008 Annual Report documents many of Council's achievements and challenges for the last financial year. Following is a representative number of the key achievements listed under the seven priority areas of the Council Plan:

Strong Leadership

- Improved financial position
- Representation on the new Drug and Alcohol Prevention Council
- New Guidelines for an environmentally friendly fleet
- Funds committed for duplication of Princes Highway West

Roads and Infrastructure

- Delivery of more than \$1 million of road rehabilitation and improvement works
- Completion of the Building Renewal Program
- Apollo Bay Harbour Marina project completed

Planning and Development

- Implementation of Planning Scheme Review and Strategic Studies (Amendment C55)

- Completion of the Rural Land Strategy
- Introduction of Heritage Overlay controls (Amendment C27)

Community Services

- Secured significant funding for the Joint-Use Library
- 28 Events staged throughout the Shire
- Held Youth Expo - 'CTRL-ALT-DELETE'
- Implementation of the first 18 months of actions from the 2007-2011 Arts & Culture Strategy
- Parenting information sessions held for the Sudanese community
- Liberty Swing for users in wheelchairs installed at Botanic Gardens
- Rural Access staff and volunteers received an award for recognition of achievements

Economic Development

- 150 attended the Business Training and Development sessions
- Implemented the Colac Marketing Strategy
- Completion of the Commercial Feasibility Study

Environmental Sustainability

- Concept Design approved for sewerage in Wye River and Separation Creek
- Removal of over 100 tonnes of Carp from Lake Colac and Barongarook Creek
- Successful rehabilitation of Beeac and Cressy landfill sites
- New Fire Prevention Plan approved

Financial Sustainability

- Addressed the asset renewal gap for the year
- For the 4th consecutive year Council did not undertake any new loan borrowings. Loan liability reduced to \$2.98M in 2007/08
- 96% of Rates collected by year end

Proposal

Not applicable

Financial Implications

Not applicable

Risk Management & Compliance Issues

The Local Government Regulations require that Council must hold a meeting to consider the Annual Report within one month after providing the Annual Report to the Minister.

Environmental Considerations

Not applicable

Communication Strategy/Consultation

Copies of the Report have been available for viewing by the community and stakeholders since Monday, 6 October at Council's Customer Service centres and Libraries in Colac and Apollo Bay, and on Council's website.

Notification of how the community can access the Report and that Council will discuss the Report at the 28 October 2008 Council Meeting were placed in the Colac Herald, The Echo and the Colac Extra, with publishing dates of 6, 9 and 10 October 2008.

Implementation

The Annual Report for the past financial year has been prepared and forwarded to the Minister for Local Government in accordance with the provisions of the Local Government Act (LGA).

Public Notice of the preparation of the Annual Report has been given under the provisions of the LGA and copies made available at customer service centres and libraries at Colac and Apollo Bay. The LGA requires that Council consider the Annual Report, and it is recommended that Council formally note the preparation and submission of the Annual Report to the Minister.

Conclusion

The Annual Report is an important document for Council in that it provides the community access to information about Council's financial and operational performance. It also provides an opportunity for Council to showcase its achievements over the past 12 months.

Attachments

- 1) Copy of the 2007/2008 Annual Report

Recommendation(s)

That Council having considered the Annual Report for 2007/08, Council note its completion in accordance with statutory requirements

~~~~~\)



# Colac Otway Shire Annual Report 2007 – 2008

*Developing Our  
Future Together*



Colac Otway  
SHIRE

*Naturally Progressive*

# Contents

|                                         |            |
|-----------------------------------------|------------|
| Colac Otway Shire Profile               | 2          |
| About this Annual Report                | 3          |
| Our Vision, Mission and Values          | 3          |
| The Year in Review                      | 4          |
| Message from the Mayor                  | 6          |
| Chief Executive Officer's Report        | 8          |
| Financial Snapshot                      | 10         |
| Calendar of Events                      | 11         |
| Our Council                             | 12         |
| Our Organisation                        | 14         |
| Governance                              | 16         |
| Community Priorities                    |            |
| Strong Leadership                       | 31         |
| Roads and Infrastructure                | 42         |
| Planning and Development                | 50         |
| Health, Recreation & Community Services | 55         |
| Economic Development                    | 65         |
| Environmental Sustainability            | 69         |
| Financial Sustainability                | 76         |
| Financial Performance                   | 78         |
| Understanding the Financial Statements  | 82         |
| Financial Report                        | 86         |
| Acronyms and Definitions                | 137        |
| Contacting Council                      | Back Cover |



## Colac Otway Shire

### *Naturally Progressive*

Colac Otway Shire is situated within a two hour drive of Melbourne and is a vibrant and progressive rural, residential and resort area. Colac is thought to be named after the Coladjin Aboriginal tribe that once lived in the area and Cape Otway was named by Lieutenant Grant in 1801 after a Captain Otway.

The Shire has some of the most picturesque scenery in the State. A large proportion is State Forest and National Park, including beaches, coastline, rainforests, waterfalls, volcanic lakes and craters.

In the northern hinterland much of the rural area is used for timber and agriculture, with farming, cropping and dairying being the main agricultural activities. A drive south through Colac leads to the Otway Ranges, home to one of Australia's most significant cool climate rainforest areas. The Otways are important to the Shire and the wider region for tourism, timber and water harvesting, with tourism being especially important in the southern section along the Great Ocean Road.

The Shire has two main townships, the largest being Colac, which is the major service town where most community support and health services, retail trade and manufacturing businesses are located. The other major township is Apollo Bay, which serves as the major tourism centre. Dotted throughout the Shire are many small and historic towns with active community associations.

#### The Shire at a Glance

|                                    |        |
|------------------------------------|--------|
| <i>Population at 30 June 2006:</i> | 20,294 |
| 0 – 4 years:                       | 5.9%   |
| 5 – 17 years:                      | 18.9%  |
| 18 – 64 years:                     | 58.1%  |
| over 65 years:                     | 17.0%  |

|                                                 |       |
|-------------------------------------------------|-------|
| <i>Colac Otway residents born in Australia:</i> | 87.3% |
|-------------------------------------------------|-------|

Source: Australian Bureau of Statistics Census 2006

|                                       |                     |
|---------------------------------------|---------------------|
| <i>Area:</i>                          | 3,427 sq kilometres |
| <i>Length of Local Roads:</i>         | 1,700 kilometres    |
| <i>Number of Rateable Properties:</i> | 14,229              |

## About this Annual Report

The Council Plan 2005-2009 articulates Council's Vision, Mission, Values and key directions.

This report enables Council to document its performance during 2007/08 against the Council Plan and the 2007/08 Budget. The report highlights achievements and challenges in key operational areas, provides comprehensive corporate governance information as well as detailed audited financial statements.

Transparent reporting and accountability are core values of this Council and a rigorous assessment of Council's performance ensures these values are upheld.

### Readership

This report caters for a wide readership including the general community, ratepayers, local businesses, visitors, investors, government agencies and other interested parties. The report also provides Council staff with an overall picture of the way we have performed and how they have contributed to the community during the year.

To obtain a copy of this report, please contact Council's Customer Service Centre on (03) 5232 9400 or view a copy online at: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

### Feedback

The annual report's content is reviewed each year and is guided by local government requirements. Your feedback is invited via email: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) or by letter to:

Chief Executive Officer  
PO Box 283.  
Colac Vic 3250

## Our Vision

Colac Otway Shire is naturally progressive and strives to achieve the best possible social, economic and environmental outcomes to create a vibrant, liveable community.

## Our Mission

Colac Otway operates according to good governance principles and emphasises the importance of service, people and business in:

- Providing community development and support services
- Managing Council's infrastructure and the natural environment
- Facilitating strategic economic development

The purpose of providing these services and activities is to enhance the quality of life of our residents and visitors, now and in the future.

## Our Values

### Partnership

We will work in partnership with the community to achieve agreed goals.

### Consultation

We will undertake genuine consultation on key issues as part of our decision-making processes to improve the quality, accountability and transparency of those decisions.

### Service

We will promote a culture in which our services respond to community needs and aspirations.

# The Year in Review

## Strong Leadership - For more information see Page 31

### Highlights

- Improved financial position
- Representation on the new Drug and Alcohol Prevention Council
- New Guidelines for an environmentally friendly fleet
- Funds committed for duplication of Princes Highway West

### Challenges

- Community satisfaction survey results most likely impacted by controversial issues including dismissal of Councillors (3), and the proposed development on the flood plains at Apollo Bay

### The Year Ahead

- Development of a Community Plan and a new Council Plan
- Council Elections (new Council)
- Implementation of the ICT Strategic Plan

## Roads & Infrastructure - For more information see Page 41

### Highlights

- Completion of the Building Renewal Program
- Apollo Bay Harbour Marina project completed

### Challenges

- Unexpected site conditions and contractor availability slowed progress on a number of construction projects

### The Year Ahead

- Development of the 10yr Capital Works program
- Continued development of Council's Asset Management systems
- Completion of the Federal Government's Auslink Strategic Roads Program

## Planning & Development - For more information see Page 49

### Highlights

- Implementation of Planning Scheme Review and Strategic Studies (Amendment C55)
- Completion of the Rural Land Strategy
- Introduction of Heritage Overlay controls (Amendment C27)

### Challenges

- Improving the quality of planning permit applications to reduce the overall processing time

### The Year Ahead

- Commence a Rural Living Strategy
- Increase the number of inspections relating to essential safety measures in Council buildings and private businesses as required by the Building Act

## Health, Recreation & Community Services - For more information see Page 53

### Highlights

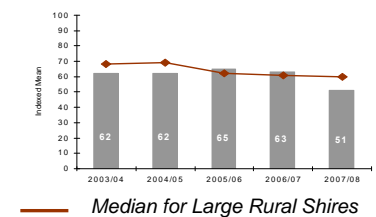
- Secured significant funding for the Joint-Use Library
- 28 Events staged throughout the Shire
- Youth expo, 'CTRL-ALT-DELETE' held
- Implementation of the first 18 months of actions from the 2007-2011 Arts & Culture Strategy
- Parenting information sessions held for the Sudanese community
- Liberty Swing for users in wheelchairs installed at Botanic Gardens
- Rural Access staff and volunteers received an award for recognition of achievements

### Challenges

- Reduced audience numbers for COPACC due to factors impacting on our predominantly rural Shire
- Public health education program not as extensive as initially planned

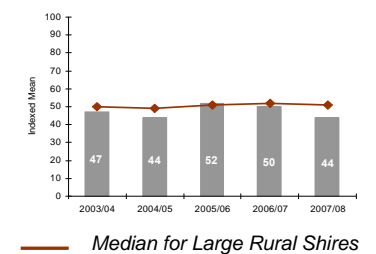
### Results

Community Satisfaction with Overall Performance



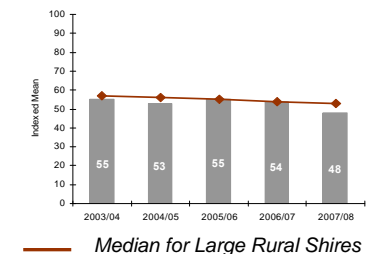
### Results

Community Satisfaction with Local Roads & Footpaths



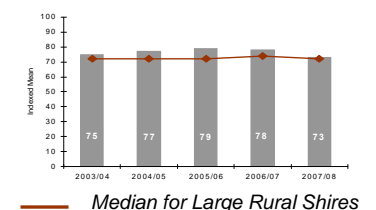
### Results

Community Satisfaction with Town Planning Policy & Approvals



### Results

Community Satisfaction with Health & Human Services



## The Year Ahead

- Construction to commence on the Global Connector including the Joint-Use Library
- Improvement works to the Central Reserve multi-purpose sports fields
- Continue development of the Positive Aging Strategy
- Provision of a service in Colac for women experiencing post natal depression
- Develop a Colac Otway Shire Disability Action Plan
- Develop a Transport Needs Analysis

## Economic Development - *For more information see Page 63*

### Highlights

- 150 attended the Business Training and Development sessions
- Implemented the Colac Marketing Strategy
- Completion of the Commercial Feasibility Study

### Challenges

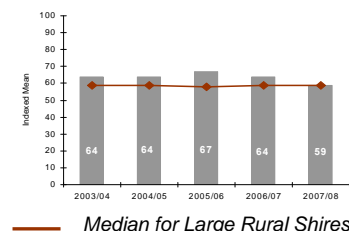
- Local tourism operators slower than expected in adopting the Book Victoria web-based accommodation booking system

### The Year Ahead

- Review of the Economic Development Strategy
- Introduction of a Community Planning process to direct Council priorities for the next 10 years
- Completion of the Apollo Bay Harbour Precinct Master Plan

### Results

Community Satisfaction with Economic Development



## Environmental Sustainability - *For more information see Page 67*

### Highlights

- Concept Design approved for sewerage in Wye River and Separation Creek
- Removal of over 100 tonnes of Carp from Lake Colac and Barongarook Creek
- Achieved Milestone 4 of the Green House Action Plan
- Successful rehabilitation of Beeac and Cressy landfill sites
- New Fire Prevention Plan approved

### Challenges

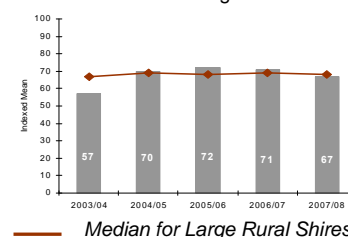
- Contamination levels in organic waste continue to fluctuate
- Number of unclaimed animals above satisfactory levels
- Delayed in commencing the Forestry Audit due to extensive planning required to set up the auditing process

### The Year Ahead

- Ensure a comprehensive strategic direction for Environmental Management throughout all levels of Council operations
- Ensure compliance with the Code of Practice for Timber Production for Forestry Operators operating within the Shire
- Monitoring trends and directions to manage and mitigate against impacts from climate change and the impacts on Council and Community
- Local Laws staff to undertake training in Certificate IV Government Statutory compliance and Certificate IV in Animal Control & Regulation
- Carry out Fire Danger Period inspection process

### Results

Community Satisfaction with Waste Management



## Financial Sustainability - *For more information see Page 74*

### Highlights

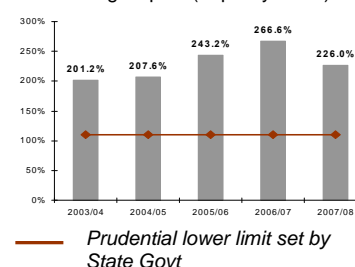
- Addressed the asset renewal gap for the year
- For the 4<sup>th</sup> consecutive year Council did not undertake any new loan borrowings. Loan liability reduced to \$2.98M in 2007/08
- 95% of Rates collected by year end

### The Year Ahead

- Implementation of a new corporate and financial IT system
- Implementation of actions identified in the Customer Services and Property & Rates Best Value review
- Review of services provided and policies administered

### Results

Working Capital (Liquidity Ratio)



## Message from the Mayor



It is my pleasure to present the Annual Report of the Colac Otway Shire for 2007/08. It is a key document in reporting Council's initiatives during the year and discloses important information.

The four year Council Plan, which was adopted in 2005, has continued to guide our decision making during the year. The objectives and actions under each of our seven community priorities have guided the Council in the directions it has taken. We have made a strong commitment to roads and infrastructure and are well progressed on our environmental planning, financial, health and recreation projects.

We have worked in partnership with the community to present a number of exciting projects and strategies, as part of our commitment to planning for a strong and vibrant future for our Shire.

### Princes Highway West Duplication

I welcome the Federal Government's commitment to fund \$110M towards the duplication of the Princes Highway West and to recognise the road as nationally significant. I also applaud the State Government's allocation of \$110M in the 2008/09 Budget for the duplication. Council is delighted that both spheres of Government have recognised the importance of this upgrade and have allocated the funds.

As Chairperson of the Princes Highway West Alliance, I've seen firsthand the commitment of the people in the region from Greater Geelong through to Mt Gambier, and the relentless work they have undertaken in their campaign to see this road upgraded.

The commitment from the Federal and State Governments will see the implementation of the duplication through to Winchelsea occur in the coming years. This is thanks to the strong case made by the Princes Highway West Alliance. We will continue working to see that the remaining goals of the Alliance are achieved. The upgrade will begin to see the campaign's motto realised – save lives and grow the economy.

### Great Ocean Green Development (Amendment C29)

Council voted to approve the Great Ocean Green Development (Amendment C29) in April subject to Ministerial approval and a range of stringent planning controls being met. The Amendment was a point of great debate within the community, and Council has worked diligently to ensure that the community's concerns were heard and considered before making a decision on the matter. The development will deliver a new 18-hole championship golf course, clubhouse, public open space, associated tourist facilities and 537 residential lots to Apollo Bay. The golf course and the public open space will make up 68% of the development site.

The proposal is for houses to be built on land well above the flood levels, even accounting for climate change, so that they are sited above the highest floodwaters predicted for at least the next 100 years, including predicted rises in sea levels. Again, Council has sought and considered the best possible advice from this nation's leading experts, including the CSIRO and the Future Coasts project team.

### Minister for Local Government Dismisses Three Councillors

On 7 December 2007 the Minister for Local Government, Richard Wynne, removed Councillors Brian Crook, Stuart Hart and Geoff Higgins from Colac Otway Shire Council for failing to remain at a Call of the Council meeting relating to Amendment C29 to the Colac Otway Shire Planning Scheme.

It is important to understand that the issue was one of governance and not a planning matter. The Local Government Act has very clear requirements that a Councillor's role is to represent the community and to vote, either for or against an issue, and that they must fully participate in and attend a Call of the Council meeting.

As a Council we understand Minister Wynne's decision in light of the ramifications for the Local Government Sector. While no Council wishes any of their Councillors to be dismissed, Councillors are ultimately responsible for their own actions.

## **Beechy Precinct and Global Connector, including Joint-Use Library**

The Beechy Precinct will be Colac Otway Shire's new education, recreation and community precinct. As a Global Connector it will be a state of the art facility for the entire community. It will encompass a broad range of programs, services and joint-use facilities that will provide recreation, employment, economic and life long learning opportunities for everyone in the community. There are so many who have been involved in shaping the precinct, people with a sense of vision and hope for the future and what we can provide together for our community.

The Beechy Precinct is shaped by our community, for our community and will grow our community for the future. Community input into the final design has been so important. We held nine public forums in the Shire, and have taken a workshop approach to ensure that all members of the community have had input, not only to the facility design, but also to give everyone an ongoing understanding of the project's development. A range of community groups have had enormous input into the design of the precinct, including U3A, Friends of the Colac Library, Colac Toy Library, Neighbourhood Renewal, Skills Connection, Gordon TAFE, Central Reserve Advisory Committee, Bluewater Fitness Centre user groups, just to name a few.

We acknowledge that some members of the community are not happy about the joint-use library concept and have voiced their opposition to the project; however we will work with these people with the aim of ensuring a good library experience into the future.

## **Our Financial Position**

Over the last three years Council has implemented strong action to turn around a concerning financial position that had accumulated over the last ten years. The last three budgets have seen debt significantly reduced and we have tackled the annual \$5M infrastructure renewal gap we had three years ago. This places us in a positive position going forward but we must remain vigilant.

2007/08 presented a number of challenges for Council and some difficult and important decisions have been made. We still need to manage our finances carefully to continue the positive trend that has been put in place over the last three years.

## **Community Satisfaction Survey**

At the time the survey was conducted it had been a difficult time for Council and the results of the survey clearly reflect that point in time. The dismissal of three of our Councillors by the Minister for Local Government and the resulting count back and by-election to replace them created a period of uncertainty. We also had to deal with some very controversial decisions and as always, there are those happy and those unhappy with the outcome; however I feel that we have handled these difficult situations as well as possible.

We are very positive about what the future brings and continue to work hard. We have improved our finances; we delivered a wide range of services to our community, kept rates at a moderate level and we have a very strong commitment to listening to and understanding the needs of our community.

## **Lake Colac**

Over the past year we have witnessed a further reduction in lake water levels with the real potential of a dry lake this coming summer. There is a heightened community interest in what opportunities may be possible as a result of the low levels. I have appreciated the opportunity to Chair the Lake Colac Coordinating Committee and to work with the representatives of the community and controlling bodies to see the work progress towards improving Colac's greatest natural asset. Let's continue to work together in making the Lake our 'front yard' focal point for Colac.

I would like to thank the Colac Otway community and my fellow Councillors for the support they have shown me in my time as Mayor.

Thank you also to all the Colac Otway Shire staff for their excellent work and dedication to the Shire. Finally, thank you to all those unsung heroes of our community – the volunteers who give their time so selflessly in an effort to make our Shire a better place and to our wonderful youth who are our inspiration for the future.



**Chris Smith**  
Mayor



# Chief Executive Officer's Report



Our Annual Report is an opportunity to reflect on the year's achievements and challenges and compare Council's performance with the Council Plan and Budget initiatives. This Annual Report highlights the significant diversity of services provided to our community. These range from maternal and child health services, building inspections, planning permits, recreation facilities, road works and waste water improvement projects. In addition to providing services we also advocate on behalf of our community at regional and state-wide forums. I have been pleased to coordinate the Princes Highway West Alliance's campaign "Fix It Now – Save Lives Grow the Economy" which culminated in funding commitments from both Federal and State Government. I have also welcomed the opportunity to become a member of the Government's Victorian Alcohol and Drug Advisory Council to bring both a rural and local government perspective.

Colac Otway Shire actively participates in regional projects. For example, we lead the Regional Trails project which is developing a master plan of current and potential walking and cycling trails throughout the Barwon South West Region. Working with our regional partners is a smart use of resources. Our two main networks – The G21 Alliance and The Great South Coast Municipalities Group – provide important opportunities to progress our priorities on a broader scale. This has been invaluable with the Princes Highway West, Regional Trails, Climate Change and Apollo Bay Harbour projects.

At the local level, working with our community helps us be better informed and more innovative. Community reference groups, such as those for Lake Colac, Apollo Bay Harbour and the Beechy Precinct, have been tremendous in understanding ideas, issues and how best to resolve them. We have learned and improved on our capacity to work in partnership with our community but this continues to be an area where we want to do even better. We are currently working on a community planning proposal - watch this space – to see if it evolves into a reality for the 2008/09 financial year.

## **Budget**

Financial performance remains a priority and an area of positive achievement. Council's 2007/08 Budget made roads and infrastructure renewal its number one priority for the third consecutive year and saw the completion of 130 road renewal projects across the Shire. Our Capital Works budget increased by \$1.6M to \$11.9M in 2007/08 and we allocated an additional 8% to our Works Unit, Cosworks, for maintenance.

For the first time this year's Budget saw the Shire allocate sufficient funds to address the infrastructure renewal gap. This is a significant achievement given it was underfunded by \$5M only three years ago. Infrastructure renewal will need to remain a priority for future years.

The financial results for the 2007/08 year show that we have improved our status against the Victorian Auditor General's Financial Sustainability Indicators. This improved result means that Council has achieved a 'low risk' rating against four of the five Victorian Auditor General's Indicators and a medium risk for the remaining indicator on infrastructure renewal.

## **Apollo Bay Harbour Master Plan and Development**

The Apollo Bay Harbour redevelopment is a key priority in the Colac Otway Shire Council Plan. We are working towards a Master Plan to realise the community vision of a working harbour with great community and visitor amenities that reflect well on Apollo Bay's unique fishing village feel.

The Draft Master Plan was adopted by Council in June 2007 and since then Council has completed a Design Guidelines document that sets out exemplary design principles for the Harbour Precinct relating to roads, landscape and environment designs.

A new marina at Apollo Bay Harbour has replaced the 30 year old fixed timber marina and is safer and will accommodate an increased demand for berths in Apollo Bay. The new structure will cater for boats up to 18m in length, and will benefit commercial and recreational boat mooring conditions at the harbour.

The next step in completing the Master Plan is an 'Enquiry by Design' workshop – a community collaborative design process that provides the opportunity for community input to create broadly supported designs.

### **Preserving the Past for the Future – Heritage Overlay Amendment**

The Minister for Planning has approved Stage 1 of Council's Heritage Overlay Amendment which includes recommendations from the Colac Otway Heritage Study 2003. This Amendment will provide protection of heritage places and provides controls over 250 individual places that are significant to the cultural history of Colac Otway.

There are several significant sites within our Shire, such as the Birregurra Main Street and Memorial Square in Colac, and it is important that they are preserved for their current aesthetic value and for future generations to recognise their importance to the region's history.

### **Grants**

Colac Otway Shire received \$1,992,559 in external grants in the 2007/08 year outside of regular grants programs such as Home & Community Care and Roads to Recovery. I congratulate Council staff for their great effort in proactively applying for funding opportunities and achieving this amount.

Funds from State and Federal Governments enable Council to complete a range of projects that otherwise would need to be funded from rates. Projects have included providing the skate park for young people in Birregurra, expanding educational opportunities through the Beechy Precinct, planting trees and restoring the environment, creating access for disabled children to enjoy recreational opportunities and getting people out and about on the Lake Foreshore exercising and enjoying the natural environment.

### **New Light Fleet Policy**

Colac Otway Shire's commitment to sustainability and the environment has been advanced following the development of a new environmentally friendly light fleet vehicle policy.

Vehicles purchased under the new guidelines will result in savings to Council, and therefore ratepayers, and aims to reduce the average fuel consumption by 1.7 litres per 100 km travelled. The policy also covers safety, purchasing locally and competitive vehicle changeover ratings.

### **Challenges over the Year and Into the Future**

This year we achieved an even stronger rating on the annual risk/liability assessment conducted by CMP and at 87% we are ranked 21<sup>st</sup> out of the 79 Local Government Authorities. Whilst this result confirms our risk management systems are at comparable levels to industry best practice, issues encountered this year, such as damage to protected vegetation on a Shire roadside resulting from road works, led us to review and further strengthen our systems.

Council has faced a number of controversial decisions this year. I have been pleased with how diligently staff have researched, sourced independent experts and provided professional advice to Council to assist them in their difficult decision making process.

It has been exciting for us to work with this Council over its four year term. The election of a new Council in November 2008 will provide the organisation with the opportunity to understand the new Council's objectives and policies and to work hard with them on the implementation of their agenda.

I'd like to thank all the employees of Colac Otway Shire for their commitment to the community. We continue to invest in our staff development and I'm pleased with the level of professionalism and dedication our staff show every day in responding to the needs of the community.

I look forward to exciting projects and developments for the Shire in the coming years, and thank the Council for their strong leadership and direction, making the achievements of the past year possible.



**Tracey Slatter**  
Chief Executive Officer

# Financial Snapshot

The 2007/08 year has seen Council continue to progress towards its long term goal of a financially sustainable future with the ability to respond responsibly to the needs of a vibrant community. This year has seen Council improve its viability, as evidenced by the viability ratios included within the financial statements and the continuing focus on developing tools to aid in long term financial planning so vital to the vision of our community.

## Sustainable Capital Expenditure

In 2007/08 the level of capital expenditure continued to deliver on the challenge of renewing the community's assets. The future sees capital expenditure at sustainable and realistic levels, assuring the Council's long term commitment to the renewal of the Shire's assets.

## Cash Reserves

The significance of budgeting cash flows for Council is that it is one of the key factors in setting the level of rates each year.

In total, Council's cash holdings have reduced slightly during 2007/08 to \$6.4 million. Approximately \$1 million of this will be utilised to pay for capital works carried forward from 2007/08 to 2008/09 and expenditure related to Grants received in advance of \$0.7 million.

Cash levels have reduced as a result of the high rate of completion of capital works and less government grants being received in advance. However, analysis of the years ahead indicates that Council will continue to moderately build up its cash holdings. This will allow Council flexibility to respond to future unexpected events or opportunities such as the potential to strategically acquire an asset such as a property for open space.

## Debt Levels

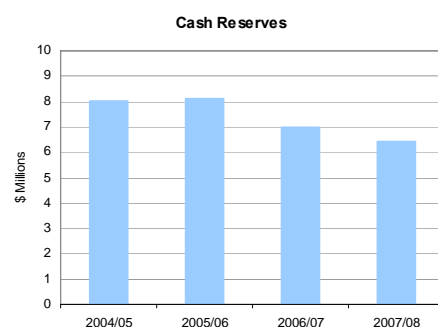
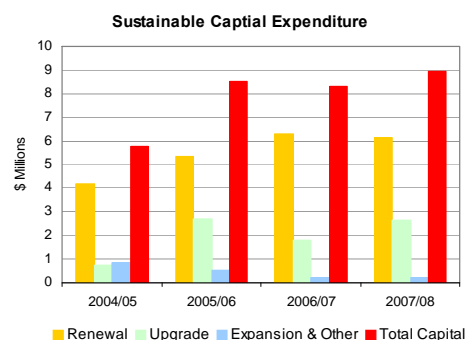
Since 2002 Council has been in a phase of debt reduction, seeing current debt levels fall from \$5.46 million to \$2.98 million in 2007/08. This has resulted in a reduction in debt servicing (interest) costs, but has meant that cash has been used as an alternate funding source to maintain a robust capital programme.

## Financial Sustainability

The 2007/08 financial year sees improvement in the financial sustainability of Council. This is evidenced by the 'low' risk result of the Victorian Auditor General's Financial Sustainability ratios.

## Conclusion

The financial snapshot as at 2007/08 gives a brief overview of Council's progress in providing the financial resources that enable the achievement of a number of long term community service and asset management objectives through strong and prudent financial management.



# Calendar of Events

## First Quarter: July – September

The State Roads and Ports Minister Tim Pallas visited Colac to brief representatives from Councils, industry and stakeholder groups about the 30 priority projects the State wants considered under the AusLink National Network, which included the extension of the Princes Highway West from Geelong to the South Australian border.

Colac Otway Shire Councillors walked the streets to distribute bumper stickers and postcards promoting the Princes Highway West Alliance of Local Government's *Princes Highway West Fix It Now Campaign*. Councillors visited local businesses to encourage the wider community to get on board with the campaign to urge the Federal Government to include Princes Highway West in the Auslink network.

Consultation was carried out on the concept plans for the community elements of the Education, Recreation and Community Precinct, which will include a new library facility as part of the state of the art Global Connector.

## Second Quarter: October – December

A community meeting was held for the Swan Marsh and District Residents Hall to give residents the opportunity to develop a new list of township master plan priorities. The Master Plan will provide a strategic direction for the development of infrastructure on public land in the town for the next five years.

Council's draft Volunteer Engagement Strategy made available for public comment. The Strategy has been developed following an extensive community consultation process, and aims to build the capacity of rural volunteer groups and promote partnerships that help to sustain volunteer groups and activities.

The Minister for Local Government, Richard Wynne, removed Councillors Brian Crook, Stuart Hart and Geoff Higgins from Colac Otway Shire Council for failing to remain at a Call of the Council meeting.

Cr Chris Smith was elected Mayor making him the Council's only first term Mayor and the youngest of the seven Mayors who have served on Council since amalgamation in 1994. In accepting the role, Cr Smith paid tribute to outgoing Mayor, Cr Warren Riches who had served as Mayor for the past three years.

Several election commitments secured as part of the Federal Election including funding for the duplication of the Princes Highway West,

Beechy Precinct, Lavers Hill – Colac Road and the Botanic Gardens.

## Third Quarter: January - March

The Shire's Citizen of the Year, Les Nosedo, and Young Citizen of the Year, Kahlinda Mahoney, were announced as part of the Australia Day celebrations. Also receiving Australia Day awards were Margaret McDonald, Community Service, and Paul Brady and Norma Copeland who received Sporting Awards.

New Councillors Tony Graham, Carol Wilmlink and Fran Lehmann were sworn in and all Councillors participated in a comprehensive induction process.

Sixty volunteers helped clean up Barongarook Creek, Meredith Park the southern foreshore of Lake Colac as part of the 2008 Lake Colac Clean Up. Over three 5m x 3m skips were filled at each of the sites. The community was treated to a barbeque lunch at the end of the day's activities to thank them for their efforts.

Stage 1 of the Heritage Overlay Amendment was adopted. The Amendment will provide protection of heritage places and provides controls over 241 individual places that are significant to the cultural history of Colac Otway.

Council voted to commit to a new state of the art joint-use library which will have facilities for secondary students, the general community and specific learning groups such as TAFE students, U3A and the Colac Toy Library.

## Fourth Quarter: April - June

Council voted to approve the Great Ocean Green Development (Amendment C29) in Apollo Bay subject to Ministerial approval and a range of stringent planning controls being met. The development will deliver a new 18-hole championship golf course, clubhouse, associated tourist facilities and 537 residential lots to Apollo Bay.

The State Government allocated \$110 million in the 2008/09 Budget for the Princes Highway West duplication delighting the Princes Highway West Alliance of 17 Councils, as the duplication will save lives and is critical to the economic success of the region.

Colac Otway Shire awarded the 2006/07 Best Annual Report award in its category at the Municipal Association of Victoria Annual Report Awards. Council was also awarded the Best Financial Overview section within the report.

## Our Council



**Cr Chris Smith**  
**Mayor**  
(from December 2007)

**Colac Ward**  
First elected 2004

---

Cr Chris Smith, in his first term on Council, is the seventh Mayor of Colac Otway Shire and the youngest ever to serve in the role. Chris is a dedicated family man, dairy farmer and Pastor of the South West Family Church in Colac. He is committed to working with the community and business to achieve the best possible outcomes for the Shire in both the short and long term.



**Cr Fran Lehmann**

**Colac Ward**  
Elected (count back)  
24 Dec 2007 (Oath of  
Office – 16 Jan 2008)\*

---

Cr Fran Lehmann finds the Shire to be an amazingly beautiful and productive place and envisages achieving a balance between progress and growth, whilst still keeping the unique features of this area for all to enjoy. Cr Lehmann believes the key is for all Councillors to work together to ensure that Council is seen as one that business feels confident to operate in or relocate to, that visitors feel welcomed and looked after, that the community has a voice and is consulted, that families have the services they require and that Council looks to the future and not the past. These are some of the reasons that Fran personally believes will enable us as a Shire to be prepared for a future of which we can be proud.



**Cr Tony Graham**

**Colac Ward**  
Elected (count back)  
24 Dec 2007 (Oath of  
Office - 16 Jan 2008)\*

---

Cr Tony Graham brings to this role considerable experience in governance and community service through a number of representative roles at a local and state level. Tony has a strong commitment to Councillors consulting and communicating with community, acknowledging this as being critical in a local government approach to its legislative and statutory accountabilities. He also believes good governance can be achieved by model leadership in representation to and advocacy on behalf of the ratepayers of the Colac Otway Shire. Cr Graham's current professional role is the Community Services Manager in the School of Global Studies, Social Science and Planning at RMIT University.



**Cr Carol Wilmink**

**Otway Ward**  
First elected 1999-  
2002  
Elected (by-election)  
15 March 2008 (Oath  
of Office - 20 March  
2008)\*

---

Cr Carol Wilmink is currently involved with the Apollo Bay News, local Historical Society, Friends of Otway National Park, and Landcare. Cr Wilmink's previous experience as a Councillor was in the Otway Shire from 1985 until 1993, where she served as Shire President in 1989, and then in the Colac Otway Shire from 1999 until March 2002. Carol is vitally interested in 'bottom up' community planning influencing the Colac Otway Shire; this vibrant area in which all have chosen to live, work and find enjoyable recreational activities.



**Cr Joe Di Cecco**

**Otway Ward**  
First elected 2004

---

Cr Joe Di Cecco has lived in Apollo Bay for most of his life and is committed to the long-term preservation of its coastline. He is married with four children and is passionate about Rugby Union, skin diving and surfing. Cr Di Cecco brings 10 years experience as a Municipal Engineer in Local Government to his first term on Council. He has also been self-employed for twenty years as a Civil Engineer and Development Consultant. Joe has a strong motivation to ensure the future preservation of our natural resources, balanced with sustainable tourism and economic activity. He is also committed to the youth and the aged in our communities.



**Cr Warren Riches**

**Warrion Ward**

First elected 1996  
Re-elected 1999,  
2002, 2004  
Mayor: 2001-2002,  
2004-2007 (to  
December 2007)

Cr. Warren Riches has lived in the district all of his life. He is the fourth generation in his family to operate the dairy farm at Ondit. Warren has a strong interest in sport, local media and community groups both in Colac and the northern part of the Shire. He is also president of the Victorian Country Cricket League.



**Cr Peter Mercer**

**Murray Ward**

First elected 1996  
Re-elected 1999,  
2002, 2004  
Mayor: 2000-2001,  
2002-2003

Cr Peter Mercer is a farmer at Gerangamete with a strong commitment to the community. He has served in Local Government most of the period since his election to the former Colac Shire in 1966. Peter has led Council numerous times and was Mayor in 2002/2003.



\* Former Councillors Brian Crook, Stuart Hart and Geoff Higgins were dismissed by the Minister for Local Government, The Hon Richard Wynne MP, on 7 December 2007 and were replaced through the election process.

# Our Organisation

## Our Executive Management Team

### **Tracey Slatter, Chief Executive Officer**

Master of Commerce, Grad Dip Business Management, Grad Dip Applied Science (Human Services Research)

*Commenced:* 11 November 2004

*Reappointed:* May 2007

*Major Functions:* Council Governance; Councillor Support; Strategic Planning; Public Relations.

### **Colin Hayman, General Manager Corporate & Community Services**

Bachelor of Business in Local Government, Certificate of Business studies – Accounting

*Commenced:* 31 January 2005

*Major Functions:* Finance and Customer Services; Recreation Arts & Culture; Information Services; Organisational Support & Development; Health & Community Services.

### **Gary Dolan, General Manager Infrastructure & Services**

Master of Business Administration (Technology Management), Bachelor of Engineering

*Commenced:* 11 October 1993

*Major Functions:* Infrastructure and Asset Development; Major Contracts; Waste Management; Cosworks; Colac Live Stock Selling Centre; Apollo Bay Harbour.

### **Jack Green, General Manager Sustainable Planning & Development**

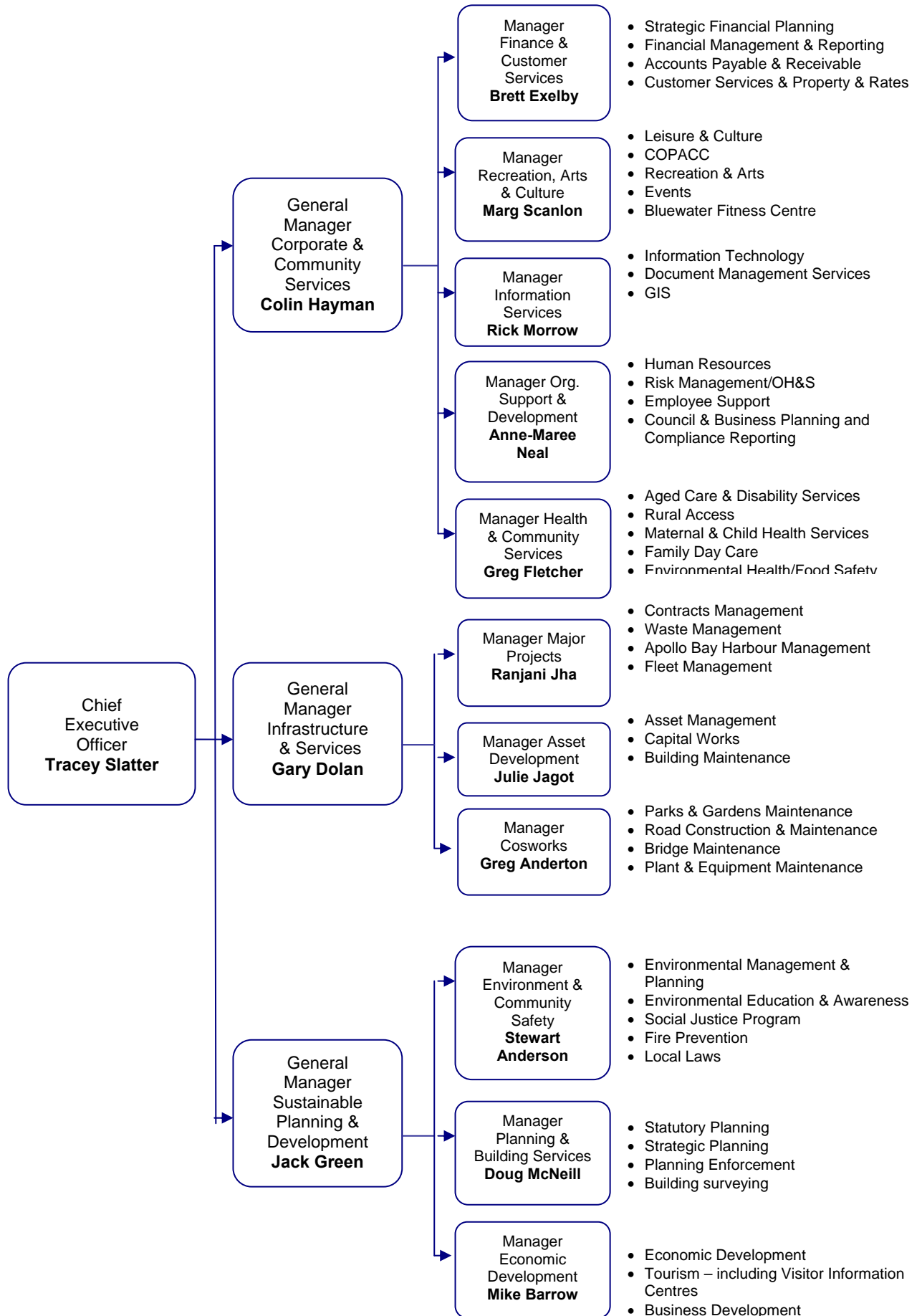
*Commenced:* 16 October 2006

*Major Functions:* Statutory Planning and Regulations; Strategic Land Use Planning; Economic Development; Environmental Management; Building Surveying; Fire Prevention; Local Laws.



*From left to right: Colin Hayman, Jack Green, Tracey Slatter and Gary Dolan*

# Our Organisation Structure





## Governance

Good governance requires Council to operate within the spirit and intent of the legislation outlining its powers, support open and transparent decision-making processes, establish effective frameworks for planning, monitor the efficiency and effectiveness of operations and engage with and advocate for our community as partners in the ongoing growth and development of Colac Otway Shire as the place of choice to live.

### Council's Role

Colac Otway Shire as a statutory body is one of 79 Victorian Councils that derives its role, powers and functions primarily from the *Local Government Act 1989*.

Under the Act:

1. A council is elected to provide leadership for the good governance of the municipal district and the local community.
2. The role of a council includes:
  - a. Acting as a representative government by taking into account the diverse needs of the local community in decision making;
  - b. Providing leadership by establishing strategic objectives and monitoring their achievement;
  - c. Maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner;
  - d. Advocating the interests of the local community to other communities and governments;
  - e. Acting as a responsible partner in government by taking into account the needs of other communities; and
  - f. Fostering community cohesion and encouraging active participation in civic life.

Colac Otway Shire performs this role by setting the strategic direction of the municipality, establishing and guiding policies, setting service delivery standards and monitoring the performance of the organisation on behalf of our community.

### Council Plan Framework

The key strategic document guiding the direction of the Council is the Council Plan. This is a four year Plan developed in 2004/05 by the Council, community and staff to guide the growth and development of our municipality. The Plan commenced implementation on 1 July 2005 and sets the strategic direction for the organisation up until 30 June 2009. It identifies the following seven key priority areas:

- Strong Leadership
- Roads & Infrastructure
- Planning & Development
- Health, Recreation & Community Services
- Economic Development
- Environmental Sustainability
- Financial Sustainability

The Council Plan is reviewed annually to ensure that it maintains its relevance. The results of the 2007/08 review found that no adjustments to existing objectives or any new initiatives were required.

A review of the Council Plan framework has commenced in readiness for development of the new Council Plan after Council Elections to be held in November 2008.

To view the Council Plan the following link to Council's website is provided:

[www.colacotway.vic.gov.au/Page/page.asp?Page\\_Id=457&h=0](http://www.colacotway.vic.gov.au/Page/page.asp?Page_Id=457&h=0)

## Decision Making

Council decisions are made in one of two ways:

1. By resolution at Council meetings and Special Committees of Council.
2. By Council officers under delegated authority.

Most decisions of an operational nature have been delegated to officers through the Chief Executive Officer (CEO). This system recognises the CEO's responsibility under the Local Government Act in managing the day-to-day operations of the organisation.

## Local Laws

Council has in place the following Local Laws:

| Local Law                                    | Date Adopted by Council | Date Operational  |
|----------------------------------------------|-------------------------|-------------------|
| No. 1 Consumption of Liquor in Public Places | 24 August 2005          | 24 September 2005 |
| No. 2 General Local Law                      | 23 September 2005       | 24 September 2005 |
| No. 3 Livestock Local Law                    | 21 November 2007        | 22 November 2007  |
| No. 4 Processes of Municipal Government      | 24 August 2005          | 24 September 2005 |
| No. 4A Processes of Municipal Government     | 13 December 2006        | 18 December 2006  |
| No. 5 Colac Livestock Selling Centre         | 24 August 2005          | 24 September 2005 |

## Policies, Strategies and Plans

The following policies, strategies and key plans were reviewed and or adopted by Council during 2007/2008:

| Document                                                         | Date Adopted      |
|------------------------------------------------------------------|-------------------|
| Rural Land Strategy                                              | 26 September 2007 |
| Municipal Fire Prevention Plan                                   | 26 September 2007 |
| Municipal Public Health Plan 2007-2009                           | 24 October 2007   |
| Colac Otway Regional Cricket Plan                                | 24 October 2007   |
| Audio Recording of Council Meetings Policy                       | 21 November 2007  |
| Strategic Plan 2008-2012 Volunteer Engagement and Sustainability | 30 January 2008   |
| Kennett River, Wye River & Separation Structure Plans            | 26 February 2008  |
| Bridge Asset Management Plan                                     | 22 April 2008     |
| Sale and Exchange of Council Land Policy (Revised)               | 27 May 2008       |
| Event Road Closure Consultation and Communication Policy         | 27 May 2008       |

## Elected Representatives

### Code of Conduct

Council has a Code of Conduct, established in 2005, which aims to embrace the principles of good governance, guide Councillors' behaviour, accountability and dispute resolution between Councillors. Copies of the Code are available on Council's web site at [www.colacotway.vic.gov.au/Page/page.asp?Page\\_Id=457&h=0](http://www.colacotway.vic.gov.au/Page/page.asp?Page_Id=457&h=0)

### Council Meetings

Council conducts its business in open and publicly advertised meetings. Ordinary Council Meetings are usually held on the fourth Tuesday of each month. Council meets in Apollo Bay in April and November. On occasion, Special Council meetings are called to consider specific matters. Minutes of the Council Meetings are available on Council's web site at [www.colacotway.vic.gov.au/Page/page.asp?Page\\_Id=265&h=0](http://www.colacotway.vic.gov.au/Page/page.asp?Page_Id=265&h=0)

Council provides the opportunity for members of the public to ask questions on issues in which Council has a direct interest or responsibility. Question time is held at the start of the Council meeting.

Meetings are conducted in accordance with the meetings procedure provisions of Local Law 4. Reports are prepared independently by staff for both the decision and information of the Council.

Councillors are required to disclose any conflict of interest in any item to be discussed at Council meetings, and are subsequently precluded from voting on an item if a conflict of interest exists.

#### *Councillor Attendance at Meetings*

|                         | Number of Council and Statutory Meetings Attended | Number of Special Meetings Attended |
|-------------------------|---------------------------------------------------|-------------------------------------|
| Number of Meetings held | 13 3                                              |                                     |
| Cr Chris Smith (Mayor)  | 13                                                | 3                                   |
| Cr Warren Riches        | 13                                                | 3                                   |
| Cr Peter Mercer         | 13                                                | 3                                   |
| Cr Joe Di Cecco         | 13                                                | 1                                   |
| Cr Fran Lehmann         | 6                                                 | 2                                   |
| Cr Tony Graham          | 6                                                 | 2                                   |
| Cr Carol Wilmink        | 4                                                 | 2                                   |
| Brian Crook             | 5                                                 | 1                                   |
| Stuart Hart             | 5                                                 | 1                                   |
| Geoff Higgins           | 5                                                 | 1                                   |

Former Councillors, Brian Crook, Stuart Hart and Geoff Higgins were dismissed by the Minister for Local Government on 7 December 2007 and were replaced through the election process.

The statutory meeting, including the election of Mayor, was held on Wednesday, 19 December 2007.

## Councillor Support and Remuneration

A Councillor Support Policy, adopted in March 2007, provides a broad overview of how the Council provides assistance and support to the Mayor and Councillors in carrying out their roles and official duties.

Support is provided in the form of a Council vehicle for the Mayor. Registration fees for conferences and functions, training, communication and computer equipment, meeting room/office, travel and child care expense reimbursement are available for all Councillors.

Remuneration paid to Councillors is governed by the State Government, which categorises Councils according to their size and revenue base. For each category the maximum amount that can be paid to the Mayor and Councillors is set. Colac Otway Shire was categorised as a Category 2 Council in December 2005, which establishes a maximum of \$46,500 for the Mayor and \$15,000 for Councillors. Council resolved that the Mayoral Allowance be set at \$45,000 per annum and the Councillor Allowance be set at \$15,000.

The Local Government Act 1989 (Section 75) also provides for the reimbursement of 'necessary out of pocket expenses' incurred while performing the duties of a Councillor.

| Councillor                             | Allowance        | Travel<br>(paid during 2007/08) | Total            |
|----------------------------------------|------------------|---------------------------------|------------------|
| Cr Chris Smith<br>(Mayor) <sup>1</sup> | \$36,000         | \$7,996                         | \$43,996         |
| Cr Warren Riches <sup>1</sup>          | \$26,250         | \$2,546                         | \$28,796         |
| Cr Peter Mercer                        | \$15,000         | \$7,700                         | \$22,700         |
| Cr Joe Di Cecco                        | \$15,000         | \$8,264                         | \$23,264         |
| Cr Fran Lehmann                        | \$9,333          | -                               | \$9,333          |
| Cr Tony Graham                         | \$9,333          | -                               | \$9,333          |
| Cr Carol Wilmink                       | \$2,967          | \$955                           | \$3,922          |
| Brian Crook                            | \$4,158          | -                               | \$4,158          |
| Stuart Hart                            | \$4,158          | \$11,600                        | \$15,758         |
| Geoff Higgins                          | \$4,158          | -                               | \$4,158          |
| <b>Total</b>                           | <b>\$126,357</b> | <b>\$39,061</b>                 | <b>\$165,418</b> |

### Notes:

1. Cr Smith elected as Mayor on 19 December 2007, taking over from Cr Riches. A Councillor vehicle is provided to the Mayor for business and private use.

Former Councillors, Brian Crook, Stuart Hart and Geoff Higgins were dismissed by the Minister for Local Government on 7 December 2007 and were replaced through the election process.

## Committees of Council

The Local Government Act 1989 acknowledges the need for Special Committees of the Council and Advisory Committees, which allows for Committees made up of Councillors, Council staff and other persons and for a Council, by Instrument of Delegation, to delegate any of its functions, duties or powers to a Special Committee. The Committees of Council up to the next General Elections in November 2008 are detailed below:

| Committee                                                                                                        | Councillor                                                                                  | Meeting Frequency                                                                         | Purpose/Comments                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Audit Committee<br>(Advisory Committee)                                                                          | Cr Chris Smith<br>Cr Peter Mercer<br>(includes 2 independent members)                       | Quarterly, or more frequently as determined                                               | To review financial and risk management systems and assist Council to carry out its corporate governance responsibilities. It has an independent member as the chairperson. The Chief Executive Officer (CEO) is a non-voting member.                  |
| Australia Day Committee<br>(Advisory Committee)                                                                  | Cr Warren Riches<br>Cr Chris Smith<br>Cr Peter Mercer<br>Cr Joe Di Cecco                    | Once a year in December/January                                                           | To review nominations and select Australia Day Award winners in the various categories.                                                                                                                                                                |
| Contracts Committee<br>(Special Committee)                                                                       | Cr Chris Smith<br>Cr Peter Mercer                                                           | As required                                                                               | The purpose of this committee is to approve contracts of the value ranging from \$100,000 to \$200,000.                                                                                                                                                |
| Festival & Events Support Scheme<br>(Advisory Committee)<br>(includes Events Coordinator and 2 external members) | Cr Joe Di Cecco<br>Cr Peter Mercer<br>Cr Chris Smith<br>Cr Carol Wilmink                    | Once a year in June, and others as required                                               | To consider the applications received for the Festival & Events Support Scheme and make any recommendations to Council on any strategic directions for specific events or the Support Scheme.                                                          |
| Grants/Community Funding Committee<br>(Advisory Committee)                                                       | Cr Warren Riches<br>Cr Fran Lehmann<br>Cr Peter Mercer<br>Cr Chris Smith<br>Cr Joe Di Cecco | Once a year in June/July                                                                  | To consider the applications received for the Community Funding program and make recommendations on any strategic directions for the specific projects or funding programs.                                                                            |
| Planning Committee<br>(Special Committee)                                                                        | All Councillors                                                                             | Meets the second Wednesday of the month (except December), or more frequently as required | To consider and determine all matters referred to it pursuant to the instrument of delegation, matters relating to strategic issues, receiving regular reports on key performance indicators, and other matters referred to the Committee as seen fit. |
| Roads Committee<br>(Advisory Committee)                                                                          | All Councillors<br>(includes staff and a Vic Roads representative.)                         | Quarterly, or more frequently as determined                                               | To provide an effective means of communication between the community and Council in relation to its road management function and to guide Council's advocacy role in relation to strategic road issues.                                                |
| Small Town Improvement Program Advisory Committee                                                                | Cr Joe Di Cecco<br>Cr Peter Mercer<br>Cr Warren Riches                                      | Once a year in May                                                                        | To consider the applications received for the Small Town Improvement Program.                                                                                                                                                                          |

## Council Representation on Other Committees

In addition to the previously listed committees, Councillors represented the Council on the following other committees and groups:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Cr Chris Smith, Mayor</b><br/>Australian Local Government Association<br/>Barnard Trust Committee<br/>Colac Affordable Housing Strategy<br/>Colac Otway Network of Community Centres<br/>Colac Roadsafe<br/>Great South Coast Municipalities Group<br/>Lake Colac Coordinating Committee<br/>Municipal Association of Victoria<br/>Old Beechy Line Committee<br/>Rural Councils Network (Vic)<br/>Youth Council</p> <p><b>Cr Warren Riches</b><br/>COPACC Trust<br/>Lake Colac Coordinating Committee<br/>Municipal Aerodrome Committee – Colac<br/>Premier Recreation Reserve Committee<br/>Tirrengower Drainage Scheme Committee of Management.</p> <p><b>Cr Joe Di Cecco</b><br/>Apollo Bay Harbour Redevelopment Community Reference Group<br/>Apollo Bay Leisure Centre Committee<br/>Geelong Otway Tourism Board<br/>Otways Tourism Inc<br/>Port of Apollo Bay Consultative Group</p> | <p><b>Cr Peter Mercer</b><br/>Barwon Regional Waste Management Committee<br/>Colac Livestock Selling Centre Advisory Committee<br/>Community Positive Ageing Steering Committee<br/>COPACC Trust<br/>Corangamite Regional Library Corporation<br/>Friends of the Botanic Gardens<br/>Municipal Emergency Management Planning Committee<br/>Municipal Fire Prevention Committee<br/>Ondit Quarry Consultative Committee<br/>Region 6 Fire Prevention Committee<br/>Rural Financial Counselling Service<br/>Timber Towns Committee<br/>Transport Connections Local Advisory Group<br/>Victoria Regional Botanic Gardens Network Executive and BGANZ Council</p> <p><b>Cr Carol Wilmink</b><br/>Cliff Young and Community Recreation Centre Committee<br/>Geelong Otway Tourism Board<br/>Lavers Hill Swimming Pool Committee of Management<br/>Otways Tourism Inc.</p> <p><b>Cr Fran Lehmann</b><br/>Colac Affordable Housing Strategy</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Audit Committee

This is an advisory committee of the Council and exists to:

- 1.1 Assist the Council in its oversight responsibilities by monitoring, reviewing and advising on:
  - The truth and fairness of the view given by the annual financial and performance statements of the Council
  - The Council's accounting policies and practices in accordance with current and emerging, accounting standards
  - The external auditor's performance
  - The independence and performance of the internal audit function
  - Compliance with legal and regulatory requirements and policies
  - Compliance with Council policy framework
  - Internal controls, the control environment and the overall efficiency and effectiveness of financial operations
  - The Council's overall risk management policy and programs
- 1.2 Provide a forum for communication between the Council, management and the internal and external auditors.

The Audit Committee meets at least quarterly and consists of:

| Audit Committee                                                    | Eligible to Attend | Actual Attendance |
|--------------------------------------------------------------------|--------------------|-------------------|
| Mr Mike Said, Independent Member and Chairperson (EMES Consulting) | 4                  | 4                 |
| Ms Linda MacRae, Independent Member (Local Solutions Pty Ltd)      | 4                  | 4                 |
| Cr Chris Smith (Mayor)                                             | 4                  | 4                 |
| Cr Peter Mercer                                                    | 4                  | 4                 |

Mr Mike Said was appointed Chairperson of the Committee in May 2007.

Cr Chris Smith and Cr Peter Mercer were reappointed at the Statutory Meeting held in December 2007. At the April 2008 Council Meeting the membership of all Council committees were reviewed and endorsed.

The Chief Executive Officer, General Manager Corporate & Community Services, Manager Organisational Support & Development, Manager Finance & Customer Services and the Senior Accountant attend meetings to assist with information and support.

### *Outcomes*

Over the financial year the Audit Committee has dealt with the following issues:

- Review and endorsement of the 2006/07 Financial Statements, Standard Statements, Performance Statement and Audit Management Letters
- Review of the 2007/08 External Audit Strategy and development of an Internal Audit two year program
- Met with the Victorian Auditor General's Director of Local Government Audit to discuss and review relevant topics and issues
- Review the adherence and compliance with Council policy framework
- Monitoring of the Risk Register developments
- Monitoring of the Governance Review Program
- Review of the 2007/08 Civic Mutual Plus Public & Professional Liability Audit and the SafetyMAP, JMAPP Property and Fidelity Insurance Audits
- Monitoring Excess Annual Leave of staff.
- Review of the Shire's Strategic Information Technology Report
- Monitoring of Insurance and Workcover Claims
- Review of the Auditor General's Report to Parliament on the Local Government: Result of the 2006/07 Financial Audits including the Shire's Financial viability ratios
- Quarterly reporting of Fraud Control Program.
- Review of the Half Year Financial Report and Quarterly Performance Report to Council
- Reviewed the audit scopes, reports and recommendations of internal audit projects, including Statutory Planning, Asset Management, Fleet Management, Debtor Controls and Waste Management
- Review of the Legislative Compliance Register including delegations and 'Best Value'
- Review of the Victorian Auditor General's Report of Victoria's Planning Framework for land use and development
- Review of the asset lives used for calculating depreciation of the Shire's infrastructure assets
- Review of Waste Management results
- Reviewed the External Auditor's performance

Council's External Auditor is WHK Horwath.

## Risk Management

Colac Otway Shire is committed to managing risk responsibly by having in place appropriate procedures to reduce the possibility of adverse effects from future events. Mechanisms are in place for the key focus areas of assets, workers, liability and financial sustainability.

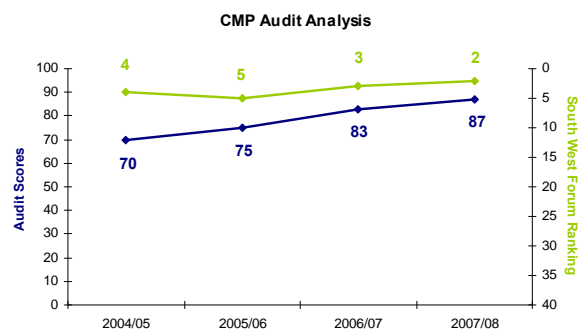
Council's Risk Management Policy and Strategy were reviewed in March 2007 in line with the Australian and New Zealand Standard on Risk Management AS/NZS 4360. The Risk Management Strategy provides a systematic approach to identifying, analysing and mitigating risks. Ongoing reviews of policies, internal controls and standards against the Risk Management Strategy are reported to the Audit Committee on a quarterly basis.

Unfortunately, due to delays in a software release, the planned implementation of the risk register only commenced in the later part of 2007/08. In the year ahead we will continue the implementation of an electronic risk register.

### Public Liability

Colac Otway Shire achieved a score of 87% for the 2007/08 Annual CMP Public Liability/Professional Liability Audit, a 4% improvement on 2006/07.

The annual audit of proactive risk management practices is conducted by Jardine Lloyd Thompson Australia (JLTA) across participating Victorian Councils. Each year the risk audit rankings and scores, along with Council's claims history, are used to determine our insurance premium levels for the next year. Improving both our claims history and Council's proactive, preventative activities help save on liability insurance costs.



The 2007/08 Audit included the following areas:

- Asset management (roads and footpaths, trees, recreation reserves, pools, bike tracks)
- Statutory and professional functions (planning and building control)
- Agreements (hall hiring, recreational facilities)
- Councils' overall risk management program (risk management policy, risk register, risk strategy, embedded risk, claims and incident processes and records)
- Food Safety (new area)
- Working with Children (new area)

Colac Otway scored well in the areas of Town Planning/Building (100%), Enterprise Wide Risk Management (79%), Reactive Risk Management (100%), Building/Town Planning (100%), Food Safety (100%) and Working with Children (100%).

Our ranking amongst participating Councils also improved. Of the 14 South Western Rural councils, Colac Otway Shire improved from 3<sup>rd</sup> in 2006/07 to 2<sup>nd</sup> place. Our ranking in the State also improved, moving up from 23<sup>rd</sup> to 21<sup>st</sup> out of the 79 Councils for the same period.

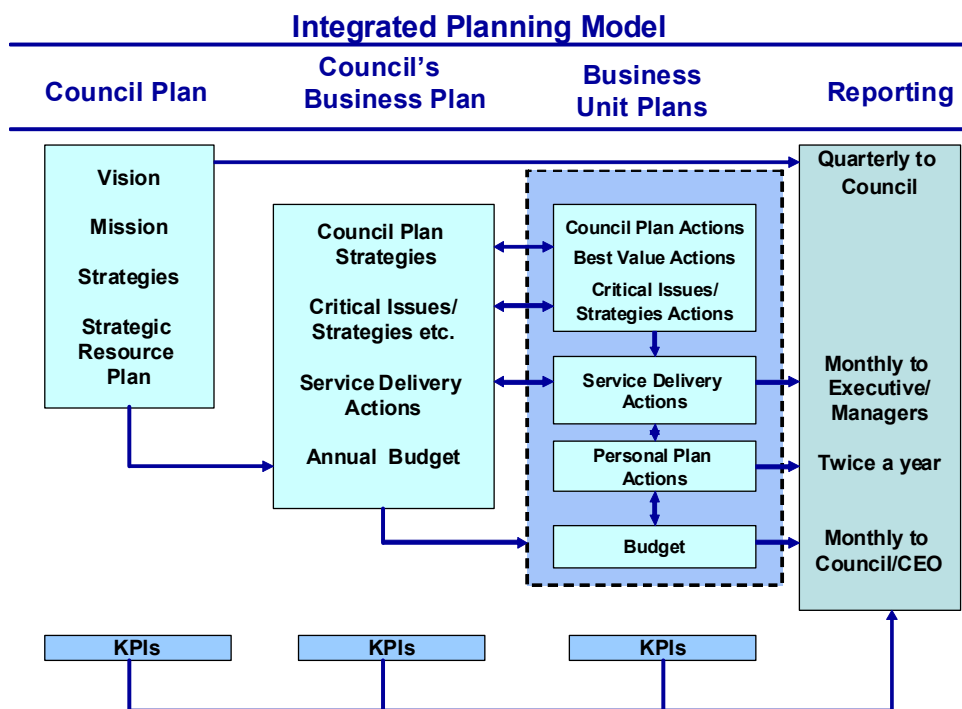
### Property and Fidelity Guarantee Insurance Audits

Colac Otway Shire achieved a score of 83.67% for the property and fidelity guarantee insurance audit conducted in October 2007. This was a marginal improvement in performance on 2006/07 of 83%. These audits are conducted annually by Council's Insurer, JLTA and involve a desktop audit of Council's property & asset procedures, plus site visits randomly selected of Council insured properties.



## Business Planning

This year we continued to strengthen our approach to an integrated business planning framework through the ongoing implementation of the interplan® reporting software. A key focus has been to strengthen the linkages between the Council Plan, the business unit annual plans and employees' personal plans.



We measure our performance at four stages within the planning, measurement and reporting cycle and report at regular intervals, as shown in the following table:

| Performance Report                  | Content                                                                                                                                                             | Audience                                                                            | Interval                                          |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------|
| <b>Annual Report</b>                | Report of operations<br>Achievement in line with Council Plan strategies<br>Victorian Local Government Indicators<br>Legislative compliance<br>Financial management | Colac Otway community, Council, State Government, businesses, partners and visitors | Annual by 30 September                            |
| <b>Financial Management</b>         | Financial position                                                                                                                                                  | Council, CEO and General Managers                                                   | Monthly to the Executive and Council              |
| <b>Council Plan Strategy Report</b> | Achievement in line with Council Plan strategies                                                                                                                    | Council, CEO, General Managers and Managers                                         | Quarterly                                         |
| <b>Business Unit Report</b>         | Progress according to business unit actions                                                                                                                         | CEO, General Managers and Managers                                                  | Monthly                                           |
| <b>Employee Personal Plans</b>      | Progress against personal plan actions                                                                                                                              | Employee and their Manager                                                          | Twice per year                                    |
| <b>Capital Works</b>                | Progress according to implementation schedule and expenditure                                                                                                       | Council, CEO, General Managers and Managers                                         | Monthly to the Executive and Quarterly to Council |

## **Continuous Service Improvement**

The Best Value provisions outlined in the Local Government Act require Council to review our services against the following principles:

- Specific quality and cost standards for every council service
- Responsiveness to community needs
- Accessibility and appropriately targeted services
- Continuous improvement
- Regular community consultation on all services and activities
- Frequent community reporting

In line with Council's ongoing requirement to continue to review services against the Best Value principles, a process was endorsed in June 2006 whereby the strategic direction for service delivery would be set by Council at the commencement of each service review. The revised process also provides for greater emphasis on benchmarking, community consultation and financial assessments, with the Audit Committee continuing to oversee the Best Value Review schedule.

## **Customer Services Review**

During the year an extensive Best Value Review was undertaken of the Customer Services Unit, and in January 2008 Council endorsed the final review document.

The review involved consultation with key users of Customer Services and included a survey of staff. Results of the consultation, along with discussions with Customer Services staff and other internal units, were used to identify a number of service improvements that were either implemented or commenced:

- Review of template "Briefing of Event/Issue for Customer Services Unit"
- Opportunity for the Customer Services Unit to meet as a team on a regular basis
- A review of the structure including provision in the 2008/09 budget for a Customer Services Coordinator
- Review of Customer Service documentation

## **Local Laws and Property & Rates Reviews**

Reviews were also successfully completed for Local Laws and Property & Rates. Benchmarking of Fees & Charges were conducted with like Councils for both services, with results indicating that Colac Otway provided competitive services.

Consultation with key stakeholders and surveys of the community revealed a high level of satisfaction with existing services provided by Property & Rates. The results for Local Laws revealed some issues involving availability of longer term parking in the CBD areas of Colac and Apollo Bay and dissatisfaction with the forms being used for permit applications.

A Parking Review of the CBD areas in Colac and Apollo Bay will be undertaken by the Planning Department. The Local Laws Unit will undertake a review of permit application forms to make them easier to understand. Continuous Improvement Plans were developed for both services, with actions identified forming part of each Unit's 2008/09 business plans.

## **Apollo Bay Harbour Management Review**

A Best Value review process was undertaken during the 2007/08 financial year into the level of fees and charges that should be applicable at the harbour. Consultation with staff, the consultative group and the mooring holders indicated that there was support for a nominal increase in mooring fees based on CPI to make the fees and charges comparable to other similar ports.

Asset Development and Waste Management are well along in the review process and will be completed in 2008/09.

## Legislative Compliance

### Equal Opportunity

Colac Otway Shire is committed to the principles of Equal Opportunity and believe that our staff, volunteers and clients are entitled to be treated on the basis of merit and are able to work in an environment free of harassment and bullying. Accordingly, we are committed to achieving Equal Employment Opportunity and Anti-Discrimination. All staff are entitled to access employment, promotion, training and the benefits of a working environment based on merit, that is, their skills, qualifications, abilities and work performance. Staff are informed of our commitment to the principles of equal opportunity through our staff induction program, Code of Conduct, and regular awareness programs. During the year staff participated in Equal Opportunity refresher training.

### Freedom of Information Act 1982

The Act grants the community the right to access certain Council documents. This general right of access is only limited by exceptions and exemptions, which have been prescribed to protect essential public interests and the private and business affairs of people about whom Council holds information.

The Act has four principles:

1. The public has the right of access to information
2. Local governments are required to publish information on the documents they hold
3. People may request that inaccurate, incomplete, out-of-date or misleading information in their personal records be amended
4. People may appeal against a decision not to give access to the information or not to amend a personal record

Written requests for documents must be addressed to Council's Freedom of Information Officer. The request must specify the document required or if unable to do so, give sufficient detail to enable the relevant document to be located, the form of access required and include details of the applicant's contact details. Applications must be accompanied by the prescribed fee.

|                                  |         |    |
|----------------------------------|---------|----|
| <i>FOI Applications Recorded</i> | 2007-08 | 15 |
|                                  | 2006-07 | 12 |
|                                  | 2005-06 | 9  |
|                                  | 2004 05 | 13 |
|                                  | 2003-04 | 18 |

During the year 2007/08 staff participated in FOI refresher training.

### Whistleblowers Protection Act 2001

The Act is designed to encourage and facilitate the disclosure of information about improper conduct by Council officers or Councillors. The Act provides a framework for the investigation and correction of any improper conduct reported. It also provides protection for informants.

The key objectives of the Act are to:

- Promote a culture in which people feel safe to make disclosures
- Protect these people from reprimand
- Provide a clear process for investigating allegations
- Ensure that investigative matters are dealt with properly

Council's commitment to the Act is outlined in our procedures, and can be downloaded from Council's website at [www.colacotway.vic.gov.au/Page/page.asp?Page\\_Id=1758&h=1](http://www.colacotway.vic.gov.au/Page/page.asp?Page_Id=1758&h=1) or obtained from the Colac Shire Offices.

Disclosures may be made either to the Council or directly to the Ombudsman. Disclosures may be made by members of the public, other organisations or Council employees. No disclosures were received in 2007/08.

### Information Privacy Act 2000

Council has adopted policies relating to information privacy and health records that meet the requirements of the *Information Privacy Act 2000* and the *Health Records Act 2001*. Both Acts include privacy principles that relate to the collection, use and disclosure of information.

At Colac Otway Shire we believe the responsible handling of personal information is a key aspect of democratic governance and we are strongly committed to protecting an individual's right to privacy. During the year 2007/08 staff participated in Privacy Legislation refresher training. No complaints were received in 2007/08.

### National Competition Policy and Compliance – 2007-2008

#### Certification by the Chief Executive Officer

Colac Otway Shire Council has complied with the requirements of the National Competition Policy (NCP) for the period 1 July 2007 to 30 June 2008, in accordance with the requirements outlined in *National Competition Policy and Local Government – A Revised Statement of Victorian Government Policy (January 2002)*; as set out below:

|                                                                                                                                                                                                                  |           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <p><b>A. Trade Practices Compliance</b></p> <p><i>State whether the Council is compliant or non-compliant. If non-compliant, justify or cite actions to redress.</i></p>                                         | Compliant |
| <p><b>B. Local Laws Compliance</b></p> <p><i>State whether the Council is compliant or non-compliant. List any local laws made or remade during 2007-08 which impose a restriction on competition:</i></p>       | Compliant |
| <p><b>C. Competitive Neutrality Compliance</b></p> <p><i>State whether the Council is compliant or non-compliant for all significant businesses. List any significant businesses that are non-compliant:</i></p> | Compliant |

I certify that:

- a) this statement has been prepared in accordance with the 2007-08 National Competition Policy guidelines issued in May 2008 for reporting on National Competition Policy in accordance with *National Competition Policy and Local Government – A Revised Statement of Victorian Government Policy (January 2002)*; and
- b) this statement presents fairly the Council's implementation of the National Competition Policy.

Signed:



(Chief Executive Officer)

Date: 15 September 2008

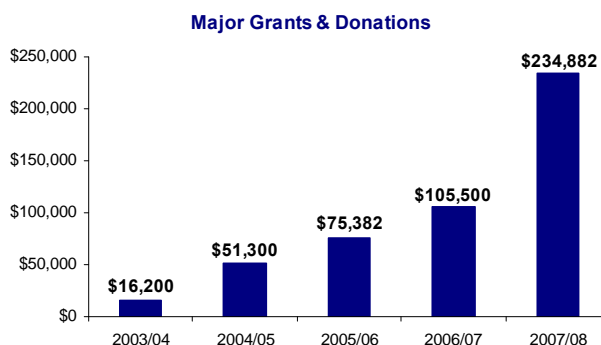
## Grants and Donations to the Community

To assist the community undertake cultural, recreational, environmental and community support projects and activities, Council provides grants and donations to community groups under the Community Funding Program. In 2007/08 \$112,500 was allocated to fifty-three organisations across the Shire under three categories: Recreation Facilities, Community Projects and COPACC (Colac Otway Performing Arts Centre).

### Major Grants and Donations

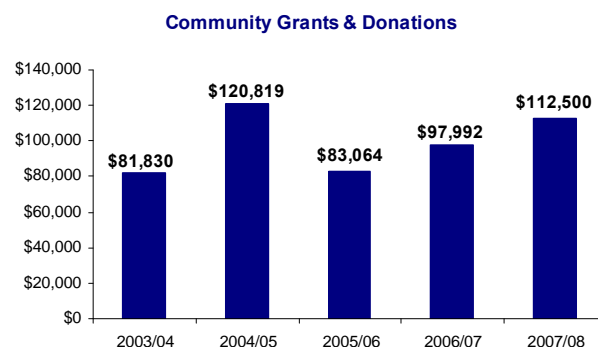
Over the past five years Council has provided \$483,264 in Major Grants and Donations to support community events and organisations.

A review of the classification of Major Grants and Donations has been undertaken during the year which has resulted in a \$129,382, or a 123%, increase when compared with the 2006/07 financial year.



### Community support grants and donations

A five year view of the Community Support Grants and Donations indicates Council has provided a total of \$496,205 to support community groups, with a variety of projects, ranging from minor maintenance to sporting clubs and arts and theatre groups.



## Council Memberships

Council is a member in a number of forums including the following key memberships:

| Organisation                                     | Amount           |
|--------------------------------------------------|------------------|
| Geelong Otway Tourism                            | \$70,730         |
| Municipal Association of Victoria                | \$46,091         |
| G21 - Geelong Regional Alliance                  | \$40,700         |
| Barwon Regional Waste Management Group           | \$19,724         |
| VECCI                                            | \$4,245          |
| Livestock Saleyards Association of Victoria      | \$2,661          |
| Timber Towns Victoria                            | \$2,200          |
| Victorian Association of Performing Arts Centres | \$1,326          |
| Australian Airports Association                  | \$847            |
| Planning Institute of Australia                  | \$110            |
| <b>Total</b>                                     | <b>\$188,634</b> |

## Statutory Information

### Information available for Public Inspection

Under the Local Government Act 1989, Council is required to have the following list of documents available for public inspection. These documents can be viewed at the Colac Otway Shire Offices at 2 - 6 Rae Street, Colac from 8.30am to 5.00pm Monday to Friday.

- Details of current allowances fixed for the Mayor and Councillors
- Details of senior officer's total salary packages for the current financial year and previous year
- Details of overseas or interstate travel undertaken in an official capacity by Councillors or any Council Staff in the previous 12 months
- Names of Council officers who were required to submit a return of interest during the financial year and the dates the returns were submitted
- Names of Councillors who were required to submit a return of interest during the financial year and the dates the returns were submitted
- Agendas and minutes for Ordinary and Special Council meetings held in the previous 12 months
- A list of all special committees established by the Council and the purpose for which each committee was established
- A list of all special committees established by Council which were abolished or ceased to function during the financial year
- Minutes of meetings of special committees established under Section 86 of the Act and held in the last 12 months
- A register of delegations kept under the Local Government Act
- Submissions received under Section 223 of the Act during the previous 12 months
- Agreements to establish a regional library
- Details of all property, finance and operating leases entered into by Council
- Register of authorised officers appointed under Section 224 of the Act
- A list of donations and grants made by the Council during the financial year
- A list of the names of the organisations of which the Council was a member during the financial year
- A list of contracts valued at \$100,000 or more which Council entered into during the financial year without first engaging in a competitive process and which are not contracts referred to in 186(5) of the Act

## Victorian Local Government Indicators

At the Council Plan level the key performance indicators address outcomes of the Council Plan strategies and actions and the following legislatively prescribed indicators (Victorian Local Government Indicators):

|                                                                                                                                             | 2003/04          | 2004/05          | 2005/06          | 2006/07          | 2007/08          |
|---------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|
| <b>Affordability</b>                                                                                                                        |                  |                  |                  |                  |                  |
| Average rates and charges per assessment                                                                                                    | \$869            | \$907            | \$956            | \$1,069          | \$1,151          |
| Average rates and charges per Residential assessment                                                                                        | \$764            | \$822            | \$878            | \$950            | \$1,090          |
| <b>Sustainability</b>                                                                                                                       |                  |                  |                  |                  |                  |
| Average liabilities per assessment                                                                                                          | \$698            | \$885            | \$818            | \$698            | \$619            |
| Operating result per assessment – surplus/(deficit)                                                                                         | (\$115)          | (\$161)          | \$128            | \$71             | \$48             |
| <b>Services</b>                                                                                                                             |                  |                  |                  |                  |                  |
| Average operating expenditure per assessment                                                                                                | \$2,261          | \$2,482          | \$2,142          | \$2,069          | \$2,246          |
| Community Satisfaction Survey for overall performance generally of the Council                                                              | Index Mean<br>62 | Index Mean<br>62 | Index Mean<br>65 | Index Mean<br>63 | Index Mean<br>51 |
| <b>Infrastructure</b>                                                                                                                       |                  |                  |                  |                  |                  |
| Average capital expenditure per assessment                                                                                                  | \$388            | \$429            | \$626            | \$601            | \$630            |
| <i>Renewal Gap</i><br>Current spending on renewal to Asset base consumed during the year                                                    | 38%              | 42%              | 55%              | 83%              | 97%              |
| <i>Renewal and Maintenance Gap</i><br>Current spending on renewal plus maintenance to Asset base consumed during the year, plus maintenance | 51%              | 56%              | 72%              | 90%*             | 98%              |
| <b>Governance</b>                                                                                                                           |                  |                  |                  |                  |                  |
| Community Satisfaction Survey for Council's advocacy and community representation on key local issues                                       | Index Mean<br>62 | Index Mean<br>64 | Index Mean<br>65 | Index Mean<br>63 | Index Mean<br>54 |
| Community Satisfaction Survey for Council's engagement in decision-making on key local issues                                               | Index Mean<br>56 | Index Mean<br>61 | Index Mean<br>64 | Index Mean<br>62 | Index Mean<br>45 |

\*The figure of 121% appearing in the 2006/07 report was found to be in error

## STRONG LEADERSHIP

### Council Plan Objective

*Providing strong community leadership, governance and advocacy services which will benefit the community now and into the future.*

### Council Plan Commitments



2007/2008 Actions completed



2007/2008 Actions behind schedule



Deferred or delayed beyond 2007/2008

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Councillors and Council Officers to advocate strongly to other levels of government on issues of importance to the Shire's communities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|  | <p>Continue the (Best Value) business planning process of organisational review:</p> <ul style="list-style-type: none"> <li>Annually identify potential savings and efficiencies that can be redirected by Council to higher priorities</li> <li>Work towards improved Community Satisfaction Survey results</li> <li>Assess the impact on the Council's reliance on grants</li> <li>Assess the level of community demand for services</li> </ul> <p><i>While Council achieved all of its actions related to this commitment, we were disappointed with the overall results of the Community Satisfaction Survey. At the time the survey was conducted Council had been undergoing a period of uncertainty with the dismissal of 3 Councillors by the Minister, and also had to deal with some controversial decisions. This situation clearly affected ratings across nearly all measures of the survey.</i></p> |
|  | <p>Undertake a review of the development and implementation of Council's major projects process to establish efficiencies and knowledge to the delivery of Council's Capital Works Program.</p> <p><i>Strategy completed</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|  | <p>Develop, implement and review Council's Volunteer Strategy.</p> <p><i>Strategy completed</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

Council exercises leadership by fulfilling its governance responsibilities and by remaining vigilant regarding emerging directions and trends, seeking opportunities where issues of relevance to the community and to the organisation are identified. Providing strong leadership that benefits the community and promotes the efficiency and effectiveness of the organisation is also achieved by putting into practice our **Values** of *Partnership* with the community to achieve agreed goals, *Consultation* on key issues and transparency of the decision making process, and promoting a culture in which our *Service(s)* respond to community needs and aspirations.

### Highlights

Fulfilling our governance obligations is a primary concern of Council and is documented under the Governance section beginning on page 16.

A leadership opportunity arose with the creation of the State Government's new Victorian Drug and Alcohol Prevention Council (VDAPC). Our CEO accepted an invitation to participate on this important committee. The main goal of the VDAPC is to advise the Victorian Government on strategies to prevent harm from the use of legal and illegal drugs.

The financial results for the 2007/08 year show that we have improved our status against the Victorian Auditor General's Financial Sustainability Indicators. This improved result means that Council has achieved a 'low risk' rating against four of the five Victorian Auditor General's Indicators and a medium risk for the remaining indicator on infrastructure renewal. For further details refer to the Financial Sustainability section on page 78.



## STRONG LEADERSHIP

Another of the ways in which Council exercised leadership was in responding to growing community concern for sustainability and the environment by reviewing its current light fleet vehicle operational policy. A new set of guidelines were implemented that aim to deliver a more environmentally friendly fleet. Fuel consumption has a direct correlation on our carbon footprint and we are committed to reducing the impact our organisation has on the environment. Vehicles purchased under the new guidelines will also result in savings to Council and the ratepayers with the average fuel consumption reduced by 1.7 litres per 100 km travelled. Other environmental activities are detailed in the Environmental Sustainability section on page 67.

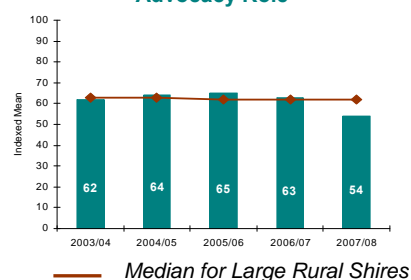
Council is committed to our Values of Partnership, Consultation and Service being an active, 'living' force influencing how we go about our business:

### Partnership

Our partnership with the community to achieve agreed goals that benefit the whole of our community, both now and into the future, is taken very seriously. We take on a strong advocacy role on behalf of the community where desired services or infrastructure are beyond our capacity or authority to provide.

A key advocacy project has been the campaign to have the Princes Highway West duplicated from Geelong to Colac and on to Mt Gambier at the South Australian border. As the coordinating Council of the 17 Councils who form the Princes Highway West Alliance, Council has campaigned steadily and strongly for the duplication as it will reduce the increasing road toll and is critical to the economic success of the region. Council was thrilled when the State Government allocated \$110 million in the 2008/09 Budget for the project.

Community Satisfaction with Council's Advocacy Role



Council also engages in partnerships with other significant bodies to ensure benefits to our community:

- We collaborated with the Corangamite Catchment Management Authority to develop mapping of salinity affected areas, revise flood mapping and more comprehensively map areas of land prone to landslip
- We are involved in meetings of the G21 alliance to further objectives relating to settlement in the region

Submissions on behalf of the community were also presented to other bodies including:

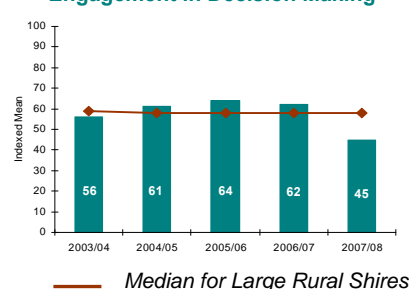
- Regional Development Victoria's (RDV) review of the performance of the state Rural Zones, designed to protect agricultural land
- Draft Victorian Coastal Strategy and its impact on economic development
- State Government's proposed new residential zones that will impact on planning controls

### Consultation

We believe genuine consultation on key issues and engagement with our community leads to Council outcomes that are more reflective of the community's aspirations and improve the quality, accountability and transparency of those decisions.

Successful consultation requires ongoing analysis of our practice, and we aim to continually improve by regularly assessing the outcomes of our consultation with the community.

Community Satisfaction with Council's Engagement in Decision Making



Some examples of our community consultation over the past year are:

## STRONG LEADERSHIP

|                                      |                                                                                                                                                                                                                                                       |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Safety                     | <ul style="list-style-type: none"> <li>• Municipal Fire Prevention Plan</li> </ul>                                                                                                                                                                    |
| Finance                              | <ul style="list-style-type: none"> <li>• Budget Process</li> </ul>                                                                                                                                                                                    |
| Governance                           | <ul style="list-style-type: none"> <li>• Beechy Centre Development including Global Connector</li> <li>• Various Council Policies</li> </ul>                                                                                                          |
| Health and Community Services        | <ul style="list-style-type: none"> <li>• Municipal Public Health Plan</li> </ul>                                                                                                                                                                      |
| Organisation Support and Development | <ul style="list-style-type: none"> <li>• Strategic Plan 2008-2012 Volunteer Engagement and Sustainability</li> <li>• Best Value Reviews</li> </ul>                                                                                                    |
| Planning                             | <ul style="list-style-type: none"> <li>• Rural Land Strategy</li> <li>• Kennett River, Wye River &amp; Separation Creek Structure Plans</li> <li>• Various Planning Amendments including C29 (Great Ocean Green) and C55 (Beechy Precinct)</li> </ul> |
| Roads and Infrastructure             | <ul style="list-style-type: none"> <li>• Special Charge Schemes</li> <li>• Bridge Asset Management Plan</li> </ul>                                                                                                                                    |

### Communication

Communication is a critical component in effective consultation with the community and in keeping them informed about Council issues, progress on key strategies and updates on services provided. We are committed to making communication and consultation with the community more effective, continuing to build partnerships with a range of groups in our community and in seeking greater community engagement in the decision making process.

In addition to consulting through Council activities, meetings, forums and reference groups, we also provided comprehensive information about a broad range of Council activities, issues, services and events through:

- Monthly columns in local papers, with a focus on environmental issues that affect the Shire, economic development projects and updates on meeting our roads and infrastructure maintenance commitment
- Our website, [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au), updated on a regular basis with Council news and important documents
- Proactive engagement of the local media: issued an average of eight media releases a week, held regular media briefings and responded to an average of 13 media enquiries a week
- Published regular advertisements in our local papers, community newsletters and on radio about initiatives and activities
- A Council Plan newsletter was sent to all non resident ratepayers and Council's Community News database in March 2008. Local residents were informed through advertisements in major local papers
- Council news distributed at key times throughout the year, with residents and ratepayers given the option to join the Community News database and receive Council updates via email

### Service

Council is committed to providing services that respond to community needs and aspirations. Promoting a culture within the organisation that maintains a focus on providing responsive, quality and cost effective services to our community is a priority and innovation is encouraged as a part of striving for this goal.

Council's Best Value program focuses on continuous service improvement. A rolling five year program allows for a review of all services provided and entails benchmarking against other organisations and consultation with the community and other stakeholders. Continuous Improvement Plans are drawn up containing items identified through the process, with these being scheduled as actions in the relevant Units' business plans. Customer Services, Apollo Bay Harbour Management, Local Laws and Property & Rates all underwent review this year. For further information see page 25.

## STRONG LEADERSHIP

### Challenges

- Community Satisfaction Survey levels were most likely impacted by the dismissal of 3 Councillors and controversial issues such as the proposed development at Apollo Bay (Amendment C29)

### The Year Ahead

- Council Elections (new Council/inductions)
- Development of a Community Plan and a new Council Plan
- Implementation of the Information, Communication and Technology (ICT)
- Strategic Plan

### Our People

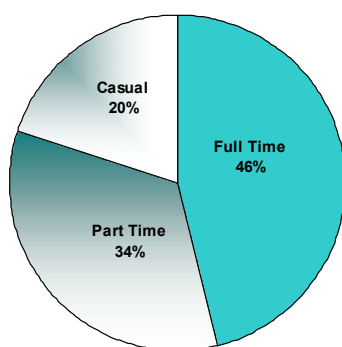
Our staff are our most valuable asset and are the driving force behind the delivery of services and the achievement of our Council Plan strategies. At 30 June 2008 there were 289 staff employed in a variety of permanent full-time, part-time and casual positions.

More than 140 volunteers, Family Day Care contractors and work experience participants support and assist our staff in the delivery of council services. Our volunteers play a key role in tourism promotion, community transport and the delivery of major events. We held a “thank-you” breakfast in December 2007 for Colac Otway Shire workforce volunteers, with 70 volunteers in attendance.

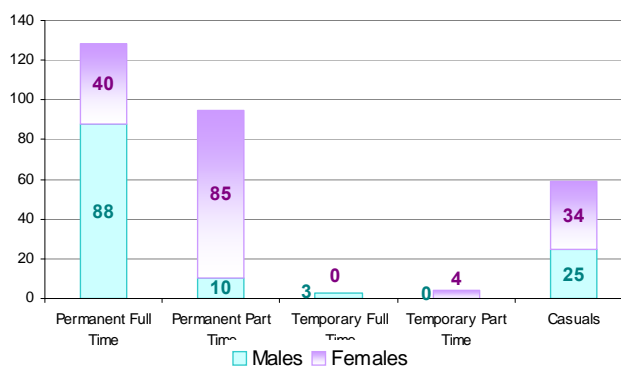
#### Effective Permanent Full Time (EFT) Staff by Business Unit

|                                        | EFT           |
|----------------------------------------|---------------|
| Executive (including General Managers) | 6.63          |
| Corporate & Community Services         | 0.95          |
| Finance                                | 12.40         |
| Recreation, Arts & Culture             | 20.52         |
| Information Services                   | 7.50          |
| Organisation Support & Development     | 6.06          |
| Health & Community Services            | 36.48         |
| Economic Development                   | 9.09          |
| Environment & Community Safety         | 12.99         |
| Planning & Building                    | 8.90          |
| Infrastructure & Services              | 0.63          |
| Major Contracts                        | 5.50          |
| Asset Development                      | 5.20          |
| Cosworks                               | 49.21         |
| <b>TOTALS</b>                          | <b>182.06</b> |

#### Staff by Employment Status



#### Staff by Gender and Employment Category



Total Males = 126; Total Females = 163

# STRONG LEADERSHIP

## Highlights

### Organisational training and development

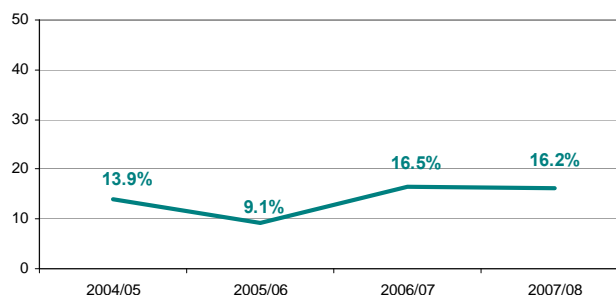
A fundamental principle of good governance is to ensure that we comply with the law. As well as staff receiving specific training on an ongoing basis related to their roles and legislative responsibilities, every second year a key aim of our annual organisation training and development program is the delivery of legislative compliant training. In 2007/08 council staff participated in training covering the Freedom of Information, Equal Opportunity, Human Rights Charter, Occupational Health & Safety/Risk Management and Privacy. Other professional development topics covered in this year's program included: Dealing with Difficult Behaviour, Project Management & the Introduction of our new Performance Management System.

### Recruitment and Retention

Council continues to experience some difficulties in attracting applications in areas of critical shortage across Local Government and in other industries in Australia, such as Engineering and Planning.

However, we have been fortunate to maintain staff turnover at a similar level to last year. This is at a time when the national average in 2008 is believed to be running at 18-19% across all industries.

Annual Turnover Rate

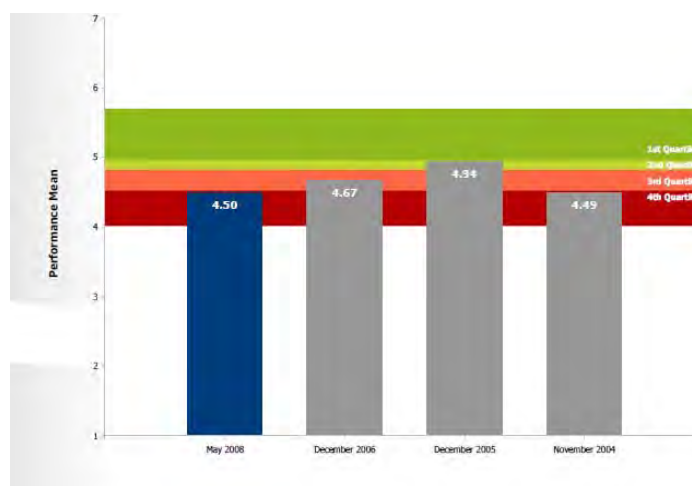


Issues around recruitment and retention continue to be addressed through our workforce planning strategies, which this year included our participation in the MAV Rural Council Workforce Planning Working Party, the LG Employment Branding Research Project and joining forces with six of the Greater South Coast Councils in an employment marketing campaign.

By being ideally situated within an hour's drive of major population centres and coastal areas, and by continuing to promote our commitment to staff development and training, we believe Colac Otway Shire is uniquely placed to offer an environment of challenge, growth, broad experiences and lifestyle options.

### Employee Opinion Survey

The fifth annual Employee Opinion Survey was conducted in May 2008 by insyncsurveys®, with the report available to staff in June 2008. Staff participation in the survey increased from 35% in 2007 to 53%. Overall staff satisfaction decreased marginally from the previous year, however more than two thirds of those who participated indicated that Colac Otway Shire continues to be a good place to work. Employees rated their top two priorities as “Balancing work and life demands” and “Working as a team in my work area”. In terms of where staff considered the organisation was performing well they rated teamwork, responsiveness of leadership and workplace safety as positive strengths.



## STRONG LEADERSHIP

### *Appreciating our staff*

Council has an ongoing Reward & Recognition Program. This year special mentions were made of 19 employees with 10, 15, 20, 25 & 30 years of service to our community.

*20 Years: Marj Lucas, Terry Robb and David Noonan. 25 Years: Kevin O’Gorman, Phillip Eyers and James Bartlett. 30 Years: Bernie Casey, Brian Dyson, Joan Day and Terry Malone.*

### *Communication*

Good communication within the organisation is seen as essential in keeping staff informed and updated on corporate activities and items of general interest. Along with Department and Team meetings the CEO holds a bi-monthly Forum. Presentations from the CEO and different areas of Council keep the organisation updated on key issues. It also allows the presenting Units to showcase the work they do and specific projects they are working on. A staff newsletter is also distributed bi-monthly.

### **The Year Ahead**

Continue to research and develop strategies to improve staff recruitment, retention and skills.

### **Occupational Health & Safety (OH&S)**

We are committed to providing a safe and healthy workplace for our staff, contractors and visitors. Our OH&S Consultative Committee meets bi-monthly. All areas of our organisation are represented on the committee, with 13 designated staff/workgroup representatives.

Our commitment to workplace safety and achievements was once again evident in the results of our 2008 Employee Opinion Survey, with staff continuing to rate health and safety as a high priority and high performing area.

Ongoing OH&S training is an essential element in continuously improving our health and safety performance. In 2007/08 staff participated in a number of activities including:

- OH&S Representative 5 Day OH&S course
- First Aid training
- Safe Work on Roofs
- Worksafe Guidelines for the Construction Industry

Part of our annual compliance training for 2007/08 included the development and delivery of an occupational health and safety refresher program for all staff. Health & Safety and Management representatives also participated in Worksafe Safety Week in October 2007.

### **Highlight**

**Council received an excellent result with its lowest SafetyMAP non-conformance rating in 10 years**, since it first began participating in the audit in 1998. SafetyMAP requires that a reaccreditation surveillance audit be conducted annually to assess Council’s continued certification every 3 years. SafetyMAP certification is a key driver of OH&S performance at Colac Otway Shire and ensures that our systems are assessed against best practice. This year’s audit was conducted in September 2007. The audit assessed Council’s overall approach to Occupational Health and Safety (OH&S) and the management of workplace risk against the standards of the Victorian Workcover Authority’s 4<sup>th</sup> edition Initial Level SafetyMAP Accreditation program.

### **The Year Ahead**

Continue to review policies and improve our procedures in line with the Occupational Health & Safety Act 2004.

## STRONG LEADERSHIP

### Organisational Support and Development

The Organisational Support & Development Unit provides advice, coordination and support on a broad range of internal services to Colac Otway Shire's management and staff in the areas of human resources management (including recruitment and selection, industrial relations, training and development), risk management and workplace safety; and corporate support for Council's integrated business planning processes, best value reviews and performance reporting.

#### Highlights

**Implemented the new electronic staff performance management system, 'PES®'.** The roll out of PES® to Business Units and staff commenced in July 2007, in line with our Enterprise Agreement commitment to ensure that all staff participated in an Annual Review during July-Sept. The implementation included four training sessions for managers/supervisors and a number of individual training sessions. Both the Annual staff reviews and Half Year Reviews (January 2008), were successfully completed for all relevant staff.

**Implementation and training of staff in the use of Council's Business Planning Software (interplan®)** continued, with the ongoing development and system integration of Council Business Planning software. Interplan® is an integrated planning tool that will provide the organisation with the ability to more effectively manage corporate, business and service level planning and reporting requirements.

**Coordinated a comprehensive organisational development and staff training program** to ensure employees participated in a comprehensive legislative compliance training program, as well as a number of professional development opportunities that will assist staff to effectively carry out their duties. Staff training and information sessions delivered on-site included: Privacy Awareness, Staff Development Program, Dealing with Difficult Persons, Freedom of Information and the Human Rights Charter. The aim of the Human Rights sessions was to introduce staff to the Charter, which came into effect on 1 January 2008, and how the Charter will protect human rights in Victoria, its impacts on staff and their work practices.

**A Staff Health & Wellbeing Program was developed and implemented,** which included:

- A Staff Health & Wellbeing Survey
- A Healthy Heart Check (Mobile Baker Heart Bus) session, where 50 staff participated
- A bi-monthly Health & Wellbeing Newsletter distributed to Staff. The newsletter provides staff and their families with information on a range of health, safety, work and general lifestyle topics
- Beyond Blue – Managing Depression in the Workplace training. The program was designed to enhance the managers' knowledge about the impact of depression, anxiety and related drug and alcohol problems on individuals, the workplace environment and the organisation

**Developed a 5 year Volunteer Engagement Project (VEP) Strategic Plan** to support community participation in volunteering. A wide cross section of volunteers, groups and networks were consulted, with over 60 volunteers' stories collected during 100 visits involving approximately 500 volunteers. A 'reward and recognition' event was held with a Mayoral Launch of the VEP Draft Strategy's DVD & Collection of stories. Approximately 70 volunteers attended. This event coincided with the Shire's "Thank You" to volunteers on National Volunteers Day, 5<sup>th</sup> December 2007. The strategic plan was endorsed at the January 2008 Council meeting.

**"Values in Action" Awards were introduced** for the first time this year. These were presented to staff whose peers believed they had demonstrated in the course of their work how the organisation's values of 'Partnership', 'Consultation' and 'Service' are put into action.

## STRONG LEADERSHIP

**Council was awarded the Best Annual Report for its 2006/07 report** in the Low Resource Category at the Municipal Association of Victoria Annual Report Awards. Also received was an award for the Best Financial Overview section within the Annual Report. These awards are a celebration for all staff as they contribute to the Annual Report through the work they do and the achievements accomplished each year.

**Completed the Best Value review program for 2007/08.** Services undergoing a full review were Customer Services, Property & Rates, Local Laws and Apollo Bay Harbour Management. Continuous Improvement Plans were drawn up for each of the services, with actions for each service forming part of their 2008/09 business plans.

**All new staff completed a comprehensive induction program** that provided information, key human resources policies and procedures, internal systems and processes, risk management and workplace safety.

**Coordinated the annual external risk audit program** for compliance with Public Liability, Professional Indemnity, Asset Management Insurances and OH&S Management system accreditation.

**Coordinated the recruitment and selection of 57 position vacancies**, processing a total of 366 applications.

### Challenges

- Best Value reviews due for completion prior to the end of the financial year were rescheduled for finalisation in late 2008
- Timeframe for implementation and integration of new Risk Register software was extended due to delays in the release of the software.

### The Year Ahead

- Continue to implement the Performance Management Software and revised Staff Development Program
- Development of Organisational Training Plan strategic document
- Ongoing implementation of the Staff Health & Wellbeing Program
- Implement the new Risk Register module of interplan
- Timely completion of Best Value Reviews
- Development of the new 4 year Council Plan

# STRONG LEADERSHIP

## Information Services

The Information Services Unit (ISU) provides a range of services to both the community and internally to Council officers. Services focus on Document Management, Information Communication and Technology (ICT) and Geographic Information System (GIS), supporting the organisation to provide responsive customer service.

### Highlights

An **Information Communications and Technology Strategic Plan (ICTSP)** has been developed that defines short, medium and long term actions for Council systems and applications. The plan sets a roadmap for the Councils ICT systems to 2013. As a first step in the implementation of the ICTSP a **Storage Area Network** platform has been developed, providing the base capability for development of Council's Disaster Recovery plan.

Council's **Wireless Infrastructure** was extended to enhance the connectivity of both the Works Depot and Blue Water Fitness Centre. These high speed wireless connections link to the Colac Rae St data centre providing high speed access to Council data.

The **scheduled equipment replacement program** was completed. This annual schedule ensures that Council's ICT equipment, including workstations, printers, network components and ancillaries, meets business requirements.

**Provided a mobile technology to the Local Laws team to implement the new Fire Notice and Inspection procedure.** The new capability uses high resolution electronic maps and enabled the inspection of 8,000 rural properties where previously only 1,000 were able to be inspected. The mobile capability allowed Local Laws to achieve their target in less time and with better outcomes than the previous inspection system.

**The GIS Coordinator played a pivotal role in the formation of the Corangamite Consortium,** which coordinated the \$2 million Imagery and Modelling project to which Council contributed \$20,000. The project deliverables provided Council with high resolution up-to-date imagery of the Shire and includes a high resolution model of the terrain.

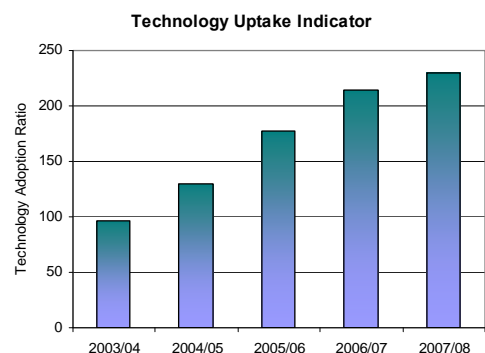
The **implementation of a new GIS application** has doubled the number of GIS users to 40 who access and rely on the Council's spatial data.

### Information Services

- \$918,512 operating expenditure (\$65 per rateable property)

### ICT

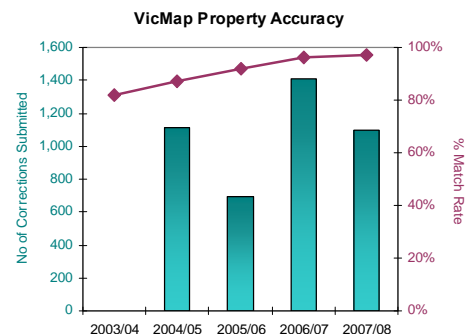
- The information system consists of 13 servers and 146 workstations located across 12 work sites
- Received 115,000 emails and sent 94,154



Technology uptake is expected to continue to rise.

### GIS

- 400 new properties mapped



The match rate between Council's property system and the State Government has steadily improved and is now stable above 97%.





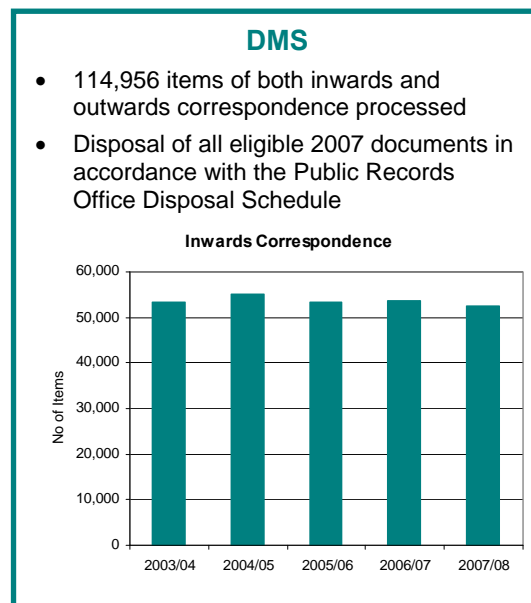
## STRONG LEADERSHIP

Council has been working on a **long term program to upgrade road data** used by emergency services, utilities and the public. One aspect of the work is the naming of un-named roads in the Shire. Among other things the road data is used by Global Positioning System (GPS) navigation devices, which are becoming common for in-car navigation.

**We completed four audits of Council's electronic document library** in relation to compliance with defined standards for the library.

### Challenges

- The ICT Strategic Plan reiterated the importance of a Disaster Recovery (DR) capability. The Council has a limited capability in relation to DR. The identification of an alternate work area is the most significant barrier to developing a realistic DR plan
- Finding funding through external sources to assist with the provision of a fully functional Web based GIS that can extend elements of the Council's internal GIS capability to the community
- A mobile capability was developed to assist Local Laws identify and manage lost or stray dogs, the animal mobile application has not been fully adopted due to the complex nature of the system, this will be addressed in the year ahead



### The Year Ahead

- The ICT Strategic Plan has identified over 60 initiatives to be considered over the next 4 to 5 years with significant elements to be implemented in the 2008/09 financial year
- Commence planning and preparation activities for the replacement of Council's Electronic Document Management Systems
- Develop integration linkages between the Council's asset systems and customer request system
- Improve the property system data quality to further improve our match-rate between the Council's property system and the Council's internally generated maps
- Extend the breadth of GIS data which will be available on the Council's internet website
- Develop a Web based GIS capability that can extend elements of the Council's internal GIS capability to the community

## ROADS AND INFRASTRUCTURE

### Council Plan Objective

*Improving and renewing our roads and other infrastructure by allocating additional Council funds and strongly advocating for State and Federal Governments to provide additional funding.*

### Council Plan Commitments



2007/2008 Actions completed



2007/2008 Actions behind schedule



Deferred or delayed beyond 2007/2008

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Continue increased funding of infrastructure asset renewal, particularly on rural road resheeting, drainage, timber bridges and footpaths                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|  | Advocate for the upgrade of Turtons Track as a major sealed 2WD Touring route.<br><i>Strategy completed – Turtons track has been upgraded.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|  | Advocate for the upgrade of the main access roads between Princes Hwy and the Great Ocean Road including the Colac/Forrest Road, Birregurra/Forrest Road, Forrest/Skenes Creek Road and Forrest/Apollo Bay Road and the Colac/Lavers Hill Road consistent with actions contained in the Great Ocean Road Regional Strategy.                                                                                                                                                                                                                                                                                                                                                                        |
|  | Advocate for the location of the Geelong By-Pass connection with the Princes Highway to enable a continuous 100kmh speed zone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|  | Advocate for the Construction of a dual carriageway Princes Highway from Geelong to Colac and then beyond to the South Australian border                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|  | Advocate for the development of an alternative heavy vehicle route for the City of Colac                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|  | Advocate for the identification of a designated route for the future location of a Colac By-Pass for the Princes Highway                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|  | Implement the Road Safety Plan and Council approved road safety initiatives in partnership with VicRoads and other agencies.<br><i>The existing Road Safety Strategy is presently being reviewed and updated. This is being undertaken in conjunction with the Corangamite Shire (with strong links to the Corangamite Policing District). Both municipalities have committed funding to the project. An external consultant has been appointed with the Strategy to be developed during 2008/09.</i>                                                                                                                                                                                              |
|  | Advocate for improved infrastructure services – telecommunications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|  | Investigate the feasibility of a Regional Saleyards complex with other municipalities in the G21 Region                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|  | Develop and implement the Asset Management Plans and Asset Management System for all infrastructure categories.<br><i>Bridge Asset Management Plan completed and adopted by Council. Draft Building Asset Management Plan has been prepared by the Asset Management Working Group and is to be finalised prior to presenting to Council. Limited work undertaken to prepare the Stormwater Asset Management Plan.</i>                                                                                                                                                                                                                                                                              |
|  | Manage our roads consistent with Council's Road Management Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|  | Strategically manage the impacts on Council's local road network giving consideration to emerging industries and changes in transport demands.<br><i>Management outcomes of defect inspections and responses have been reported to the Roads Committee quarterly throughout 2007/08. A high level of compliance with the standards of Council's Road Management Plan was achieved for this year. Funding applications were submitted to the State Government's Better Roads and Local Roads to Markets Program to enable the upgrade of local road infrastructure including the replacement of Binns Road bridge and the widening of Larpent Road between Underwoods Road and Princes Highway.</i> |

## ROADS AND INFRASTRUCTURE

### Infrastructure and Asset Development

#### Asset Development

The Asset Development Unit is responsible for the day to day management and development of approximately \$228 million dollars worth of Council's assets, which includes Roads, Buildings and other infrastructure. The Unit is also responsible for the management of Council's \$8.96 million dollar annual Capital Works Program. Also undertaken are inspections, monitoring and development of major maintenance programs and capital works programs. These projects are prioritised and designs and specifications are provided to the Major Contracts and Works Units for implementation in accordance with Council's Asset Management Plans, Strategies and Policies.

#### Highlights

**New guidelines developed for purchasing of environmentally friendly Light Fleet.** Fuel consumption has a direct correlation on our carbon footprint. To reduce this impact vehicles purchased under the new guidelines will reduce the average fuel consumption by 1.7 litres per 100 km travelled.

**Delivery of more than \$1 million of road rehabilitation and improvement works** under the Federal Government's Roads to Recovery program. Projects completed under this program included:

- Replacement of existing piles on the Upper Gellibrand Road bridge
- Asphaltting of the intersections at Wilson Street/Gravesend Street, Wilson Street/Queen Street, and Hearn Street/Gravesend Street
- Pavement rehabilitation works on Cape Otway Road and Conns Lane, Birregurra.

**Major rehabilitation works undertaken on Carpenteit Bungador Road** to provide improved access to the local road network by b-double transport vehicles. This project was made possible through funding received from the Local Dairy Roads Program.

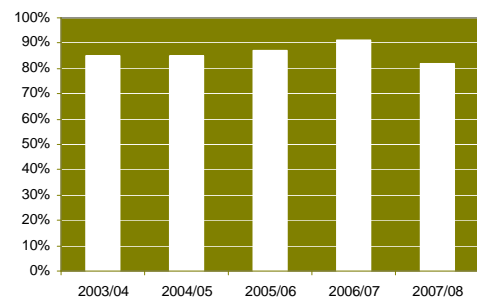
**Completion of the 2007/08 Building Renewal Program** (\$150,000), delivering improved buildings and facilities to the community. Works included painting and repairs to the portico roof at 6 Murray Street, painting and repairs to the Central Reserve Grandstand and Scoreboard and cleaning and painting of the Cororooke Maternal and Child Health Centre.

**Completion of building works** under Council's 2007/08 Capital Works Program included an upgrade of the existing water meter servicing the Eastern Reserve and upgrades to the existing switchboards at the Kanyana Senior Citizens Club and Winifred Nance Kindergarten. Works also included painting and installation of anti-slip flooring at Memorial Square toilets.

#### Infrastructure & Asset Development

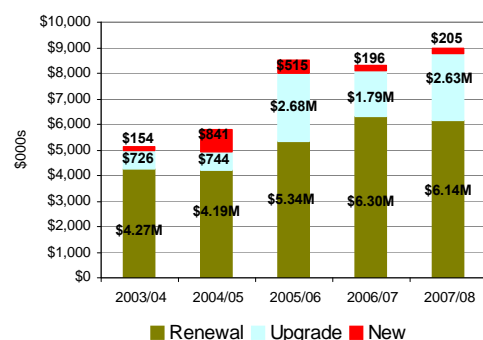
- Non-Current Assets valued at \$228 Million

Percentage of Capital Works Completed



The percentage of Capital Works completed reduced due to resourcing issues. During the year additional legislative requirements reduced Council capacity to deliver projects.

Capital Works Undertaken



## ROADS AND INFRASTRUCTURE

**Finalisation of the construction** of sections of both Borwick Street and Dowling Street. These projects were completed as special charge schemes and were a major achievement for the Unit in providing improved road infrastructure and development opportunities for the local community.

**Rehabilitation works on a number of bridges in the Gellibrand area.** Major structural elements on each of the bridges on Raffertys Access and James Access were replaced in order to support the movement of heavy vehicles including fire tankers and other emergency vehicles.

**Upgrades to local road infrastructure at level crossings** was undertaken within the municipality to address safety and compliance issues identified through the Department of Infrastructure's Australian Level Crossing Assessment Model (ALCAM) audits. These works included the provision of new signage and alteration of existing line marking on local roads to comply with Australian Standards.

### Challenges

- Delays were experienced in the completing a review Council's Road Safety Strategy.
- Only 82% of Council's 2007/08 Capital works Program were completed. Improved resource levels coordination of capital works project planning and design is needed so that projects are delivered on time and within budget. These requirements have seen the formation of the Capital Works Project Development Review Group
- Finalisation and adoption of Council's Building Asset Management Plan is required. The preparation of this Plan included documenting facility ownership details to ensure that funding for buildings is expended effectively

### The Year Ahead

- Completion of the Federal Government Auslink Strategic Roads Program involving widening of Poorneet Road and construction of the unsealed section of Swan Marsh - Irrewillipe Road
- Upgrade of the section of Larpent Road extending between the Princes Highway and Underwoods Road under the State Government's Local Roads to Market Program
- Replacement of the Binns Road Bridge and other upgrades to Binns Road through the Better Roads Program
- Continued development of Council's Asset Management systems, including ongoing conditioning monitoring of key asset types (e.g. roads, underground drains, buildings, etc)
- Managing community expectations in relation to the levels of service delivered by Council in respect to management of roads, buildings, and public open space, including playgrounds
- Review of project management systems
- Preparation of the Sinclair Street and Morrison Street special charge schemes
- Development of the 10 year capital works program, including integration with long term financial planning outcomes

## ROADS AND INFRASTRUCTURE

### Capital spending - why focus on Asset Renewal?

Colac Otway Shire Council is responsible for the management and maintenance of an extensive range of civil infrastructure including roads, drainage systems, footpaths, car parks, kerb and channel, bridges, traffic facilities, etc.

There are three main classifications of investment or expenditure types associated with capital works. These are: **Renewal, Upgrade, and New**. Each expenditure type is warranted under differing circumstances:

- **Renewal** works maintain existing assets e.g. roads, buildings, footpaths, etc
- **Upgrade** works satisfy changes in demand or rectify assets that are perceived not to meet community needs. Widening of an existing narrow road is an example of upgrade works
- **New** projects accommodate demand for new services, and may include the construction of a new building etc.

Council, like many other others all over Australia, is now facing the problem of ageing assets in need of renewal and rehabilitation. The **Renewal** of assets is essential to ensure that they are brought to, and maintained at, an agreed standard and are fit for purpose.

Over time **Upgrade** and **New** projects can increase direct costs to Council, and thereby the community, unless increased income from the improved or new asset can be generated. Typically these costs relate to the ongoing operation and maintenance of assets.

Council has a current budget strategy that responds to community demand and asset renewal requirements. Council's current emphasis is on asset renewal expenditure rather than asset development.

### Asset Maintenance

Annual maintenance and renewal of Council's infrastructure assets is undertaken by Council's Works Department (Cosworks). Colac Otway Shire has 1,700km of local roads (1,074km unsealed, 626km sealed) and 120km of footpaths to maintain. Cosworks are also responsible for the maintenance of kerb and channel, signs, drains, bridges, roadside vegetation, streetscapes, playgrounds, parks, and sporting grounds.

### Highlights

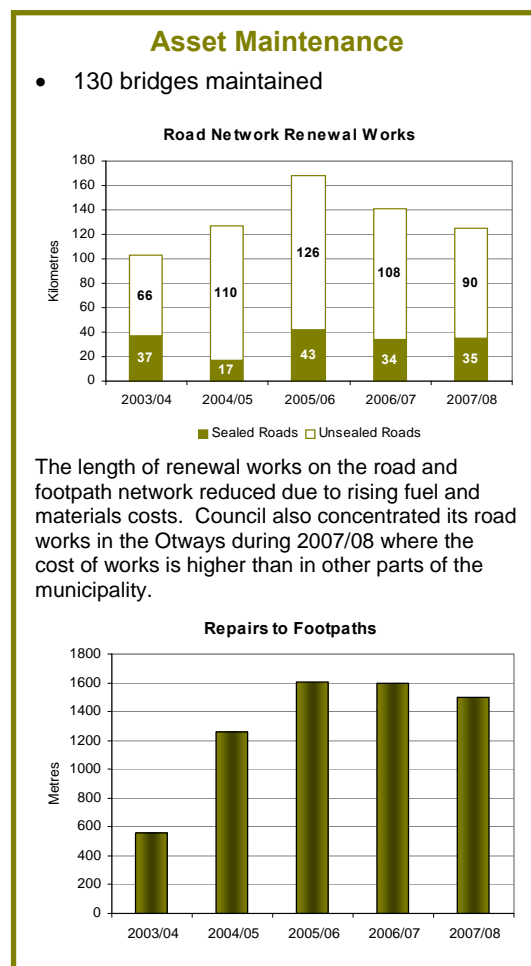
Drought conditions continued to impact on a number of maintenance areas although **approximately 90km of unsealed roads were resheeted** during the year, representing approximately 8.5% of the unsealed road network.

The **resealing of approximately 35km of urban and rural roads, and 4.9km of final seal** was completed in the year.

**1,500m of footpath was replaced** across the footpath network, renewing and replacing unsafe and broken sections. In addition to the replacement work, Council carried out significant maintenance works on the footpath network.

**Major drainage works** involving the establishment, clearing and reshaping of drains was undertaken along 80km of the road network.

**Guidepost installation** was undertaken along 261km of road across the municipality involving the installation of 4,500 new guide posts. In addition, a further 600 guide posts were installed replacing posts identified as damaged or missing as part of our programmed road asset inspections. Drought conditions decreased demand for **roadside**



## ROADS AND INFRASTRUCTURE

**slashing.** Instead there was a greater emphasis on roadside vegetation control (trees), with 91km of maintenance being undertaken across the Shire.

Monthly **playground inspections** were completed during the year with defects that were identified repaired in accordance with standards. Each park within the municipality was mown on average 8 times and major sporting ovals were mown 30 to 40 times during the year.

### Challenges

- Some gravel road surfaces around the municipality began to deteriorate at a faster rate than expected resulting in an increase in maintenance effort, whilst still maintaining other roads to Road Management Plan standards
- While Council has been increasing expenditure on asset maintenance and renewal there is still a community expectation of a higher level of service.

### The Year Ahead

- Review of the planning approval processes required for roadside vegetation maintenance and control
- Commence development of Safe Work Methods for all maintenance areas
- Commence Best Value reviews for Parks & Gardens and Saleyards

## Port of Apollo Bay

Colac Otway Shire is responsible for the management and maintenance of the Port of Apollo Bay since accepting responsibility from the Port of Geelong in 1995. This role is funded by the Department of Sustainability and Environment (DSE) and provides a safe facility for commercial and recreational users.

### Highlights

**Apollo Bay Harbour marina upgrade project.** A \$1.7 million upgrade of the marina occurred during 2007/08 with funding assistance from Department of Sustainability and Environment (DSE) and the Regional Infrastructure Development Fund (RIDF). The new marina is of a floating pontoon type with 29 berths available for mooring vessels. The marina is comparable to the modern marinas around Australia and overseas and the feedback from the users has been positive.

**Review of Fees and Charges.** A Best Value review process was undertaken during the 2007/08 financial year into the level of fees and charges for the use of the slipway facility, berthing and mooring, provision of marina keys, and establishment fees for swing mooring. Consultation indicated that there was support for a nominal increase in mooring fees based on CPI to make the fees and charges comparable to other similar ports. The new fees and charges will be applicable from 1 July 2008.

### Challenges



## **ROADS AND INFRASTRUCTURE**

- Additional Capital funding requested from Department of Sustainability and Environment (DSE) for some remaining aging infrastructure not funded

### **The Year Ahead**

- Ongoing implementation of Safety and Environmental Management Plan (SEMP)
- Upgrade of the slipway facility
- Installation of a boom gate at facility for controlling the traffic flow
- Implementation of the new fees and charges
- Continue the public consultation process on all major developments at the harbour and matters of interest
- Introduction of computer based user induction process

### **Contract Management**

Contract Management services are responsible for ensuring transparent tendering processes and the selection of competent contractors that maximises value for money, along with quality assurance and the monitoring of on-site construction works. Council is required to undertake the competitive tendering process for all contracts with an estimated project cost of \$100,000 or greater.

### **Highlights**

During 2007/2008, a total of 18 tenders were prepared, 19 contracts were awarded, and 24 quotations were sought for infrastructure works across a range of project areas including:

#### **Construction and Civil Works**

- Footpath construction on Lake Colac foreshore and in McLachlan Street, Apollo Bay
- Road construction works including widening of Irrewillipe Road, Poorneet Road and rehabilitation of Cressy-Shelford Road
- Street construction works as part of Special Charge Schemes for Marks Street and Slater Street, Colac
- Construction of Borwick Street and Dowling Street in Colac
- A contract was also prepared and awarded for footpath works in Birregurra's Main Street
- The 2007/2008 annual bituminous sealing contract was completed
- Works were undertaken by quotation for:
  - Various asphalt overlay works in Colac
  - Murray Street pedestrian fence
  - Installation of gross pollutant trap at Queen Street
  - Installation of Ligar Street traffic control device
  - Drainage improvements at the intersection of Main Street and Strachan Street, Birregurra
  - Parking alterations at the visitor information centre on the Great Ocean Road
  - Apollo Bay construction of splitter island in Hardy Street, Apollo Bay
  - Installation of ten bus shelters (to be fully completed in first quarter of 2008/09)
  - Painting of 6 Murray Street and upgrade and painting of Central Reserve grandstand, Cororooke Maternal & Child Health Centre, Memorial Square toilets, and Lake Colac foreshore disabled toilet

## **ROADS AND INFRASTRUCTURE**

### *Plans Developed*

- A contract to capture underground drainage condition data was completed
- Pavement investigation and design report was undertaken
- A footpath condition audit was undertaken
- Various contracts for survey and design of road construction projects
- Design and marking of bituminous sealing works was undertaken
- Tenders were invited for a regional trails masterplan

### *Major Plant & Equipment*

- Tenders were invited and purchase arranged for a three tonne tip truck, a grader and a road maintenance unit (Flocon)

### *Waste Management*

- Beeac and Cressy landfill rehabilitation was undertaken after closure of the sites

### *Service Contracts*

- Property maintenance services tender for the frail, aged and disabled
- Cleaning services for municipal buildings and public conveniences continued with a two year extension of the contract period applied until 30 June 2010
- Council's photocopier service continued
- Contractor was engaged to provide property valuation services in 2010 and 2012
- A contract to provide electoral services

### *Apollo Bay Harbour*

- Apollo Bay Harbour Marina Replacement commenced and was completed

### **Challenges**

- Unexpected site conditions and contractor availability slowed progress on a number of construction projects including:
  - Footpath construction in McLachlan Street, Apollo Bay, and Birregurra's Main Street
  - Slater Street in Colac

### **The Year Ahead**

- Continuous improvement to tender preparation and contract administration processes with an emphasis on contract supervision
- Completion of a number of important projects including:
  - Rehabilitation of Gellibrand landfill site
  - Construction of Binns Road Bridge
  - Annual bituminous sealing of Council's roads
  - Swan Marsh - Irrewillipe Road reconstruction
  - Pound Road construction
  - Larpent Road construction



## ROADS AND INFRASTRUCTURE

### Livestock Selling Centre

The Colac Livestock Selling Centre provides facilities for weekly sales of livestock in the region. Through a scheduled maintenance program for the facility and progressive upgrades Council is able to provide a quality service to users.

#### Highlights

**Store Cattle sales remained relatively constant** observing only a slight decrease in numbers compared with the previous year.

**Alterations occurred to one of the loading ramps** to increase safety at the facility, in accordance with Worksafe requirements.

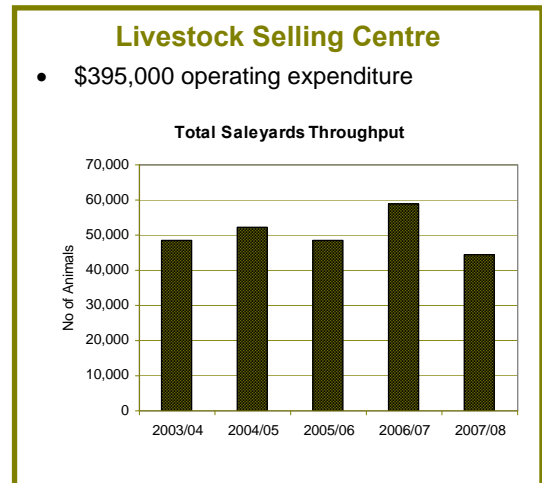
**Timbers were replaced** in 96 pens, 19 holding pens, 6 receivable pens and 45 bull pens as part of the programmed works to maintain the facility in top working order.

#### Challenges

- Drought conditions resulted in a decrease in the use of the saleyards, with throughput for weighings, Fat Cattle and Bobby Calves decreasing by approximately 30% when compared with the 2006/07 year

#### The Year Ahead

- Council will face considerable challenges at the Livestock Selling Complex in 2008/09 as numbers have dropped as a result of continuing drought conditions. Sales in 2006/07 were higher than normal because of the effects from farmers off loading cattle due to drought conditions
- Council will continue investigating ways in which we can reduce our water consumption at the Livestock Selling Centre. This will involve developing options for the reuse of water currently used at the site
- The replacement of selling pen timbers will continue in 2008/09



## PLANNING AND DEVELOPMENT

### Council Plan Objective

**Undertake a comprehensive review of the Colac Otway Planning Scheme including a rural zones review and the preparation of an updated Municipal Strategic Statement and Local Planning Policy Framework to address the recommendations arising from the Planning Scheme Review.**

**Sustainable development through the implementation of the Lake Colac Management Plan and the redevelopment of Apollo Bay Harbour.**

### Council Plan Commitments



2007/2008 Actions completed



2007/2008 Actions behind schedule



Deferred or delayed beyond 2007/2008

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>Undertake a comprehensive review of the Colac Otway Planning Scheme and prepare an updated Municipal Strategic Statement (MSS) and Local Planning Policy Framework to address the recommendations arising from the planning scheme review.</p> <p><i>Planning Scheme Amendment C55 was exhibited in December 2007 to implement a significant review of the Scheme to update the MSS, implement the Apollo Bay &amp; Colac Structure Plans and Rural Land Strategy.</i></p>                                                                       |
|  | <p>Prepare a Developer Contributions Plan which will facilitate developer contributions towards the provision of social and physical infrastructure.</p> <p><i>Stages 1 &amp; 2 of this program have been completed with Council adopting a resolution not to proceed with the development of the Plan until a comprehensive capital works program is in place.</i></p>                                                                                                                                                                             |
|  | <p>Develop and implement a Sustainability Action Plan for the organisation and the Community.</p> <p><i>The Sustainable Water Use and Greenhouse Action Plans have been developed, and are being implemented, as key components of the SAP.</i></p>                                                                                                                                                                                                                                                                                                 |
|  | <p>Develop a Colac Structure Plan that provides a long term vision for Colac, by setting a planning and development framework that will provide for the orderly sequencing of development. This will ensure that community and infrastructure servicing, open space, industrial and commercial facilities are provided in a staged and efficient manner.</p> <p><i>Colac Structure Plan completed and adopted by Council in February 2007.</i></p>                                                                                                  |
|  | <p>Continue the development of the Colac Botanic Gardens.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|  | <p>Improve the Eastern Entrance to Colac.</p> <p><i>This project has been delayed due to the need for clarification of community requirements and the need to establish a process for effective implementation. The Project will be reviewed and considered as part of the Community Plan project.</i></p>                                                                                                                                                                                                                                          |
|  | <p>Complete the Apollo Bay Structure Plan incorporating the results of the Apollo Bay character Study to provide guidance and direction for the future development of Apollo Bay, including the identification of car parking needs, a continuation of the streetscape development program, and the development of a Concept Plan for the future development of the Apollo Bay Harbour.</p> <p><i>Apollo Bay Structure Plan completed and adopted by Council in April 2007.</i></p>                                                                 |
|  | <p>Complete a Neighbourhood Character Study and Structure Plan which will provide guidelines and a policy basis for determining development applications in the towns of Kennett River, Wye River, Skenes Creek and Separation Creek.</p> <p><i>Neighbourhood Character Study and subsequent amendments completed and incorporated into the Colac Otway Planning Scheme in February 2007. The Structure Plan was adopted by Council in February 2008, and a planning scheme amendment will proceed in 2008/09.</i></p>                              |
|  | <p>Priorities identified for the Hinterland are incorporated into the review of the Colac Otway Planning Scheme and the Economic Development and Environment Priority areas. These include the completion of the Neighbourhood Character Studies, Structure Plans, policy development and a review of the impact of the transfer of agricultural land to forestry use.</p> <p><i>The Rural Land Strategy was adopted by Council in September 2007, and its outcomes have been incorporated into the Planning Scheme Review – Amendment C55.</i></p> |

## PLANNING AND DEVELOPMENT

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ★ | Continue to implement the Lake Colac Master Plan and Management Plan, including advocating for funding contributions from the State Government, relevant Authorities and the community.                                                                                                                                                                                                                                                                                                                                                                                           |
| ★ | Continue the redevelopment of the Apollo Bay Harbour, including the development of a Concept Plan specific to the Apollo Bay Harbour precinct, which will form an important component of the Apollo Bay Structure Plan.<br><i>Draft Master Plan completed in June 2007. Further consultation to occur in 2008/09 with key stakeholders and the community to review the Plan prior to its adoption.</i>                                                                                                                                                                            |
| ➡ | Through effective community engagement, develop a Colac Otway 2030 Vision, with a view to developing a long-term strategic vision for the municipality around a number of key themes including: Quality of Life, Environmental Stewardship, Built Environment, Local Economy, Tourism and Culture, and Living and Learning.<br><i>Subject to receiving external grants, a Community Plan will commence early in 2008/09 which will form the basis of input into the Council Plan in 2009. The project will include community consultation and establish community priorities.</i> |
| ➡ | Prepare Structure Plans that provide long-term vision and planning and development framework for the townships of Birregurra and Forrest.<br><i>Due to the hold-up in finalising other Strategic Plans this initiative is proposed for the 2008/2009 period.</i>                                                                                                                                                                                                                                                                                                                  |

### Planning

The Planning Unit is responsible for administering the *Planning and Environment Act 1987* through the Colac Otway Planning Scheme, as well as other related legislation such as the *Subdivision Act 1988*. Services include provision of planning advice and property information, processing subdivision plans, assessment and decisions on planning permit applications, representation of Council at VCAT hearings, and enforcement of planning permit conditions and Planning Scheme provisions.

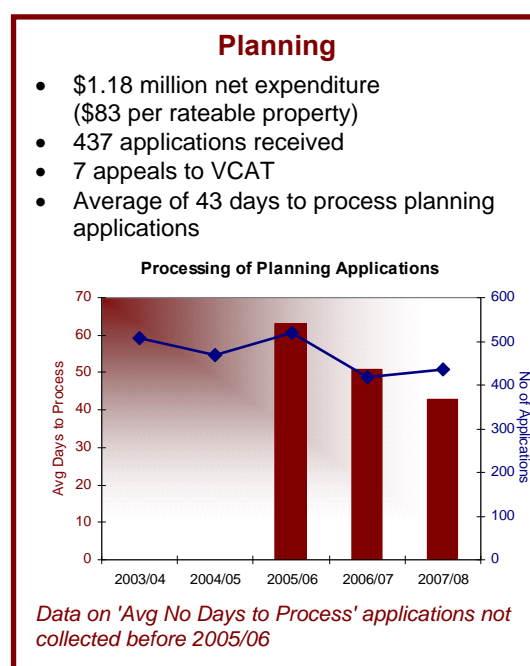
Also undertaken is a range of strategic projects that result in amendments to the Planning Scheme to provide guidance on decision making. Input is provided into State and regional initiatives, and amendments undertaken to rezone land when required. The Planning Scheme is reviewed every four years to improve its performance.

### Highlights

#### *Strategic Planning*

**Implementation of Planning Scheme Review and Strategic Studies – Amendment C55.** Planning Scheme Amendment C55 is the culmination of several years' strategic work by Council, and proposes a new Municipal Strategic Statement (i.e. local policies) and changes to zones and overlays. Specifically, it implements the Colac and Apollo Bay Structure Plans and Rural Land Strategy. It is expected to be finalised late in 2008 following receipt of the independent Panel's report, streamlining and significantly improving the effectiveness of the Colac Otway Planning Scheme.

**Completion of Rural Land Strategy.** The Rural Land Strategy provides a strategic analysis of key agricultural areas within the municipality. The Strategy recommends that further work be undertaken in relation to establishing settlement boundaries for the smaller towns and locations for future application of the Rural Living Zone. While it



## PLANNING AND DEVELOPMENT

recognises the importance of the timber industry, it identifies areas where permit triggers should be introduced for plantations over 40ha in area. The project provides a sound policy basis for strictly applying the purposes and decision guidelines of the Farming Zone to protect the productiveness of agricultural areas.

**Completion of Amendment C27 – Introduction of Heritage Controls.** Amendment C27 was adopted by Council in two parts early in 2008 and implements the key recommendations of the Colac Otway Shire Heritage Study. Heritage controls have been introduced to a number of individually significant heritage properties in the Shire and to a small number of significant precincts. This is a significant step towards preserving the heritage values of the Shire into the future.

**Adoption of Private Planning Scheme Amendments.** A number of planning scheme amendments were completed in 2007/08. These included the adoption of a rezoning of land at Marriner's Vue north of Apollo Bay for residential development (C17), rezoning of two former school sites in Irrewillipe and Yeodene (C49), correction of zoning anomalies throughout the Shire (C50), and adoption of the proposed rezoning of land between Apollo Bay and Marengo ('Great Ocean Green') for a golf course/residential development (C29).

### *Statutory Planning*

**Consistent decisions under the 60 day statutory timeline.** Council has a statutory requirement under the Planning & Environment Act 1987 to decide on planning applications within 60 days. At times this can be an onerous requirement especially in response to highly detailed and technical applications. In 2007/08 the average time frame for planning application decisions reduced significantly to 43 days, down from 51 days in 2006/07, and the percentage of applications determined within 60 days increased from 68% to 74%.

**Reduction in number of appeals to VCAT.** The number of appeals lodged against Council decisions on planning permit applications reduced by 50%, from 15 in 2006/07 to 7 during 2007/08. This is a significant reduction and reflects both good decision making and a greater acceptance by both applicants and objectors of the Council's determination.

**Further development of a planning and procedures manual.** Progress has been made in developing a comprehensive planning and procedures manual that sets out the procedures for processing planning applications, with the aim of ensuring a consistent approach to planning issues.

### **Challenges**

- Improving the quality of planning permit applications to reduce the overall processing time of applications
- Ongoing difficulties in recruiting planning professionals in a tight labour market, within a highly competitive industry, and maintaining service levels in this environment
- Maintaining and improving upon current planning permit processing times
- Increased workloads that have arisen due to new planning controls introduced for erosion management, neighbourhood character protection in the coastal towns and heritage protection
- Proactively informing the community of changes to planning scheme provisions and process requirements in a constantly changing legislative environment
- Complexity of planning issues within the Shire, and difficulty in meeting the satisfaction of all stakeholders and members of the community
- Need to more effectively resource and increase capacity to undertake planning enforcement
- Effectively manage the extensive strategic planning program to ensure that improvements were made to the Planning Scheme in a timely manner

## PLANNING AND DEVELOPMENT

### The Year Ahead

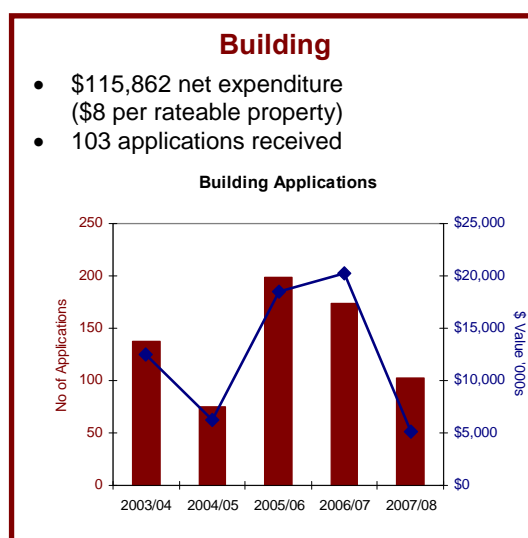
- Completion of Amendment C55 which implements strategic studies and the Planning Scheme Review
- Exhibition of an amendment to implement the Kennett River, Wye River & Separation Creek Structure Plans
- Commence a Rural Living Strategy
- Preparation of the Birregurra & Forrest Structure Plans
- Preparation of Car Parking Precinct Plans for Colac and Apollo Bay
- Undertake Planning Scheme Amendments to revise mapping of flood prone land and land prone to landslip
- Continue to upgrade procedures and finalise process mapping, having regard to the recommendations of the Auditor General's report on planning in Victoria
- Continue to improve enforcement of the Planning Scheme provisions

### Building

Our Building Services Unit ensures that buildings in the Colac Otway Shire are constructed and maintained to acceptable standards by enforcing compliance by land owners with building legislation and safety standards. The Unit also provides general building advice, determines 'report and consents' for variations to siting requirements, and processes building permit applications in competition with private Building Surveyors, including mandatory inspections for all new works.

#### Highlights

- Building permits processed in an average of 25 days, down from 39 in 2006/07
- Maintenance of an effective building service despite difficulties attracting appropriately skilled staff during the year
- Introduction of an updated map of 'Land Liable to Flooding' which reflects the latest known information relating to flooding



#### Challenges

- Competition with private Building Surveyors, particularly with the emergence of a new local competitor has reduced Council's market share for building permit applications, and thus the income received
- Balancing processing of building permit applications with the need to increase inspections carried out on both Council and privately owned buildings to ensure compliance with Essential Safety legislation
- Reducing the occurrence of illegal buildings constructed without permits through appropriate fee mechanisms for resolution services provided by Council

### The Year Ahead

- Undertake a review of the building service to ensure an appropriate service delivery model is in place
- Increase the number of inspections relating to essential safety measures in Council buildings and private businesses as required by the Building Act
- Continue to be responsive to complaints about safety issues e.g. pools or building deficiencies, such that risks are addressed in a timely manner

## HEALTH, RECREATION AND COMMUNITY SERVICES

### Council Plan Objective

*Providing and promoting quality health, recreation and community services by working in partnership with local health, aged care, welfare, youth, housing, education providers, sporting groups and employment organisations to promote community wellbeing.*

### Council Plan Commitments



2007/2008 Actions completed



2007/2008 Actions behind schedule



Deferred or delayed beyond 2007/2008

|  |                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Advocate for the development of a Hydrotherapy Pool located at the Bluewater Fitness Centre.<br><i>Council considered a number of options regarding warm water exercise facilities and determined to take no further action at this time on investigating hydrotherapy pools. However, Council will take the opportunity to continue to advocate for the need of hydrotherapy for people within the Shire when available.</i> |
|  | Coordinate, implement and support youth initiatives across the Shire.<br><i>Council engaged Colac Area Health and Otway Community College to reinvigorate the COPYS (Colac Otway Plan for a Youth Strategy) group and map current service providers. This project has been deferred as of June 2008 until a clearer and more supported process is identified.</i>                                                             |
|  | Ensure that Health and Wellbeing programs are available and accessible to all residents.                                                                                                                                                                                                                                                                                                                                      |
|  | Continue to support strong integration between the Colac Otway Shire and Health Services within the Shire.                                                                                                                                                                                                                                                                                                                    |
|  | Assess the impact and demand implications of an ageing population.                                                                                                                                                                                                                                                                                                                                                            |
|  | Develop a sustainable approach for our sporting grounds.<br><i>Draft agreements are being developed for consideration specifically for the City based Recreation Reserves together with the development of a Reserves Fees and Charges Policy.</i>                                                                                                                                                                            |
|  | Continue the renewal of Council's Playground Program.                                                                                                                                                                                                                                                                                                                                                                         |
|  | Implement the signage recommendations from the Colac Municipal Precinct Signage Access report.                                                                                                                                                                                                                                                                                                                                |
|  | Review and implement the recommendations of the Colac Otway Shire Arts and Culture Strategy.                                                                                                                                                                                                                                                                                                                                  |
|  | Develop, implement and review Council's Festival and Events Strategy.                                                                                                                                                                                                                                                                                                                                                         |
|  | Investigate strategies to fund and develop Central Reserve and Bluewater Fitness Centre Precinct.                                                                                                                                                                                                                                                                                                                             |

### Recreation, Arts & Culture

Recreation, Arts and Culture services are responsible for the provision and development of programs, services and facilities that promote and support a broad range of options for recreation, arts, events, health and fitness in partnership with the community and various key stakeholders.

#### Highlights

**The Beechy Precinct Project** is being developed in partnership with the Colac Secondary College and the Department of Education and Department for Victorian Communities to provide increased opportunities in education, sport, recreation and economic progress. This year the project has secured significant funding to commence the first of the community facilities; the Joint Use Library, which will include a dedicated computer laboratory, auditorium, meeting rooms, toy library and post-compulsory education shop front.

#### Recreation

- \$268,439 net expenditure (\$19 per rateable property)
- Water Collection improvements to the Forrest and Birregurra Recreation Reserves and the Birregurra Golf Course
- \$2.05 million dollars secured through Federal and State Governments to construct the Global Connector and other components of the Beechy precinct.
- \$250,000 secured from Sport and Recreation Victoria to improve the Colac Central Reserve Multi-purpose fields through installation of drought tolerant turf, improved surface quality and drainage.

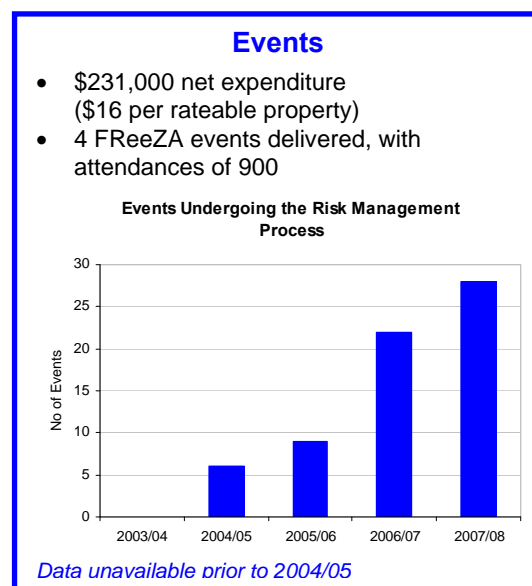
## HEALTH, RECREATION AND COMMUNITY SERVICES

**Regional Trails Masterplan Project.** This project, involving eight other surrounding local governments and interested parties, will identify iconic trails throughout the region to assist land owners and managers in their future planning and development of walking and cycle trails. Matching funding has been secured from the State Government Departments of Planning and Community Development, Regional Development Victoria and Sustainability and Environment and private consultants have been engaged to undertake this project in collaboration with the project partners.

**Country Football Netball Program.** Through Sport and Recreation Victoria's funding program together with financial contributions from Council and local football and netball clubs, netball facilities continue to be improved. This year the Colac West Oval Netball Court and shelter facilities have been redeveloped. This program ensures specific sport compliance requirements are addressed e.g. netball player run-off areas. Council continues to work with football and netball clubs developing projects and applications for this funding opportunity.

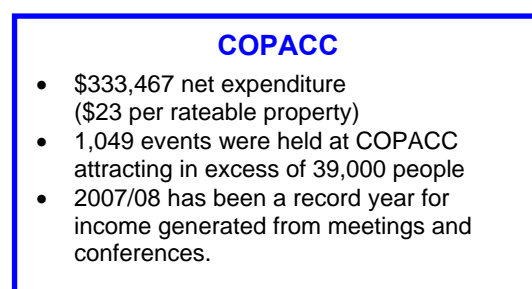
**28 Events were staged throughout the Shire** this year with all events complying with the Council Event Approval process. New events introduced via the Department of Sustainability and Environment's 'A New Future of the Otways' funding program have now become permanent fixtures on the Events calendar. The Festival and Events Support Scheme was successfully introduced in 2007/08 providing funding to eight events. This funding program, together with the Council Community Grants Program, has enabled significant community recreation, arts projects, and events to occur over the course of the year.

**Four FReeZA events were staged** providing safe, drug and alcohol free events for young people.



*"I think FReeZA is great and a fun thing to do. Before FReeZA, there was nothing really for young people to do in Colac."*  
Emma McNamara, Colac

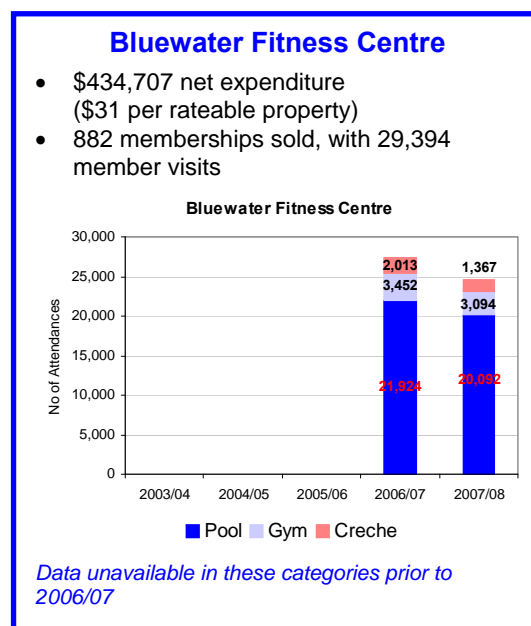
**The Colac Otway Performing Arts and Cultural Centre (COPACC)** entertained more than 5,300 people who attended a total of 26 COPACC Subscription Season and Morning Music productions. COPACC's youth audience development programme, which includes school holiday and after-school activities, has attracted more than 1,200 children to performing arts and visual arts based workshops.



## HEALTH, RECREATION AND COMMUNITY SERVICES

The **Bluewater Fitness Centre** programs have continued to be well supported by members and visitors of all ages and abilities. Operating hours have been altered to increase access to the facilities during peak periods and are more closely aligned with industry benchmarks.

Capital works completed included the replacement of the main pool filters and pumps and replacement of the toddler pool tiles. Various aquatic industry and first aid courses have been conducted. These training opportunities provide support to those needing to update qualifications and greater access for local people interested in gaining entry to the health and fitness industry.



*I attend Bluewater aqua aerobics classes 6 times a week and swim on my day off. It is my life-line. I've lost 30kg and feel great. I'm happier, healthier and I'm hooked. Keep up the good work as the facility is essential for our community.*

Hilary, Elliminyt

*I attend Bluewater 5 times a week. It's great to catch up with my friends of all ages. The young ones challenge the oldies and we have a ball. It's a great start to my day. The staff are fantastic and always willing to help.*

Lyn, Elliminyt

**Colac Otway Youth Council** partnered with SWLLEN to host the 'CTRL-ALT-DELETE' expo at Blue Water Fitness Centre in October 2007, showcasing over 60 recreation opportunities to 800 youth in the Colac Otway Shire.

Following the Ctrl-Alt -Delete Youth Expo Youth Councillors were interviewed by Julian Waters-Lynch from the Education Foundation Australia for a forthcoming EFA publication:

*I'm more outspoken and I'm not scared to have my say. I think I've got that from being part of this group. Before I was in the (youth) Council I didn't know about this stuff, but now I know we can make a difference.*

Monica Hall

*I learnt that it's just as satisfying to change something in your own backyard as it is to change something in the world.*

Jenna Kettle

**Redevelopment of playgrounds** within Colac occurred specifically including installation of formal playground equipment in the Colac Botanic Gardens Playspace, Lawrence Court, Inglis Court and Selwyn Brown playgrounds.

A partnership between Council, the Variety Club Children's Charity, Colac Otway Disability Accommodation and Colac Lions Club Inc. and the Colac Otway Shire resulted in the installation of a Liberty Swing at the Colac Botanic Gardens. This swing is especially designed for users in wheelchairs, is situated in a purpose built fenced enclosure and is key operated.

A new playground was also developed for Carlisle River Recreation Reserve with community consultation guiding the selection and placement of equipment. This project was as a result of the Small Town Improvement Program and was identified in the development of the township masterplan.



## HEALTH, RECREATION AND COMMUNITY SERVICES

The first 18 months of actions from the **2007-2011 Arts & Culture Strategy** were implemented, (Jan 2007-June 2008) including partnering with the Cultural Development Network to present a VicHealth funded conference "Creative Uses of School and Community Facilities" and a screening of the art house short film festival "In The Realm Of The Senses On The Road 08".

### Challenges

- The development of Koori Civic Protocols coincided with the change to legislation regarding heritage and cultural planning requirements. Council Officers throughout the organisation continue to develop an approach to ensure legislative requirements are met and relationships with local indigenous groups are positively developed
- There has been reluctance on the part of some event organisers to embrace the Events Management process developed to minimise risk
- Cost of living impacts due to drought appear to have had a detrimental affect on COPACC audience numbers in our predominantly rural shire
- Staff recruitment continues to be a challenge particularly for Bluewater Fitness Centre regardless of the provision of training and development support

### Arts and Culture

- \$181,484 net expenditure (\$13 per rateable property)
- 78 Council Community Grant applications processed, with \$117,500 allocated.
- 14 Art exhibitions/projects facilitated
- 5 Projects undertaken by the Youth Council, including Ctrl-Alt Delete Youth Expo with 800 participants
- 5 Club Network meetings held

### Council Community Funding Program

In 2007/2008 \$112,500 of Council funds were distributed to 53 community organisations throughout the Colac Otway Shire to undertake a range of projects including improvement to facilities, equipment purchases, celebrations and events, exhibitions and performances. This funding program has been operating for several years and assists many clubs and community organisations in achieving priority projects.

*Following our trial-run on the No.1 Fairway, the perennial rye / kikuyu / couch mix is proving drought tolerant. Having Council's funding assistance with purchase of the seed allows our volunteers to continue to improve our Club greens for members and visitors, especially as we rely on rainwater only.*

Murray Milne, President, Beeac Golf Club

### The Year Ahead

- Continued implementation of the 2006-2010 Colac Otway Recreation Strategy; Festivals and Events Strategy and the Arts and Culture Strategy
- Further development of the Beechy Precinct with construction of the Global Connector including the Joint Use Library to commence early 2009
- Improvement works to the Central Reserve multi-purpose sports fields including laser levelling installation of drought tolerant turf and drainage
- Continuation of the Barwon South West Regional Trails Project. Final recommendations expected for the walking and cycling trails to enable planning for 2009/10
- Implementation of the launched Festival and Events Support Scheme to enable significant community recreation, arts projects, and events to occur
- The Colac Otway FReeZA Committee received funding for the next two calendar years (2008/09), which will enable delivery of 10 FReeZA events across two years
- Youth Council will present D@SH - an under-age disco, to follow up and build on the successful Ctrl-Alt-Delete Youth Expo, to increase the range of healthy, active recreation options for youth
- COPACC will trial its first performances in rural and small communities as part of the COPACC outreach program
- Undertake a comprehensive community survey identifying the community's needs, wants and expectations of the Bluewater Fitness Centre

# HEALTH, RECREATION AND COMMUNITY SERVICES

## Aged & Disability Services

The aim of the programs within Aged and Disability Services is to provide a range of support services for members of the community who are frail and aged and for younger people with disabilities and their carers. The overall objective is to enhance the independence of people in these groups and to avoid their premature or inappropriate admission to long term residential care.

### Highlights

**Positive Aging Strategy.** Extensive community consultation was undertaken and a draft strategy and research paper prepared. To be endorsed by Council in 2008/09.

**Meals on Wheels** continues to play a major support service for people to maintain their independence in their homes. A generational change in comfort with using microwave appliances combined with the wide range of frozen meal products now available has seen demand for Meals on Wheels decrease over the past 5 years by approximately 3,000 meals, reflecting the trend within the Barwon South Western Region.

**Recruitment of 2 Community Transport volunteers at Apollo Bay.** Volunteers ensure clients in the Apollo Bay region are able to attend their medical appointments in Colac and Geelong. 78 visits were undertaken in the last 12 months.

**'Out and About' monthly bus tours,** day trips within a 2-3 hour radius of Colac, are in great demand with waiting lists for each tour. Some 120 people have taken part in the tours, which provide much needed social contact as well as sightseeing.

**The Gentle Exercise Program** operates weekly in Colac and Forrest and has approximately 30 older persons participating at each session. This is a very popular program for people who experience social isolation and mobility issues.

**A new kitchen** was installed in the Kanyana senior citizens building to provide modern flexible facilities for catering and social purposes.

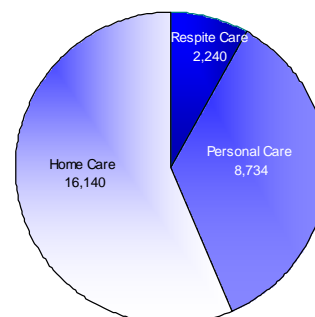
### Challenges

- Unsuccessful in obtaining Community Aged Care Packages funding for 2007/08
- Tender for the Meals on Wheels not achieved in 2007/08
- Support to weekly Community Transport trips to Geelong declined, resulting in a move to fortnightly trips

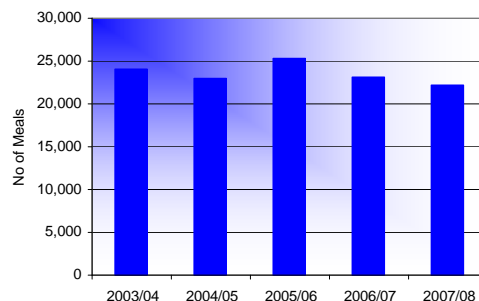
### Aged & Disability Services

- \$149,288 net expenditure (\$10 per rateable property)
- 3,686 community transports provided
- 1,179 hours of home maintenance provided

Hours of Aged Care Support



Meals on Wheels Delivered



### Rural Services Increase

There has been a steady increase in demand for Rural Services over the past five years; from 67 clients requiring 1,718 visits in 2003-04 to 221 clients requiring 7,740 visits by June 2008.

Contributing to the demand for services is the significant increase over the last few years in the cost of housing within the Colac township. Previously, clients would move into Colac to be closer to health services. The increased cost of housing, and of Units in particular, has seen clients continuing to live in rural areas.

Recruitment of Community Care Workers in these locations benefits clients regarding costs and consistency of service. However, it highlights the need for careful planning so that the future needs of aging rural communities can be catered for.

## HEALTH, RECREATION AND COMMUNITY SERVICES

- Our volunteer base remains steady with 8 active volunteers, but a shortage of drivers for the Melbourne trips remains an ongoing issue

### The Year Ahead

- Continue the development of the Positive Ageing Strategy
- Develop an “In Home Assessment” instruction training handbook with all lead HACC Assessment agencies within the Barwon South Western Region
- Continue to investigate the needs and future development of Kanyana Senior Citizen’s Centre
- The extension for Kanyana to be completed, providing a new office and additional storage space
- Application for 2008/09 Community Aged Care Packages
- Apply for 2008/09 Respite funding for High Care Community Services
- Develop a 3 years Cultural Actions Plan specific to Colac Otway Shire HACC services

### Maternal & Child Health

The Maternal and Child Health Unit provides a service for families with children aged from birth to school age. Key priorities of this program are home visiting services to families in need, support and reassurance to mothers and families, developmental assessments of children aged 0 – 4 years and the provision of information and parent education.

### Highlights

2007/08 has seen a **small increase in births** in the municipality, continuing on from the significant increase last year.

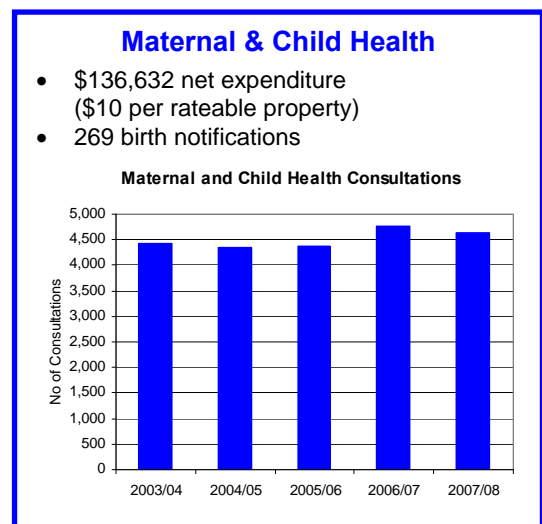
A series of **seven parenting information sessions was held for Sudanese women** at the Queen Street centre in collaboration with Diversitat. These sessions included an onsite interpreter and were well attended. Diversitat is a registered Charity formed to support new arrivals in the community, particularly those from culturally and linguistically diverse backgrounds.

**A support group for parents of twins is being re-formed** in response to client requests. The support group enables a sharing of resources and a forum for problem solving the extra parenting demands involved with multiple births.

Discussions were held with the St John of God Health Care’s Raphael Centre in Geelong on the possibility of **providing a service in Colac for women experiencing post natal depression**. While the structure of the service is still being developed, it is anticipated that the service will commence in November 2008.

### Challenges

- Toddler behaviour information sessions were postponed to 2008/09 due to a staff resource shortage that is now addressed
- Breastfeeding rates have not increased as hoped, however strategies to provide extra support in the first 3 months following birth are being developed and will be implemented in the coming year



## HEALTH, RECREATION AND COMMUNITY SERVICES

### The Year Ahead

- Investigate involvement in proposed Family & Children's Centre
- Investigate establishing a Pram Walking Group for parents

### Children & Family Services

The Family Day Care Unit supports families by coordinating quality care for children from birth to 12 years in the homes of Carers who contract their services to Council. Other activities include supporting other early years agencies, planning for current and future early years services and assisting with the needs of migrant and refugee families.

#### Highlights

Council's **Family Day Care Unit was rated very highly as a result of a spot accreditation check** by the National Childcare Accreditation Council (NCAC). The Unit has forwarded a Self Study Report to the NCAC in preparation for the next Validation Visit and look forward to achieving another high result.

The **Family Day Carer's Certificate III in Children's Services**, developed in partnership with Gordon TAFE, is **one of three finalists** in the Community Services & Health Industry Training Awards to be presented in July 2008. 18 Carers participated in the course, achieving a 100% pass rate.

**Successfully worked with Apex, Apollo Bay, Colac East and Wydinia Kindergartens on funding submissions** from the Department of Education and Early Childhood Development, receiving a total of \$218,698 for building additional multi purpose space; toilet and wash room upgrades and storage and work area extensions.

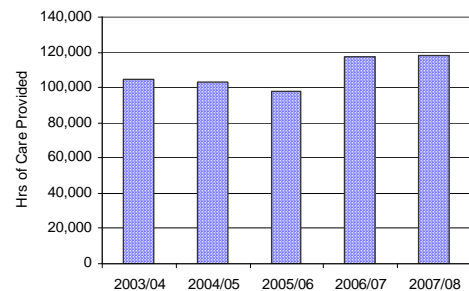
### The Year Ahead

- Ensure compliance for all children's services with the introduction of new regulations in May 2009
- Continuing with Certificate III course in children's services in partnership with Gordon TAFE for all new child carers
- Working with Glastonbury on a Children's Centre for Colac
- Continue planning and implementing strategies with other agencies for refugee support
- A review of all policies and procedures

#### Children & Family Services

- \$175,564 net expenditure (Family Day Care) (\$12 per rateable property)
- 368 children registered for Family Day Care

Family Day Care Provided



#### Assisting New Migrants and Refugees

Council has an ongoing commitment as a member of the Colac Settlement Committee and the Refugee Support Brokerage Program to assist new migrants and refugees in becoming members of the local community.

This year the member organisations focussed on supporting new families to the region by providing English and vocational training, family and children's services, and maternal and child health services.

Local needs were discussed with State and Federal organisations and Ministers.

Work was undertaken on employment, housing, health, psychological and sporting needs, coordinating governance training for new migrant incorporated committees and seeking funding for refugee nurses.

Assistance was also provided with driver training, developing cooking and cultural enterprises, promoting an understanding of diversity through film nights, arts and crafts, trips, restaurant nights, and a Kana float and food stall.

# HEALTH, RECREATION AND COMMUNITY SERVICES

## Environmental Health

The Environmental Health Services Unit carries out a range of activities to ensure public safety including: inspection of food premises, investigation of health related issues such as septic tanks and waste water discharge, enforcement of EPA guidelines, immunisation services, investigating reports of infectious disease outbreaks for the origin of the disease, emergency planning for a public health response and public health promotion and education.

### Highlights

**Completed the introduction of the Human Papilloma Virus (cervical cancer) immunisation campaign** for secondary school students, achieving an immunisation rate of 86%, which was above the State average.

**Developed a tracking system** for the servicing of septic tanks and aerated waste water treatment systems (AWTS). As the treated water from AWTS' can be used for above ground irrigation it is critical that these systems are serviced regularly to ensure public safety.

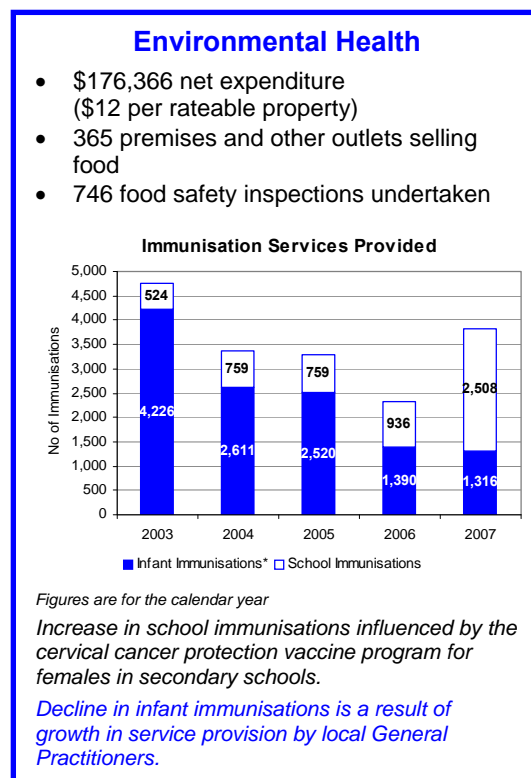
**Education of food stall holders** was conducted through forums and the presentation of a package of information to ensure food is prepared and sold safely at community events.

### Challenges

- Public health education program was not as extensive as initially planned due to limitations on staff time and resources

### The Year Ahead

- Completion of the Human Papilloma Virus immunisation program
- Finalise the Pandemic Flu Action Plan



## HEALTH, RECREATION AND COMMUNITY SERVICES

### Rural Access

Rural Access is an initiative supporting regional and rural communities to plan and develop strategies that will increase community participation opportunities for people with disabilities.

### Highlights

**Staff and volunteers received a team award for recognition of achievements** in the Victorian Disability Sector – Awards for Disability Support Workers for their work in *The Meeting Place*. The Meeting Place is an after hours drop-in centre providing activity based programs that include arts, music and dance projects as well as other recreational activities such as swimming, ten-pin bowling and field trips. Participants are actively involved in the monthly planning of events.

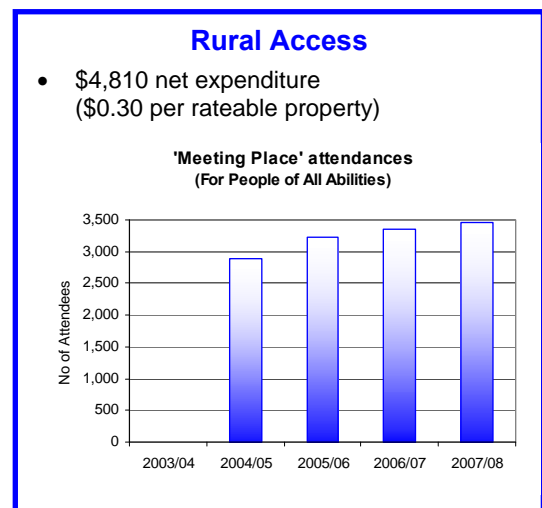
The **Healthy Lifestyles Project** is a partnership between Council, Colac Area Health (CAH), Colac Disability Network and Leisure Networks. It leads the way in guiding and supporting Colac's disability sector with a coordinated approach to consistent nutritional practice and physical activity for the benefit of clients. During the year a healthy recipe book was developed and was available to people with disabilities.

The **DARE (Disability Access Radio Express)**, a weekly two hour program on Otway FM, continues to cover a wide range of topics of particular interest to those with disabilities, such as the national relay service for those with hearing impairment.

**International Day of People with Disability** was celebrated with a cabaret and awards evening that was well supported by the community. The Mayor presented a business award for Good Access and community members were presented with achievement awards for Sporting, Employment, Community Service and General Personal achievement.

### The Year Ahead

- Development of the Colac Otway Shire Disability Action Plan
- Continue to develop and implement the Healthy Lifestyles project
- Review funding of The Meeting Place, in partnership with the Department of Human Services
- Investigate internet training opportunities for people with disabilities
- Continue to develop community partnerships



## HEALTH, RECREATION AND COMMUNITY SERVICES

### *Transport Connections Project*

Transport is consistently rated by rural and regional communities as one of the most significant barriers to accessing services, employment and community networks (Department of Planning and Community Development).

In 2007, Colac Otway Shire successfully obtained a 3 year Transport Connections grant for a joint transport project between Colac Otway and Surf Coast Shires, called 'Bringing Communities Together'. The project is part of an \$18.3 million dollar Victorian Government investment totalling thirty two projects across Victoria and is about communities working together to improve local transport options. Through local partnerships, and the use of existing transport assets and services such as taxis, local buses and volunteers, communities are able to develop new approaches that enable people to get around more easily.

### Highlights

**Research has commenced on Transport Asset Mapping and Needs Analysis** to identify issues of transport disadvantage, current usage patterns and community needs. The Community Engagement Plan will focus specifically on transport connections for the following groups: aged, disability, youth, rural isolation and coastal groups.

Commenced preparation on a **Transport Options brochure** outlining existing local transport options. Options include Emergency Wheelchair & Scooter Assistance (RACV), Medical Transport (appointments) and the Colac Otway Shire Community Transport Services.

### The Year Ahead

- Develop an Action Plan to identify priorities for early action, and initiate feasible and sustainable small projects. The first Transport Service Proposal will be submitted to the Department of Transport in July 2008. Other projects will be developed during community consultation throughout the Shire.

## ECONOMIC DEVELOPMENT

### Council Plan Objective

#### Driving economic development by:

- *Progressing the regeneration of our small towns.*
- *The promotion of our Shire's local business and the attraction of new business.*
- *Working to attract more tertiary education opportunities and skilled and unskilled employees to our Shire.*

### Council Plan Commitments



2007/2008 Actions completed



2007/2008 Actions behind schedule



Deferred or delayed beyond 2007/2008

|  |                                                                                                                                                                                                                                                                                |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Review the impacts of population growth and the need for workforce planning.<br><i>Research completed in 2005 will be updated in 2008/2009 through the review of the Economic Development and Tourism Strategy.</i>                                                            |
|  | Continue Implementation of Small Town Improvement Program in partnership with community groups.                                                                                                                                                                                |
|  | Continue support for and attract additional Major Events to be held within the Municipality.                                                                                                                                                                                   |
|  | Continue to implement the Economic Development and Tourism Strategy.                                                                                                                                                                                                           |
|  | Undertake a review of Council funding of tourism activities.                                                                                                                                                                                                                   |
|  | Implement the recommendations of the Tertiary Feasibility Study by advocating and lobbying the State Government for additional training hours to be provided within the Shire.                                                                                                 |
|  | Advocate for the provision of a natural gas supply for Birregurra and extension of coverage for the whole of the Colac urban area.<br><i>Advocacy undertaken with successful connection of natural gas to Elliminyt.</i>                                                       |
|  | Work with the State Government to explore the possible co-uses of the Colanda site.<br><i>State Government is conducting a review of Colanda. Colac Otway will be consulted as a key stakeholder. Discussion on use may take place following the completion of the review.</i> |
|  | Support an increase in nature based tourism opportunities across the Shire.<br><i>Nature Based Tourism Committee set up including State and local authorities and tourism industry.</i>                                                                                        |
|  | Complete implementation of Old Beechy Rail Trail and undertake promotion of the Trail.                                                                                                                                                                                         |

The Economic Development Unit works with business, government and community partners to help develop a sustainable local economy. It does this by focusing on four main areas: supporting local business development, providing services for tourism, delivering capital works projects, and promoting investment in local communities.

The Economic Development Unit works to facilitate economic growth through providing information to new and expanding businesses, assisting business investment, training programs, and networking events.

### Highlights

#### *Business Development*

In 2007/08 approximately 150 people attended Business Training and Development on a wide range of topics to help them begin or grow their businesses:



## ECONOMIC DEVELOPMENT

### *Promoting Business Excellence*

- Growing Business by Creating Loyal Customers - demonstrated the importance of customer service, keeping loyal customers is just as important as servicing new customers
- Building Business Relationships - what to do with people you know - improving your networks
- Marketing and Public Relations Demystified - dispelling the myths and passing on the tricks of the trade when it comes to marketing and using the media to promote your business
- How to of Business Planning - business planning for small business made easy
- Business Speed Dating - an innovative approach to business networking in a speed dating format
- Under New Management – Marketing, Going into Business and Time Management

### Business Week included:

- The Economic Development Summit - reported back to the community on the performance of the Economic Development Unit
- Business Breakfasts in both Colac and Apollo Bay
- Business Speed Dating - an innovative approach to business networking
- Development of a Micro Business Forum and Business Planning Workshop
- Major sponsor of the Powercor Colac Otway Business Awards

### Other Business Development Activities:

- Industry Business Forums facilitated in 2007/08 included:
  - Real Estate
  - Financial
  - Tourism, Education and Economic Development
- Implemented the Colac Marketing Strategy including 'Colac – *where you'll find more than you imagine*', in partnership with Otway Business Inc
- Implemented the "Milk it for all it's Worth" program through the Dairy Industry Training Group to encourage young people into the Dairy Industry

### *Tourism Services*

Information services are provided to visitors to encourage them to stay longer in our region and spend more locally to support local business and the community. In 2007/08 a number of initiatives to improve tourism services were completed, including:

- Renovation of the Great Ocean Road Visitor Information Centre at Apollo Bay to provide more floor space, natural lighting and more display space for local tourism operators

*We were extremely happy and grateful for the assistance we received at the Information centre. The staff and facilities are a godsend.*

Peter & Vera Mill, Victoria

*Very helpful advice and friendly service.*

Jill & Sandy Findlay, Queensland

## ECONOMIC DEVELOPMENT

- Introduction of the Book Victoria web based booking service that will be user friendly. It will also provide income to both Centres at Apollo Bay and Colac, reducing the cost of the Centres to Council
- Introduction of 1300OTWAYS phone number and options menu to improve visitor access to Tourism Information
- Improved the range of retail stock and displays to attract more visitors to buy in the Centres and to reduce the cost of the Centres to Council

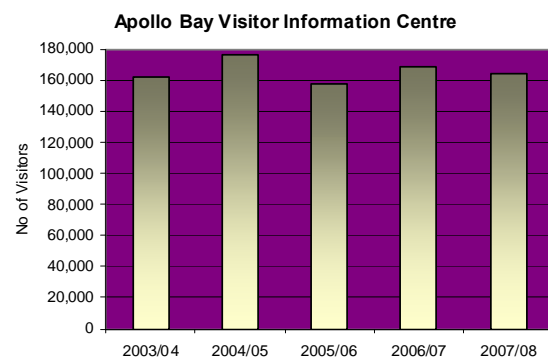
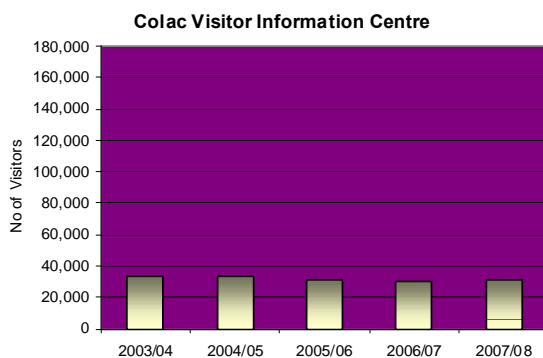
*We have been using Book Victoria for six months now and have been very happy with the system. It is easy to use, providing us with a great booking and payment system, data base management system, as well as other business management tools. Access to many additional potential guests via the vast array of associated distribution channels has been good for business, and we regularly receive bookings from our own site.*  
Bryan & Joan James, Points South by the Sea

The Economic Development Unit has worked closely with Otways Tourism to guide development and promotion of the Tourism Industry and participated in the development of the Otways Tourism 2 Year Action Plan.

Visitor numbers to Colac Otway Shire continue to be strong despite a general downturn in the tourism industry throughout Australia. This is due to the strength of the Great Ocean Road and its attraction to international visitors.

### Tourism

- \$331,428 net expenditure – Tourism (\$23 per rateable property)
- \$440,484 net expenditure – Visitor Information Centres (VIC) (\$31 per rateable property)
- Serviced almost 200,000 walk-in visitor enquiries, almost 30,000 phone and 20,000 email enquiries at the Colac VIC and Great Ocean Road Visitor Information Centre (GORVIC). Both Centres maintained Level 2 accreditation.



Prior to January 2006 phone calls were included in the statistics

### Capital Works Projects

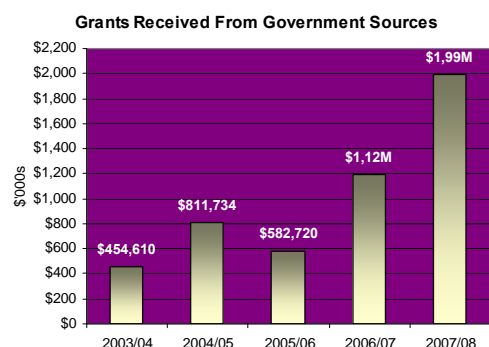
The Unit develops and manages capital works projects that have a direct impact on economic development, including:

#### Lake Colac

The Lake Colac Coordinating Committee has been re-formed and made an official Advisory Committee of Council, undertaking the following projects:

- The Lake Colac Pathway has extended from Stoddart Street to the Bird Reserve

### Grants



## ECONOMIC DEVELOPMENT

- Completed the Lake Colac Commercial Feasibility Study
- Community consultation on development of the Southern Foreshore in partnership with Colac Community Hub Inc has been completed

### *Apollo Bay Harbour*

Work continues on the finalisation of the Apollo Bay Harbour Precinct Master Plan. The underlying principle of the 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, while maintaining its distinctive seaside fishing village character, retaining the port as a working harbour, enhancing the natural environment and optimising community benefit.

### *Community Development*

Working with small communities throughout the Colac Otway Shire developing and implementing local Township Master Plans and implementing local priorities through the Small Town Improvement Program. This Program contributed \$80,000 to small town capital works projects during 2007/08.

We have worked in partnership with:

- Local community organisations on the development of an Affordable Housing Strategy and the formation of a local Affordable Housing Advisory Group. This will guide Council's approach to working with community, business and other levels of government on the issues of housing affordability
- The Community Hub on:
  - Consultation on the proposed development of Lake Colac's Southern Foreshore
  - Men's Shed
  - Community Enterprise – 'Hub Inc. Consultation Services' and 'Copy to Go'
  - Stodart St West Fitness Stations

## Challenges

- The adoption of the Book Victoria web-based accommodation booking system by local tourism operators did not occur as rapidly as anticipated

## The Year Ahead

- Review of the Economic Development Strategy and the creation of an Action Agenda for the next 3 years
- Implementation of strategies to improve the take up of the Book Victoria web-based accommodation booking system by local tourism operators
- Introduction of a Community Planning process to direct Council priorities for the next 20 years
- Participation in the G21 Agribusiness Network Development Project
- Participation in the G21 Water Security for Industry Project
- Participation in the South West Dairy Strategic Plan
- Further implementation of the Lake Colac Master Plan
- Completion of the Apollo Bay Harbour Precinct Master Plan
- Development of new projects under the Small Town Improvement Program
- Participation in the development of a G21 Housing Association to facilitate Government investment in the Affordable Housing in Colac Otway Shire
- Improved business development and networking opportunities for local business

## ENVIRONMENTAL SUSTAINABILITY

### Council Plan Objective

*Providing support to local communities to enable them to address local environment priorities, whilst working with State and Federal Government environment bodies to address major environmental issues.*

### Council Plan Commitments



2007/2008 Actions completed



2007/2008 Actions behind schedule



Deferred or delayed beyond 2007/2008

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Focus on the Control of weeds on both Council and privately owned land.                                                                                                                                                                                                                                                                                                                                                                                                                                |
|  | Implementation of approved recommendations from the three Towns Stormwater Management Strategy (concept Study).<br><i>Ongoing drainage issues are being addressed in a variety of ways e.g. routine drainage programs within coastal townships, improvements to the drainage function of the Kennett River wetlands, and investigations of various isolated drainage issues. A number of recommendations of the Strategy require significant planning and will be implemented as resources permit.</i> |
|  | Pursue waste water issues in the towns of, Colac East, Birregurra, Cressy, Beeac, Forrest, Gellibrand, Kennett River, Separation Creek, Wye River.<br><i>Cressy and Gellibrand delayed due to sewerage planning for Birregurra, Separation Creek and Wye River. To be completed in 2008/09.</i>                                                                                                                                                                                                        |
|  | Determine a location for the development of an Apollo Bay Transfer Station.                                                                                                                                                                                                                                                                                                                                                                                                                            |
|  | Develop a strategy for the provision of a hard waste collection throughout the municipality and options for a green waste collection for non resident property owners.                                                                                                                                                                                                                                                                                                                                 |
|  | Investigate options for a future waste management system to be implemented following completion of the existing contracts in September 2009.                                                                                                                                                                                                                                                                                                                                                           |
|  | Raise awareness of environmental issues through increased community engagement and improved access to information.                                                                                                                                                                                                                                                                                                                                                                                     |
|  | Establish environmental best practice as a benchmark for managing natural resources in relation to Council assets (including storm water management, energy use and water use).                                                                                                                                                                                                                                                                                                                        |
|  | Implementing environmental best practice through planning conditions in line with regional, state-wide and national legislation and established procedures in regard to land use management.                                                                                                                                                                                                                                                                                                           |
|  | Working in partnership with other responsible authorities and environmental groups to improve facilitation of environmental projects.                                                                                                                                                                                                                                                                                                                                                                  |

### Environment

Council aims to protect the environment and recognise environmental values in a positive way by carrying out on-ground works that will help protect and enhance our environment. Council is the authority responsible for managing those planning processes that ensure sustainable development coexists with maintaining and improving the health of our environment. Council works cooperatively with land holders, developers, Government and Non-Government agencies to decide the most appropriate response to our shared environmental challenges. The Environment Unit also monitors private forestry compliance within the Forestry Code of Practice.

#### Environment

- \$479,254 net expenditure (\$34 per rateable property)

## ENVIRONMENTAL SUSTAINABILITY

### Highlights

**Council is committed to reducing our impact on climate change** by further consolidation and greater implementation of actions set out in the Greenhouse Action Plan (GAP) 2006-2008 and the Sustainable Water Use Plan (SWUP) 2007. Attainment and maintenance of organisational accreditations such as 'Waste Wise' and an 'EcoBuy' demonstrate an ongoing Council commitment to actively managing our carbon emissions. Council committed a further \$30,000 in 2007/08 to ensure sustainable Council actions. In addition, Council is reapplying the savings from reduced consumption to further fund sustainability initiatives. This fund is in place for the future to further aid Council to meet targets set in the GAP and the SWUP.

**Environmental education for our community and schools.** Events including 'Catch a Carp' Day, World Environment Day and National Tree Planting Day continue to provide opportunities for Environment Unit staff to engage with Community Groups and Schools within the Shire. With support from organisations such as Barwon Water, Lions Club of Colac, disability groups and a range of other community groups we have been able to engage more than 1,000 school students in environmental education in 2007/08.

The education of school children about the problems caused by littering has been increased through allowing children to view the cleaning of Gross Pollutant traps near Lake Colac.

Working together with the Corangamite Catchment Management Authority and Greening Australia, specific educational forums have also been delivered to our community dealing with issues such as native grassland conservation, living with wildlife and fire ecology.

#### **Protection of environmental values in**

**Barongarook.** A prescribed five year management plan to manage and enhance the rare native vegetation and local fauna contained at the 16ha Barongarook Covenant property owned by Council was implemented in 2007/08. Funding was used for strategic weed control to enhance the establishment of more native species. Removing weeds allows indigenous species a better chance to rehabilitate the site without the need for costly revegetation works.

**Removal of Carp from Barongarook Creek.** The Environment Unit, in partnership with Council's Works Department and local fishermen, removed over 100 tonnes of Carp from Barongarook Creek. Council also worked in partnership with a multi agency group to prepare for a mass kill of Carp in Lake Colac caused by low water levels in the lake. It is estimated that over 400 tonnes of Carp died. Council will continue to work with affected areas of our Community to better manage the Carp problem in Lake Colac.

#### **Sustainable Water Use**

Council has endorsed a Sustainable Water Use Action Plan and a Greenhouse Action Plan. These plans aim to ensure that all Council activities are carried out in an environmentally sustainable manner.

The demonstration of best practice in environmental management will be used to encourage sustainability improvements for the wider community.

Council is committed to increasing community involvement in environmental projects and to raising awareness of environmental issues with the focus being protection of significant environmental assets such as Lake Colac.

Greater amounts of water will be saved with new actions from the Sustainable Water Use Plan (SWUP).

Detailed audits of the major water users (e.g. the Sale Yards and the Botanic Gardens) will allow further water saving activities to be identified.

These projects are jointly funded by the Council and an Australian Government Community Water Grant. The actions in the SWUP aim to continue reducing Council's water consumption and achieve targets set for 2020.

## ENVIRONMENTAL SUSTAINABILITY

**Geelong Community Correctional Services Partnership Program.** The Environment Unit's Social Justice Program has this year been utilised to support such programs as maintenance of areas in small towns and the removal of dead carp from Barongarook Creek and Lake Colac. Council has worked to ensure meaningful experiences for those involved with the program and in partnership with Corangamite Catchment Management Authority (CCMA), the Social Justice Program continues to control weeds including willows, gorse and poplars along the banks of the lower reaches of Barongarook Creek. The CCMA provided \$10,000 for revegetation works along the creek. Further works are planned for 2008/2009.

**Weed control** and management was broadened in 2007/08 with the introduction of signage in weed risk areas. Key weeds such as ragwort and gorse control on roadsides continue to be a challenge and specific funding of \$15,500 was applied to tackle these weeds.

**Waste Water Solutions.** The Department of Sustainability and Environment approved the Concept Design for sewerage in Wye River and Separation Creek, and water supply in Wye River, Separation Creek and Kennett River. An assessment of septic systems in Wye River and Separation Creek has commenced. This assessment will provide a basis for a functional design for sewerage.

The **draft Functional Design report for sewerage** at Birregurra was completed and released to the community for comment. The report recommends that a modified conventional sewerage system be developed, and that reuse in town opportunities be provided for the community.

### Challenges

- Delays in commencing the Forestry audit due to the extensive planning required to set up the auditing process

### The Year Ahead

- Ensure a comprehensive strategic direction for Environmental Management throughout all levels of Council operations
- Maintaining and ensuring compliance with the Code of Practice for Timber Production for Forestry Operators operating within the Shire
- Water Health programs such as continuing to improve the condition of Lake Colac and the adjoining creeks and other water catchment health programs will continue to be identified and implemented
- Monitoring trends and directions to manage and mitigate against impacts from climate change and the impacts on Council and Community
- Energy Conservation, Water Conservation, Eco-buy and Waste Wise initiatives will continue to be both encouraged and implemented across the organisation

### Waste Management

Council's main waste management **focus is on reducing the volume of waste going to landfill**, educating our community to develop Waste Wise practices and further development of reuse and recycling options. Council is working closely with Barwon Regional Waste Management Group on strategies to achieve significant waste reductions, in consultation with our stakeholders and the community.

## ENVIRONMENTAL SUSTAINABILITY

Waste management services provided include:

- Household kerbside and litter waste collection services (Contracted Service)
- Transportation of waste to regional landfill and recycling facilities (Contracted Service)
- Management of Transfer Station and Landfill (Contracted Service)
- Operation of waste drop-off facilities (Contracted Service)
- Sorted kerbside organics for composting (Contracted Service)
- Waste education
- Kerbside waste bin inspections
- Organics processing facility (includes sorting and decontamination)

### Highlights

Council continued to work closely with the **Barwon Regional Waste Management Group (BRWMG)** to explore Regional Landfill options beyond 2009 and Total Waste Management processes for various types of waste. During 2007/08 member Councils' representatives have held in-depth discussions on future waste processing requirements, which will lead to the development of a regional tender in 2008/09.

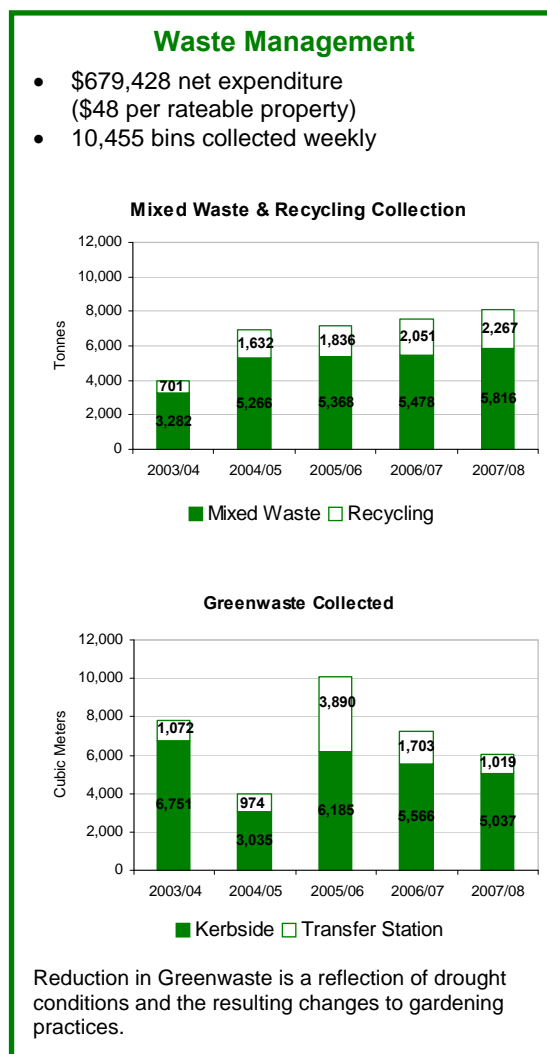
The **Organic Waste Education Campaign**, launched in 2006, continued through 2007/08 with visits to schools and distribution of informative material and awarding of prizes to the best sorters. Waste bin audits were conducted to determine levels of contamination and identify problem areas and patterns. Our public education program continued with letter drops and articles published in the local media.

A **Hard Waste Collection** was successfully carried out throughout the rural and coastal townships in 2007/08 with the service well received by the community.

**Landfill Rehabilitation.** Two closed landfill sites at Beeac and Cressy were rehabilitated to EPA prescribed standards. The rehabilitation works included the provision of a clay layer compressed and landscaped.

The **Alvie Transfer Station weighbridge** was completed early in the 2007/08 financial year. All vehicles can now be weighed when entering and exiting the Alvie Transfer Station allowing staff to report more accurately on quantities and types of waste disposal.

A **Portable Data Recording Process** was introduced at the Marengo Transfer Station which records the waste quantities brought into the site. The use of the automated handheld device will add to the accuracy and efficiency of waste data collection.



# ENVIRONMENTAL SUSTAINABILITY

## Challenges

- Contamination levels in organic waste continue to fluctuate despite an ongoing public education program

## The Year Ahead

- Ongoing implementation of Council's long-term landfill rehabilitation program with Gellibrand landfill scheduled to be rehabilitated 2008/09
- Completion of Waste Management Best Value Process and implementation of actions resulting from the process
- Development of Waste Management Contract specifications and contract for the calling of tender beyond September 2009
- Evaluation of success of the recent Hard Waste collections program and exploring of future options
- Completion of design and planning process for Apollo Bay Transfer Station and commencement of project

## Local Laws

- Council continues to deliver Local Laws services to enhance the safety and well-being of residents through effective enforcement and pro-active regulatory services. Ongoing community engagement is undertaken to educate, provide information and increase awareness of civic responsibilities. In 2007/08 Council's Local Laws unit was incorporated into the Environment and Community Safety area.

## Highlights

Allocation of **additional resources has allowed greater servicing** across the Municipality, especially along the major tourism areas in peak times. New initiatives have seen:

- Greater enforcement of Local Laws and statutory regulations within Council's scope of responsibility
- Improved registration and impoundment of domestic animals, particularly the ability to rehouse the vast majority of abandoned or lost animals
- Parking compliance and payment of outstanding fines increased
- Better consistency in issuing of the numerous permit types relating to Local & Road Safety Laws
- Assistance to other Council operations dealing with Statutory Compliance issues

### Local Laws

- \$317,467 net expenditure (\$22 per rateable property)
- 4,828 Dogs registered
- 1,680 cats registered
- 270 Dogs & cats returned to their owner
- 176 Cats & 46 dogs euthanised
- 650 Permits (various) issued

**A new Livestock Local Law** was adopted by Council at the November 2007 Council meeting which included better guidance for farmers, fairer distribution of grazing permits and provision of less restrictive procedures for those landholders severely affected by drought.

**A Best Value review of Local Laws** was completed. The review covered services provided, resources needed and the benchmarking of fees and charges. A Continuous Improvement Plan was developed, with actions identified forming part of the Unit's 2008/09 business plan.

**School Crossing Supervisors** have been participating in regular meetings to discuss common concerns and the development of best practice procedures relating to the continued delivery of service excellence at school crossings.



## ENVIRONMENTAL SUSTAINABILITY

**Rehousing of suitable unclaimed dogs and cats** from the Council Pound is a priority for Local Laws staff with 76 dogs & cats being given a second chance of life with their new owners in 2007/08.

**Increased service delivery** to the coastal areas has been possible due to an increase in vehicle resources and better administrative support allowing Authorised Officers to be in the field dealing with 'on-ground' issues. Revised rostering systems have meant the Right Staff, in the Right Place at the Right Time.

### Challenges

- The number of unclaimed animals was above a satisfactory level, mainly due to the high number of kittens abandoned
- The number of de-sexed and microchipped animals being registered fell below satisfactory levels

### The Year Ahead

- Local Laws staff to undertake training in Certificate IV Government Statutory compliance and Certificate IV in Animal Control & Regulation
- Encourage owners of domestic animals to have their pets de-sexed by offering lower registration fees for animals that have been microchipped and desexed
- To develop and implement Council's Domestic Animal Management Plan

### Municipal Fire Prevention

Council is charged with a positive duty for fire prevention under the *Country Fire Authority Act 1958*. Council must have a plan which is regularly audited to ensure compliance; the audit is undertaken by the CFA. Council must undertake inspections, issue permits, conduct works and coordinate fire prevention programs under its obligations.

### Highlights

**Council approved a new Fire Prevention Plan** in late 2007 identifying a broader range of Risk Environments in which to manage Fire Prevention. The new Fire Prevention Plan was put into practice in the 2007/08 Fire Danger Period, with its implementation being highly successful, with significant improvements to the comprehensiveness of Council's response. It was generally well accepted by the rural community.

**Fire Prevention** duties were conducted across the whole of the Shire by Local Laws personnel this season. The duties included carrying out inspections across the whole of Shire and where necessary issuing Fire hazard Notices. The inspection process was highly visible and resulted in exceptional compliance levels minimising the Fire Risk over summer.

#### Municipal Fire Prevention

- \$93,983 net expenditure (\$7 per rateable property)
- Only 5% (400) of people didn't take voluntary action from the courtesy letter stage of the process to remove hazards
- Of these only another 5% (23) didn't comply with the fire prevention notice
- From Courtesy letter stage less than .003% of 'at risk' properties required enforcement

## ENVIRONMENTAL SUSTAINABILITY

**Council managed landholder compliance** for fire hazards via an Inspection Process. The following is a snapshot of the process for the 2007/08 Fire Danger Period:

- Over 8,000 courtesy letters were sent to landholders in “at risk’ areas
- Inspections were carried out identifying over 400 properties that required service of a Fire Prevention Notice to remove hazards
- 23 of the 400 received infringement notices and invoices for costs associated with hazard removal

### Challenges

- Planning activities were delayed due to uncertainty in the fire management arrangements in the State Government’s new Integrated Fire Management Plan (IFMP).

### The Year Ahead

- The Municipal role of Council in the IFMP process will be clarified by involvement in a trial being run across south west Victoria
- Carry out the inspection process for the 2008/09 Fire Danger Period

# FINANCIAL SUSTAINABILITY

## Council Plan Objective

*Ensuring the financial sustainability of the Council whilst maintaining service delivery and reducing debt.*

## Council Plan Commitments



2007/2008 Actions completed



2007/2008 Actions behind schedule



Deferred or delayed beyond 2007/2008

|  |                                                                                                                                                                                                                               |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Ensure our Financial Plan is sustainable.                                                                                                                                                                                     |
|  | Ensure our debt is managed and levels are maintained below prudential guidelines.                                                                                                                                             |
|  | Advocate for increased State Government recognition and funding as compensation for the Shire's larger than average area of non-rateable land.                                                                                |
|  | Undertake a review of rating which includes: - Council Pensioner Rate Concessions - Other concessions and rental waivers - Special rates and charges schemes - An assessment of the impact of increased forestry use of land. |
|  | 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 Visitor Information Centres.                        |
|  | Maintain internal audit program based on the outcomes of the Risk Assessment Audit.                                                                                                                                           |

## Highlights

**Improved our status against the Victorian Auditor General's Financial Sustainability Indicators** for the 2007/08 year. Council achieved a 'low risk' rating against four of the five Victorian Auditor General's Indicators and a 'medium risk' for the remaining indicator on infrastructure renewal.

**The Infrastructure renewal gap was eliminated** for the 2007/2008 financial year, reducing from \$5M three years ago to zero for this year. Council is committed to the continued elimination of the infrastructure renewal gap.

**Reduction in Loan Liability.** For the fourth consecutive year Council did not undertake any new loan borrowings. Total loan liability has reduced from \$4.87M in 2003/04 to \$2.98M in 2007/08. It is forecast to reduce further to \$2.46M in 2008/09.

**Completion of statutory financial information by due dates.** Council is required to complete a wide variety of statutory financial returns and information during the financial year such as:

- Annual Council Budget
- Annual Report
- Annual Grants Commission Return
- Monthly Business Activity Statement
- Annual Fringe Benefits Tax Return
- Annual Certification of Remuneration

Council met all of its statutory obligations by the due dates.

**2008 Property revaluations were completed** for all properties within the municipality.

| Financial Sustainability                     |
|----------------------------------------------|
| • 96% Rates collected by year end            |
| • 14,229 Property assessments                |
| • 1,995 Pension rebates                      |
| • 144 Drought relief concessions             |
| • 1,123 Land information certificates issued |
| • 37,400 Debtor invoices issued              |
| • 6,120 Supplier payments processed          |
| • 17,000 receipts issued                     |

# FINANCIAL SUSTAINABILITY

## The Year Ahead

- A review of services provided and policies administered by the Finance and Customer Service Unit will be undertaken through the course of the year
- Continue implementation of actions identified in the best value review of Customer Services and Property & Rates
- Successfully recruiting and integrating positions identified as part of the 2008/2009 Budget
- A major focus of the coming year is the potential implementation of a new corporate and financial IT system across the organisation

## FINANCIAL PERFORMANCE

### In brief

- Achieved a \$679,000 surplus for the period, which was \$66,000 above budget expectations
- Ended the 2007/08 financial year with a cash balance of \$6.412 million
- Increased Non-Current Assets by \$30.299 million
- Improvement in the Victorian Auditor General's Financial Sustainability ratios and other financial indicators

### Operating Results

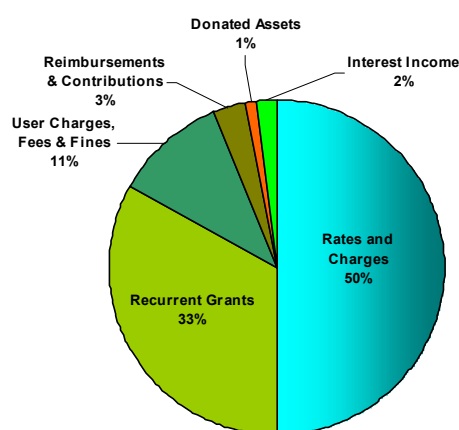
Council achieved a \$679,000 surplus for the 2007/08 financial year. This is the second successive year that we have achieved a surplus, which is a dramatic improvement on previous years. One of the major challenges of Council will be to maintain ongoing surpluses to fund infrastructure renewal requirements.

### Revenue

Council's total revenue for the 2007/08 year was \$32.95 million as per the Standard Income Statement.

A breakdown of Council's revenue sources highlights that 94% of Council's income comes from three income categories:

- Rates and Charges 50%
- Grants 33%
- User Charges, fees and fines 11%



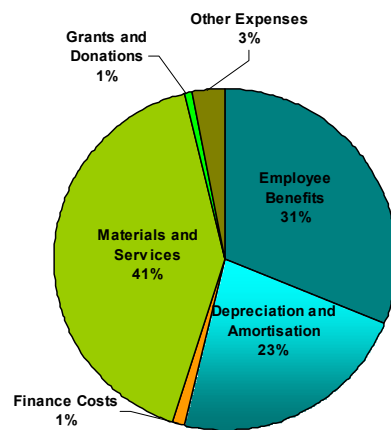
# FINANCIAL SUSTAINABILITY

## Expenditure

Council's total expenses for the 2007/08 year were \$32.173 million as per the Standard Income Statement (excluding net loss on disposal of assets).

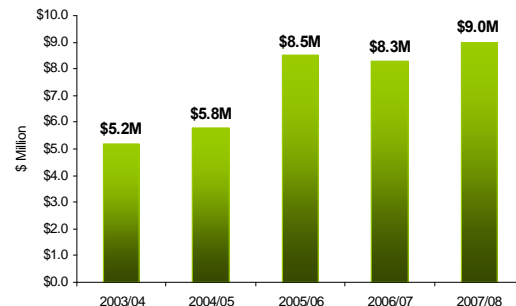
A breakdown of Council's expenses highlights that 95% relates to three expenditure categories.

- Employee Benefits 31%
- Materials and Services 41%
- Depreciation and Amortisation 23%



## Capital Works

During the financial year, Council spent \$8.968 million on Capital Works projects. The amount spent on Capital Works in the last three years has increased significantly to address the major issue of the Infrastructure Renewal Gap.



## Assets

Council's total assets are \$237.186 million, a \$30.305 million increase over the previous year. The major components of assets are:

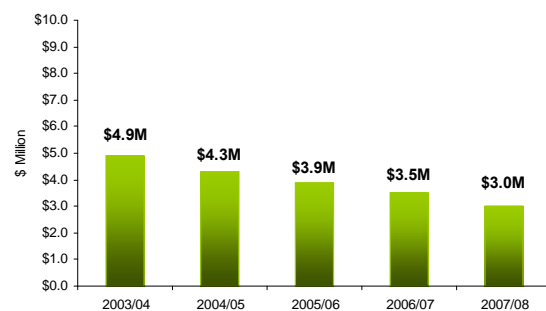
- Property, plant, equipment and infrastructure (land, buildings, roads, bridges etc)
- Cash Assets (mainly short term investments)

Together these asset categories account for 99% of all assets.

## Liabilities

Council's liabilities include loans, amounts owed to suppliers, amounts owed to employees for leave entitlements and provisions for landfill rehabilitation.

Council's loan liability levels continue to decrease. Current debt levels mean that we are operating well within the Victorian State Government prudential ratio limits.



Loan Liability

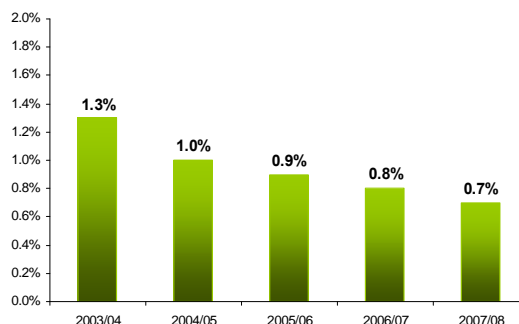
# FINANCIAL SUSTAINABILITY

## FINANCIAL INDICATORS

All of the following indicators show an improved financial position over the last five year period:

### Debt Servicing Ratio

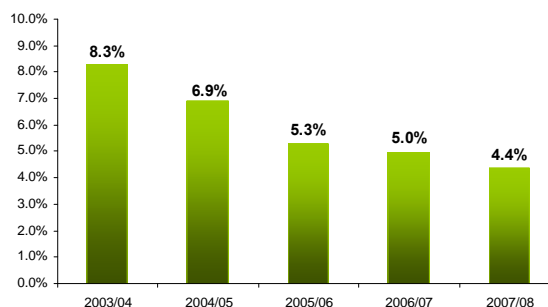
The Debt Servicing Ratio essentially shows how much Council spends on maintaining our outstanding debts compared with how much revenue Council earns. The lower the ratio, the better off Council is. These debt servicing costs refer to the payment of interest on loan borrowings, finance lease interest and bank overdraft. The ratio expresses the amount of interest paid as a percentage of Council's total revenue.



The ratio has reduced significantly over the five year period, with Council's ratio of 4.4% being well under the prudential limit of 5% set by the Victorian State Government.

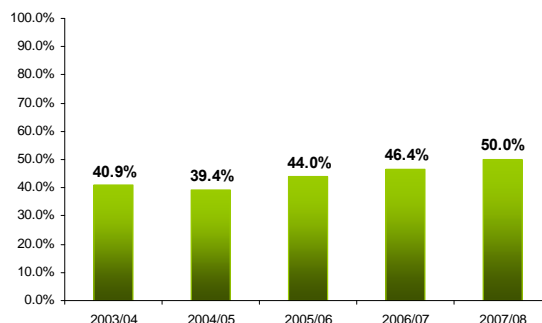
### Debt Commitment Ratio

The Debt Commitment Ratio is used to illustrate how much of Council's revenue is used to fund Council's existing debt for the year. This includes the payment of loan principal and interest, finance lease principal and interest. The rate at which the ratio either increases or decreases is a reflection of Council's debt redemption strategy. The debt commitment ratio expresses the percentage of rate revenue utilised to pay interest and redeem debt principal.



### Revenue Ratio

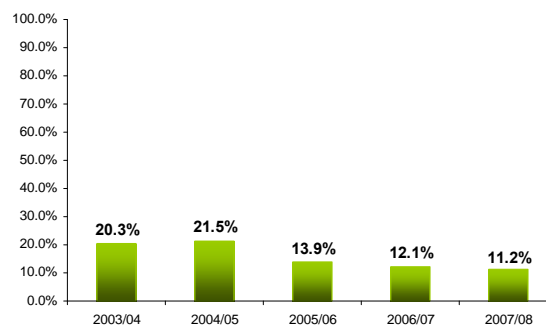
The Revenue Ratio shows the level of Council's reliance on rate revenue. It is an indication of how much of Council's total revenue comes from rate and charges. It is influenced by other revenue sources such as government grants, contributions, special charges, user fees and charges. Rate income is a secure and predictable source of revenue. A low ratio can warn of undue reliance on other forms of revenue, which may or may not be sustainable e.g. government grants.



## FINANCIAL SUSTAINABILITY

### Debt Exposure Ratio

The Debt Exposure Ratio enables an assessment of Council's solvency and exposure to debt. A low ratio means that Council's realisable (or saleable) assets, such as land, buildings, plant and equipment exceed its overall liabilities. Total indebtedness refers to the total liabilities of Council compared with total realisable assets.



Overall, the ratio has reduced since 2002/03. The 2007/2008 ratio of 11.2% is well under the limit of 50% set by the Victorian State Government.

## VICTORIAN AUDITOR GENERAL – FINANCIAL SUSTAINABILITY INDICATORS

Financial sustainability is defined in a number of different ways. A generally accepted definition is whether local governments have sufficient current and prospective financial capacity (inflows) to meet their current and prospective financial requirements (outflows).

To be sustainable, local governments need to have some excess capacity at any point in time to be able to manage future financial risks and shocks without having to radically adjust their current revenue or expenditure policies.

The indicators utilised by the Victorian Auditor General to assess the financial viability of councils are:

- Operating Result – a measure of whether Council generates enough revenue from all sources to cover operating costs (including the cost of replacing assets, reflected in depreciation expense)
- Liquidity – a measure of whether Council has sufficient working capital to meet short term commitments
- Self-Financing – a measure of whether Council generates sufficient operating cash flows to invest in asset renewal and to repay any debt it may have incurred in the past
- Indebtedness – a measure of whether Council is overly reliant on debt to fund capital programmes
- Investment Gap – a measure of whether Council has been replacing assets at a rate consistent with the rate they are being consumed

## FINANCIAL SUSTAINABILITY

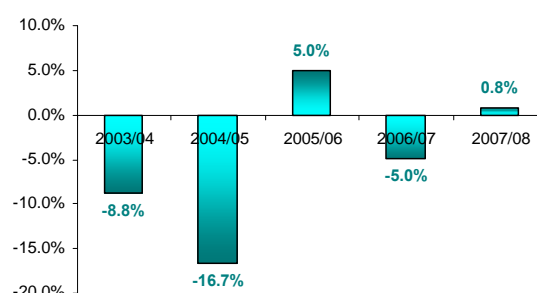
The following information indicates positive movement in each of the indicators:

| Indicators              | Colac Otway Result | Risk Levels                |                               |                   |
|-------------------------|--------------------|----------------------------|-------------------------------|-------------------|
|                         |                    | High                       | Medium                        | Low               |
| Underlying Result Ratio | 0.8%               | Negative 10% or less       | Between negative 10% and zero | Greater than zero |
| Liquidity Ratio         | 226%               | Equal to or less than 100% | Between 100% and 150%         | Greater than 150% |
| Indebtedness Ratio      | 24.1%              | Greater than 60%           | Between 40% and 60%           | Less than 40%     |
| Self-Financing Ratio    | 25.8%              | Less than 10%              | Between 10% and 20%           | Greater than 20%  |
| Investment Gap Ratio    | 119%               | Equal to or less than 100% | Between 100% and 150%         | Greater than 150% |

Risk assessment is prepared in accordance with the Victorian Auditor General's financial viability guidelines

### Underlying Result Ratio

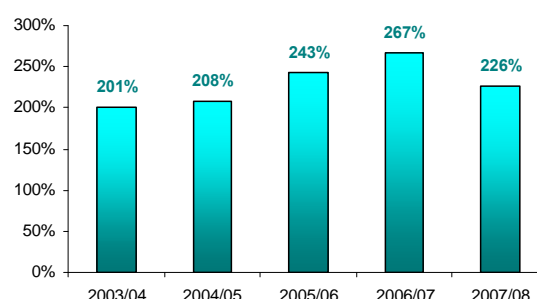
The overall trend indicates that the Shire is moving towards generating an underlying surplus which can be utilised for new assets or asset renewal. This is a positive result for Council and falls within the 'Low' risk category of the Victorian Auditor General Risk assessment for the financial sustainability of Council.



### Liquidity Ratio (or Working Capital Ratio)

The Working Capital Ratio expresses the level of current assets, such as cash and investments, that Council has available to meet its current liabilities including outstanding creditors and employee entitlements.

Council's Working Capital Ratio is higher than forecast due to receiving government grants for 2008/2009 in advance and the expenditure for some Capital Works being carried forward to 2008/2009.



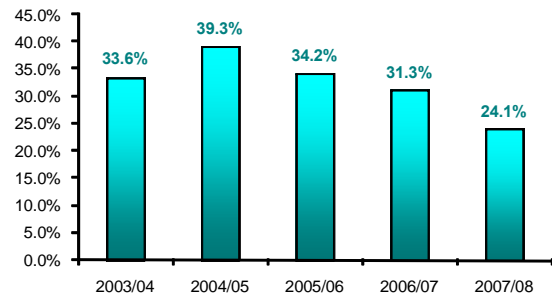
The target in Council's Strategic Resource Plan is to maintain a ratio of at least 125%. Council's current ratio is well over the prudential limit of 110% set by the State Government of Victoria. This indicates that the Shire has no immediate issue with repaying its liabilities when they fall due. This is a positive result for Council and falls within the 'Low' risk category of the Victorian Auditor General Risk assessment for financial sustainability of Council.



# FINANCIAL SUSTAINABILITY

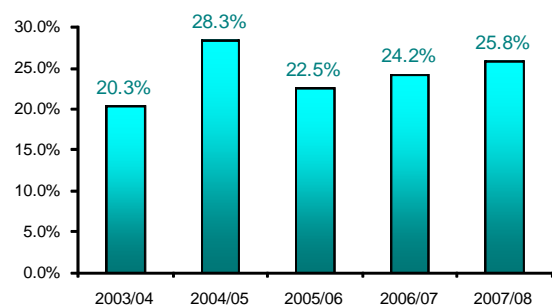
## Indebtedness Ratio

The Shire has no concern over its ability to repay debt from its own sources of revenue (such as rates and charges). This is a positive result for Council and falls within the 'Low' risk category of the Victorian Auditor General Risk assessment for financial sustainability of Council.



## Self Financing Ratio

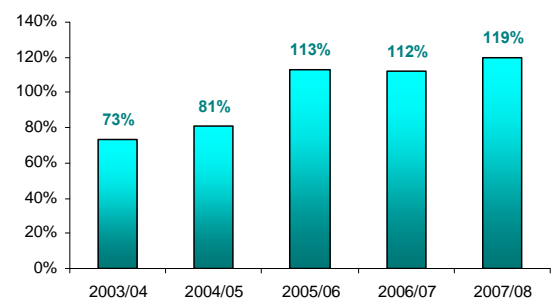
Results indicate that the Shire is generating enough cash from operations to fund the acquisition of new assets and the renewal of existing assets. This is also a positive result for Council and falls within the 'Low' risk category of the Victorian Auditor General Risk assessment for financial sustainability of Council.



## Investment Gap Ratio

The graph shows that Council has made major improvements in the last three (3) years in funding the renewal of the Shire's existing assets

This is another positive result for Council, falling within the 'Medium' risk category of the Victorian Auditor General Risk assessment for financial sustainability of Council.



**NB:** This indicator is built around the assumption that all Councils have underfunded the renewal of assets in the past. If Councils have remedied the infrastructure renewal gap then a result between 100% and 150% would be deemed to be 'Low' risk.

# FINANCIAL SUSTAINABILITY

## Looking Ahead

The current Strategic Resource Plan was adopted by Council in June 2007. The Plan sets out the financial challenges for Council:

- Ageing infrastructure
- Extensive local roads system
- Funding of capital expenditure investment
- Environmental obligations
- No operating deficits
- Maintenance of existing liquidity levels
- Managing financial risks prudently in regard to debts, assets and liabilities
- Development of rating policies that provides reasonable stability and equity in the level of the rate burden
- Financial capacity to fund major infrastructure projects

The plan also details the targets to be achieved to address the challenges and a set of principles which underpin the Strategic Resource Plan and financial management of Council operations.

# FINANCIAL SUSTAINABILITY

## UNDERSTANDING THE FINANCIAL STATEMENTS

### Introduction

The Financial Report is a key report by the Colac Otway Shire. It shows how Council performed financially during the 2007/2008 financial year and the overall position at the end of the financial year (June, 30 2008).

Council presents its financial report in accordance with the Australian Accounting Standards. Particular terms required by the Standards may not be familiar to some readers. Colac Otway Shire Council is committed to accountability. It is in this context that the following explanations have been developed to assist readers understand and analyse the financial report.

### What is contained in the Annual Financial Report?

Council's financial report has two main sections, namely the Report and the Notes. There are four Statements and thirty-eight notes. These are prepared by Council staff, examined by the Council Audit Committee and Council, and are audited by the Victorian Auditor-General.

The four Statements included in the first few pages of the report are the Income Statement, Balance Sheet, Statement of Changes in Equity and a Cash Flow Statement.

The Notes detail Council's accounting policies and the make-up of values contained in the Statements.

#### 1. Income Statement

The Income Statement measures Council's performance over the year and shows if a surplus or a deficit has been made in delivering services.

The Statement includes all sources of income, less all operating expenses incurred in delivering Council services. This includes depreciation or the writing down, of the value of buildings, roads, footpaths, drains and all other infrastructure assets, which are used to deliver Council services. These assets are depreciated over the life of the asset as they are consumed. Capital costs or new assets purchased or created during the year are excluded from the Statement but, as indicated above, are depreciated as they are used.

The Statement is prepared on an 'accrual' basis. This means that all income and costs for the year are recognised even though the income may not yet be received (such as interest on bank deposits) or expenses not yet paid (invoices not yet received for goods and services already used).

If the Statement is in a deficit situation, this means that Council is not creating sufficient surplus to replace infrastructure assets at the time when they need to be replaced. Continual deficits may indicate concern about Council's ability to be financially viable in the longer term.

The key figure to look at is the surplus/(deficit) for the year. A deficit means that the expenses were greater than revenue.

#### 2. Balance Sheet

The Balance Sheet is an important financial statement. This one page summary is a snapshot of the financial situation as at 30 June 2008. It shows what the Council owns as Assets and what it owes as Liabilities. The bottom line of this Statement is Net Assets. This is the net worth of Council, which has been built up over many years.

## **FINANCIAL SUSTAINABILITY**

The assets and liabilities are separated into Current and Non-Current. Current means those assets or liabilities, which will fall due or be consumed in the next 12 months. The components of the Balance Sheet are described here.

### **Current and Non-Current Assets**

- Cash includes cash and cash equivalents i.e. cash held in the bank, petty cash and term deposits
- Receivables are monies owed to Council by ratepayers and others
- Investment in Associate is the investment in the Corangamite Regional Library Corporation
- Other assets include inventory and accounts which have been prepaid
- Property, Plant and Equipment, Infrastructure is the largest component of Council's worth and represents the value of all land, buildings, roads, vehicles, equipment, and other items which have been invested in by Council over many years

### **Current and Non-Current Liabilities**

- Payables are those to whom Council owes money as at 30 June 2008
- Provisions include Employee Benefits which is the accounting term for accrued Long Service and Annual Leave provisions. Landfill rehabilitation works are also grouped under provisions
- Interest Bearing Liabilities includes loans, which are repaid over a set period of time, and Lease Liabilities that are leases of assets where ownership of the asset is transferred to the Council

### **Net Assets**

This term is used to describe the difference between the value of Total Assets and the value of Total Liabilities. It represents the net worth of Council as at 30 June 2008. The net value of the Council is also synonymous with Total Equity.

### **Total Equity**

- Asset Revaluation Reserve is the difference between the previously recorded value of property and infrastructure assets and their current valuations
- Other Reserves are allocations of the Accumulated Surplus to specific projects
- Accumulated Surplus is the value of all net assets accumulated over time

## **3. Statement of Changes in Equity**

During the course of the year, the value of Total Ratepayers Equity as set out in the Balance Sheet changes. This Statement shows the values of such changes and how these changes arose.

The main reason for a change in equity stem from:

- The 'profit and loss' from operations, described in the income Statement as the Operating (deficit) for the year
- The use of monies from Council's reserves
- Revaluation of assets; this takes place every three years as a matter of course. It also occurs when existing assets are taken up in the books for the first time

# FINANCIAL SUSTAINABILITY

## 4. Cash Flow Statement

The Cash Flow Statement summarises Council's cash payments and cash receipts for the year. This Statement is presented according to a very specific Accounting Standard and needs some care in analysis. The values may differ from those shown in the Income Statement because the Income Statement is prepared on an accrual accounting basis.

Cash in the Statement refers to bank deposits and other forms of highly liquid investments that can readily be converted to cash.

Council's cash arises from, and is used in, three main areas:

### Cash Flow from Operating Activities

- Receipts – All cash received into Council's bank account from ratepayers and others that owed money to Council. Receipts also include the interest assets from Council's cash investments. It does not include the costs associated with the sale of assets
- Payments – All cash paid by Council from its bank account to staff, creditors and other persons. It does not include the costs associated with the creation of assets

### Cash Flow from Investing Activities

The accounting term Investing Activities relates to payments for the acquisition of assets, such as new plant, roads and other long-term revenue producing assets; and the proceeds from the sale of assets such as plant, and land.

### Cash Flow from Financing Activities

This is where the receipt and repayment of borrowed funds are recorded.

The bottom line of the Cash Flow Statement is the Cash at End of Financial Year. This shows the capacity of Council to meet its debts and other liabilities.

### Notes to the Accounts

The Notes are a very important and informative section of the report. The Australian Accounting Standards are not prescriptive in a lot of issues. Therefore, to enable the reader to understand the basis on which the values shown in the Statements are established, it is necessary to provide details of Council's accounting policies. These are described in Note 1.

Apart from the accounting policies, the Notes also give details behind many of the summary figures contained in the Statements. The Note numbers are shown beside the relevant items in the Income Statement, Balance Sheet, Statement of Changes in Equity and the Cash Flow Statement.

Where Council wishes to disclose other information, which cannot be incorporated into the Statements, then this is shown in the Notes. Other Notes include:

- The cost of the various functions of Council
- The breakdown of expenses, revenues, reserves and other assets
- Transactions with persons related to Council
- Comparisons of Budget to Actual results
- Financial performance indicators

The Notes should be read at the same time as, and together with, the other parts of the Financial Statements to get a clear picture of the accounts.

**Statements by Principal Accounting Officer and Councillors**

## **FINANCIAL SUSTAINABILITY**

The Certification of the Principal Accounting Officer is made by the person responsible for the financial management of Council that, in her/his opinion, the Financial Statements have met all the statutory and professional reporting requirements.

The Certification of Councillors is made by two Councillors on behalf of Council that, in their opinion, the Financial Statements are fair and not misleading. The Chief Executive Officer also endorses and signs the certification.

### **Auditor General's Report**

The Independent Audit Report is the external and independent opinion on the Financial Statements. It provides the reader with a totally independent opinion on the Financial Statements. The opinion covers both the Statutory and professional requirements and also the fairness aspects of the Financial Statements.

**COLAC OTWAY SHIRE**

---

STANDARD STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

## NOTES TO THE STANDARD STATEMENTS

### Note 1 Basis of preparation of Standard Statements

Council is required to prepare and include audited Standard Statements within its Annual Report. Four Statements are required - a Standard Income Statement, Standard Balance Sheet, Standard Cash Flow Statement and a Standard Statement of Capital Works, together with explanatory notes.

These statements and supporting notes form a special purpose financial report prepared to meet the requirements of the Local Government Act 1989 and Local Government (Finance and Reporting) Regulations 2004.

The Standard Statements have been prepared on accounting bases consistent with those used for the General Purpose Financial Statements and the Budget. The results reported in these statements are consistent with those reported in the General Purpose Financial Report.

The Standard Statements are not a substitute for the General Purpose Financial Statements, which are included on pages 3 to 6 of the Annual Report. They have not been prepared in accordance with all Australian Accounting Standards or other authoritative professional pronouncements.

The Standard Statements compare Council's financial plan, expressed through its budget, with actual performance. The Local Government Act 1989 requires explanation of any material variances. The Council has adopted a materiality threshold of 10 per cent. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

The budget figures included in the Standard Statements are those adopted by Council on 25 July 2007. The budget was based on assumptions that were relevant at the time of adoption of the budget. The Council set guidelines and parameters for revenue and expense targets in this budget in order to meet council's business plan and financial performance targets for both the short and long term. The budget did not reflect any changes to equity resulting from asset revaluations, as their impacts were not considered predictable. The detailed budget can be obtained by contacting Council or through the council's website. The Standard Statements must be read with reference to these documents.

Detailed information on the actual financial results are contained in the General Purpose Financial Report on pages 3 to 40.



**STANDARD INCOME STATEMENT**

**FOR THE YEAR ENDED 30 JUNE 2008**

|                                                           | Note | ACTUAL<br>\$'000 | BUDGET<br>\$'000 | VARIANCE<br>\$'000 | VARIANCE<br>% |
|-----------------------------------------------------------|------|------------------|------------------|--------------------|---------------|
| <b>REVENUE</b>                                            |      |                  |                  |                    |               |
| Rates and Charges                                         |      | 16,384           | 16,372           | 12                 | 0%            |
| Grants Commission                                         |      | 4,633            | 4,570            | 63                 | 1%            |
| Recurrent Grants                                          | 1    | 2,488            | 2,272            | 216                | 10%           |
| Non-Recurrent Grants                                      | 2    | 3,697            | 4,235            | (538)              | (13%)         |
| User Charges, Fees & Fines                                | 3    | 3,601            | 4,301            | (700)              | (16%)         |
| Reimbursements and Contributions                          | 4    | 1,143            | 675              | 468                | 69%           |
| Donated Property, Plant and Equipment, Infrastructure     | 5    | 425              | 139              | 286                | 206%          |
| Interest income                                           | 6    | 579              | 395              | 184                | 47%           |
| <b>TOTAL REVENUE</b>                                      |      | <b>32,950</b>    | <b>32,959</b>    | <b>(9)</b>         | <b>(0%)</b>   |
| <b>EXPENSES</b>                                           |      |                  |                  |                    |               |
| Employee Benefits                                         |      | 10,058           | 10,061           | (3)                | (0%)          |
| Depreciation and Amortisation                             |      | 7,508            | 8,200            | (692)              | (8%)          |
| Finance costs                                             |      | 220              | 223              | (3)                | (1%)          |
| Materials and Services                                    |      | 12,476           | 11,896           | 580                | 5%            |
| Grants and Donations                                      |      | 176              | 176              | -                  | 0%            |
| Plant costs                                               | 7    | 548              | 742              | (194)              | (26%)         |
| Property, Plant and Equipment, Infrastructure written off | 8    | 237              | 150              | 87                 | 58%           |
| Loss on Investment in Associates                          |      | -                | -                | -                  | -             |
| Other expenses                                            |      | 950              | 898              | 52                 | 6%            |
| <b>TOTAL EXPENSES</b>                                     |      | <b>32,173</b>    | <b>32,346</b>    | <b>(173)</b>       | <b>(1%)</b>   |
| Net gain (loss) on disposal of assets                     | 9    | (98)             | -                | (98)               | -             |
| <b>SURPLUS (DEFICIT) FOR THE REPORTING PERIOD</b>         |      | <b>679</b>       | <b>613</b>       | <b>66</b>          | <b>11%</b>    |

**VARIANCE EXPLANATION**

| Note | Item                                                      | Explanation                                                                                                                                |
|------|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | Recurrent Grants                                          | Unbudgeted Transport Connections Grant                                                                                                     |
| 2    | Non-Recurrent Grants                                      | Lower Roads to Recovery, Dairy Roads, Better Roads and Sporting Facilities Grants partially offset by increased Apollo Bay Harbour Grants. |
| 3    | User Charges, Fees & Fines                                | Lower Private Works activity, Bluewater revenue and Building Control income                                                                |
| 4    | Reimbursements & Contributions                            | Higher than budgeted contributions of Recreational Land and Car Parking                                                                    |
| 5    | Donated Property, Plant and Equipment, Infrastructure     | Higher subdivision activity                                                                                                                |
| 6    | Interest income                                           | Higher cash balances and interest rates                                                                                                    |
| 7    | Plant costs                                               | Lower Apollo Bay Harbour activity and higher capitalisation rates                                                                          |
| 8    | Property, Plant and Equipment, Infrastructure written off | Earlier asset intervention levels than anticipated on Roads & Bridges                                                                      |
| 9    | Net gain (loss) on disposal of assets                     | Higher asset written down values of disposal assets, including plant, than budgeted                                                        |

**STANDARD BALANCE SHEET**

**AS AT 30 JUNE 2008**

|                                               | Note | ACTUAL<br>\$'000 | BUDGET<br>\$'000 | VARIANCE<br>\$'000 | VARIANCE<br>% |
|-----------------------------------------------|------|------------------|------------------|--------------------|---------------|
| <b>CURRENT ASSETS</b>                         |      |                  |                  |                    |               |
| Cash and cash equivalents                     | 10   | 6,412            | 3,111            | 3,301              | 106%          |
| Trade and other receivables                   | 11   | 2,022            | 2,799            | (777)              | (28%)         |
| Inventories                                   |      | 90               | 88               | 2                  | 2%            |
| Prepayments                                   |      | 78               | 73               | 5                  | 7%            |
| <b>TOTAL CURRENT ASSETS</b>                   |      | <b>8,602</b>     | <b>6,071</b>     | <b>2,531</b>       | <b>42%</b>    |
| <b>NON-CURRENT ASSETS</b>                     |      |                  |                  |                    |               |
| Trade and other receivables                   |      | 0                | 3                | (3)                | (100%)        |
| Investment in associates                      |      | 458              | 463              | (5)                | (1%)          |
| Property, Plant and Equipment, Infrastructure | 12   | 228,126          | 198,229          | 29,897             | 15%           |
| <b>TOTAL NON-CURRENT ASSETS</b>               |      | <b>228,584</b>   | <b>198,695</b>   | <b>29,889</b>      | <b>15%</b>    |
| <b>TOTAL ASSETS</b>                           |      | <b>237,186</b>   | <b>204,766</b>   | <b>32,420</b>      | <b>16%</b>    |
| <b>CURRENT LIABILITIES</b>                    |      |                  |                  |                    |               |
| Trade and other payables                      | 13   | 696              | 1,896            | (1,200)            | (63%)         |
| Trust funds and other deposits                | 14   | 316              | 268              | 48                 | 18%           |
| Provisions                                    |      | 2,250            | 2,172            | 78                 | 4%            |
| Interest bearing loans and borrowings         |      | 544              | 544              | -                  | 0%            |
| <b>TOTAL CURRENT LIABILITIES</b>              |      | <b>3,806</b>     | <b>4,880</b>     | <b>(1,074)</b>     | <b>(22%)</b>  |
| <b>NON-CURRENT LIABILITIES</b>                |      |                  |                  |                    |               |
| Provisions                                    |      | 2,540            | 2,709            | (169)              | (6%)          |
| Interest bearing loans and borrowings         |      | 2,462            | 2,462            | -                  | 0%            |
| <b>TOTAL NON-CURRENT LIABILITIES</b>          |      | <b>5,002</b>     | <b>5,171</b>     | <b>(169)</b>       | <b>(3%)</b>   |
| <b>TOTAL LIABILITIES</b>                      |      | <b>8,808</b>     | <b>10,051</b>    | <b>(1,243)</b>     | <b>(12%)</b>  |
| <b>NET ASSETS</b>                             |      | <b>228,378</b>   | <b>194,715</b>   | <b>33,663</b>      | <b>17%</b>    |
| <b>EQUITY</b>                                 |      |                  |                  |                    |               |
| Accumulated Surplus                           |      | 91,896           | 90,391           | 1,505              | 2%            |
| Asset Revaluation Reserve                     | 15   | 133,730          | 102,916          | 30,814             | 30%           |
| Other Reserves                                | 16   | 2,752            | 1,408            | 1,344              | 95%           |
| <b>TOTAL EQUITY</b>                           |      | <b>228,378</b>   | <b>194,715</b>   | <b>33,663</b>      | <b>17%</b>    |

**VARIANCE EXPLANATION**

| <u>Note</u> | <u>Item</u>                                   | <u>Explanation</u>                                                                                                                    |
|-------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| 10          | Cash                                          | Higher cash balances due to lower capital spending and carry over of projects                                                         |
| 11          | Trade and other receivables                   | Higher rate collections, reduced grants outstanding and private schemes                                                               |
| 12          | Property, Plant and Equipment, Infrastructure | Roads and Streets revaluation                                                                                                         |
| 13          | Trade and other payables                      | Lower activity levels at year end and improved payments cycle                                                                         |
| 14          | Trust funds and other deposits                | Higher contract retention deposits                                                                                                    |
| 15          | Asset Revaluation Reserve                     | Roads and Streets revaluation                                                                                                         |
| 16          | Other Reserves                                | Higher than budgeted contributions for Recreational Land, and Car Parking and the creation of Saleyards and Waste Management Reserves |

**STANDARD CASH FLOW STATEMENT**

FOR THE YEAR ENDED 30 JUNE 2008

|                                                                                         | Note | ACTUAL<br>\$'000 | BUDGET<br>\$'000 | VARIANCE<br>\$'000 | VARIANCE<br>% |
|-----------------------------------------------------------------------------------------|------|------------------|------------------|--------------------|---------------|
| <b>CASH FLOWS FROM OPERATING ACTIVITIES</b>                                             |      |                  |                  |                    |               |
| Rates and Charges                                                                       |      | 16,384           | 16,320           | 64                 | 0%            |
| Government Grants                                                                       |      | 11,111           | 11,077           | 34                 | 0%            |
| Council User Charges and Reimbursements received                                        | 4    | 5,098            | 4,394            | 704                | 16%           |
| Contributions and Donations received                                                    |      | 727              | 675              | 52                 | 8%            |
| Council payments to Employees                                                           |      | (10,910)         | (9,976)          | (934)              | 9%            |
| Council payments to Suppliers                                                           | 13   | (14,644)         | (12,872)         | (1,772)            | 14%           |
| Interest received                                                                       | 6    | 579              | 395              | 184                | 47%           |
| Finance costs                                                                           |      | (224)            | (223)            | (1)                | 0%            |
| Council Grants and Donations paid                                                       |      | (176)            | (176)            | -                  | 0%            |
| Net GST refund/(payment)                                                                |      | 1,347            | -                | 1,347              | -             |
| Other payments                                                                          | 13   | (992)            | (859)            | (133)              | 15%           |
| <b>NET CASH INFLOW FROM OPERATING ACTIVITIES</b>                                        |      | <b>8,300</b>     | <b>8,755</b>     | <b>(455)</b>       | <b>(5%)</b>   |
| <b>CASH FLOWS FROM INVESTING ACTIVITIES</b>                                             |      |                  |                  |                    |               |
| Payments for Property, Plant and Equipment, Infrastructure                              | 17   | (8,968)          | (10,368)         | 1,400              | (14%)         |
| Proceeds from sale of Property, Plant & Equipment, Infrastructure                       | 18   | 560              | 900              | (340)              | (38%)         |
| <b>NET CASH OUTFLOW FROM INVESTING ACTIVITIES</b>                                       |      | <b>(8,408)</b>   | <b>(9,468)</b>   | <b>1,060</b>       | <b>(11%)</b>  |
| <b>CASH FLOWS FROM FINANCING ACTIVITIES</b>                                             |      |                  |                  |                    |               |
| Repayment of interest bearing loans and borrowings                                      |      | (486)            | (486)            | -                  | 0%            |
| Proceeds from interest bearing loans and borrowings                                     |      | -                | -                | -                  | -             |
| Trust funds and deposits                                                                |      | 40               | -                | 40                 | -             |
| Lease Payments                                                                          |      | (22)             | (22)             | -                  | 0%            |
| <b>NET CASH OUTFLOW FROM FINANCING ACTIVITIES</b>                                       |      | <b>(468)</b>     | <b>(508)</b>     | <b>40</b>          | <b>(8%)</b>   |
| Net increase (decrease) in cash and cash equivalents                                    |      | (576)            | (1,221)          | 645                | (53%)         |
| Cash and cash equivalents at the beginning of the year                                  |      | 6,988            | 4,332            | 2,656              | 61%           |
| <b>CASH AND CASH EQUIVALENTS AT THE END OF THE YEAR</b>                                 |      | <b>6,412</b>     | <b>3,111</b>     | <b>3,301</b>       | <b>106%</b>   |
| <b>Reconciliation of Surplus (Deficit) and Net Cash Flows from Operating Activities</b> |      |                  |                  |                    |               |
| <b>For the year ending 30 June 2008</b>                                                 |      |                  |                  |                    |               |
| Surplus (deficit)                                                                       |      | 679              | 613              | 66                 | 11%           |
| Depreciation                                                                            |      | 7,508            | 8,200            | (692)              | (8%)          |
| (Profit) Loss on sale of Property, Plant and Equipment, Infrastructure                  |      | 98               | -                | 98                 | -             |
| Net movement in current assets and liabilities                                          |      | 15               | (58)             | 73                 | (126%)        |
| <b>Net cash inflow (outflow) from operating activities</b>                              |      | <b>8,300</b>     | <b>8,755</b>     | <b>(455)</b>       | <b>(5%)</b>   |

**VARIANCE EXPLANATION**

| Note | Item                       | Explanation                                                    |
|------|----------------------------|----------------------------------------------------------------|
| 17   | Payments for PP&E          | Carry over of the Marengo Transfer Station to the 2008/09 year |
| 18   | Proceeds from sale of PP&E | Deferral of 'heavy plant' replacement                          |

**STANDARD STATEMENT OF CAPITAL WORKS**

**FOR THE YEAR ENDED 30 JUNE 2008**

| CAPITAL WORKS AREA         | Note | ACTUAL       | BUDGET        | VARIANCE       | VARIANCE     |
|----------------------------|------|--------------|---------------|----------------|--------------|
|                            |      | \$'000       | \$'000        | \$'000         | %            |
| Land                       | 19   | -            | 163           | (163)          | 0%           |
| Buildings                  | 20   | 579          | 2,328         | (1,749)        | (75%)        |
| Plant and Machinery        | 21   | 1,403        | 1,199         | 204            | 17%          |
| Furniture and Equipment    | 22   | 284          | 197           | 87             | 44%          |
| Roads and Streets          |      | 5,697        | 5,205         | 492            | 9%           |
| Bridges                    | 23   | 151          | 135           | 16             | 12%          |
| Footpaths                  | 24   | 227          | 400           | (173)          | (43%)        |
| Kerb and Channel           | 25   | 31           | 0             | 31             | -            |
| Parks and Gardens          | 26   | 475          | 605           | (130)          | (21%)        |
| Drainage                   | 27   | 121          | 135           | (14)           | (10%)        |
| <b>Total Capital Works</b> |      | <b>8,968</b> | <b>10,367</b> | <b>(1,399)</b> | <b>(13%)</b> |
| Represented by:            |      |              |               |                |              |
| Renewal                    |      | 6,137        | 6,728         | (591)          | (9%)         |
| Upgrade                    |      | 2,626        | 3,514         | (888)          | (25%)        |
| New                        |      | 205          | 125           | 80             | 64%          |
| <b>Total Capital Works</b> |      | <b>8,968</b> | <b>10,367</b> | <b>(1,399)</b> | <b>(13%)</b> |

| PROPERTY, PLANT AND EQUIPMENT, INFRASTRUCTURE MOVEMENT RECONCILIATION WORKSHEET                                                                                                     |  |               |              |               |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------|--------------|---------------|------------|
| The movement between the previous year and the current year in property, plant and equipment, infrastructure as shown in the Balance Sheet links to the net of the following items: |  |               |              |               |            |
| Total capital works                                                                                                                                                                 |  | 8,968         | 10,367       | (1,399)       | (13%)      |
| Asset revaluation movement                                                                                                                                                          |  | 29,315        | -            | 29,315        | -          |
| Depreciation and Amortisation                                                                                                                                                       |  | (7,508)       | (8,200)      | 692           | (8%)       |
| Written down value of assets sold / disposed / donated                                                                                                                              |  | (470)         | (911)        | 441           | (48%)      |
| <b>Net movement in Property, Plant and Equipment, Infrastructure</b>                                                                                                                |  | <b>30,305</b> | <b>1,256</b> | <b>29,049</b> | <b>96%</b> |

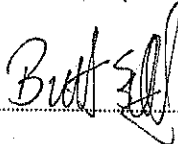
**VARIANCE EXPLANATION**

| Note | Item                    | Explanation                                                                                                            |
|------|-------------------------|------------------------------------------------------------------------------------------------------------------------|
| 19   | Land                    | Carry over of the Marengo Transfer Station to the 2008/09 year                                                         |
| 20   | Buildings               | Carry over of the Marengo Transfer Station to the 2008/09 year.                                                        |
| 21   | Plant and Machinery     | Higher 'light fleet' replacements than budgeted                                                                        |
| 22   | Furniture and Equipment | Computer equipment for IT Strategic implementation                                                                     |
| 23   | Bridges                 | Higher than anticipated expenditure on Fire Access bridges                                                             |
| 24   | Footpaths               | Lower Apollo Bay and Birregurra footpath expenditure than budgeted                                                     |
| 25   | Kerb and Channel        | Special Charge Scheme activity                                                                                         |
| 26   | Parks and Gardens       | Lower Sporting Facilities spending and Beechy Line underpass offset by carry over spending of Lake Colac Redevelopment |
| 27   | Drainage                | Lower maintenance requirements than budgeted                                                                           |

CERTIFICATION OF STANDARD STATEMENTS

In my opinion the accompanying standard statements have been prepared on accounting bases consistent with the financial statements and in accordance with the Local Government Act 1989, and the Government (Finance and Reporting) Regulations 2004.

PRINCIPAL ACCOUNTING OFFICER



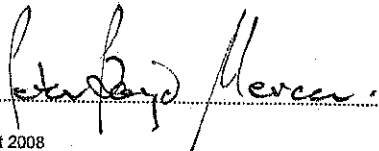
Date: 29 August 2008

In our opinion the accompanying standard statements have been prepared on accounting bases consistent with the financial statements and in accordance with the Local Government Act 1989, and the Government (Finance and Reporting) Regulations 2004.

As at the date of signing, we are not aware of any circumstances which would render any particulars in the standard statements to be misleading or inaccurate.

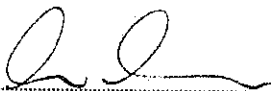
We have been authorised by the Council on 26 August 2008 to certify the Standard Statements in their final form.

COUNCILLOR



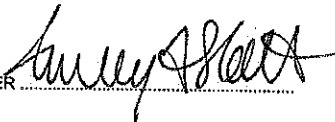
Date: 29 August 2008

COUNCILLOR



Date: 29 August 2008

CHIEF EXECUTIVE OFFICER



Date: 29 August 2008

**COLAC OTWAY SHIRE**

---

ANNUAL FINANCIAL REPORT

FOR THE YEAR ENDED 30 JUNE 2008

**COLAC OTWAY SHIRE**  
**ANNUAL FINANCIAL REPORT**

**TABLE OF CONTENTS**

|                                                                                | <u>Page No.</u> |
|--------------------------------------------------------------------------------|-----------------|
| FINANCIAL STATEMENTS                                                           |                 |
| Income Statement                                                               | 3               |
| Balance Sheet                                                                  | 4               |
| Statement of Changes in Equity                                                 | 5               |
| Cash Flow Statement                                                            | 6               |
| NOTES TO FINANCIAL STATEMENTS                                                  |                 |
| 1 Significant Accounting Policies                                              | 7               |
| 2 Rates and Charges                                                            | 12              |
| 3 Government Grants                                                            | 12              |
| 4 User Charges, Fees and Fines                                                 | 15              |
| 5 Contributions                                                                | 15              |
| 6 Reimbursements                                                               | 15              |
| 7 Interest Income                                                              | 15              |
| 8 Employee Benefits                                                            | 16              |
| 9 Finance Costs                                                                | 16              |
| 10 Depreciation and Amortisation                                               | 16              |
| 11 Materials and Services                                                      | 16              |
| 12 Other Expenses                                                              | 16              |
| 13 Cash and Cash Equivalents                                                   | 17              |
| 14 Trade and other receivables                                                 | 17              |
| 15 Inventories                                                                 | 17              |
| 16 Other Assets                                                                | 17              |
| 17 Investment in associates accounted for using the equity method              | 18              |
| 18 Property, Plant and Equipment, Infrastructure                               | 19              |
| 19 Trade and other payables                                                    | 23              |
| 20 Trust funds and other deposits                                              | 23              |
| 21 Provisions                                                                  | 23              |
| 22 Interest bearing loans and borrowings                                       | 24              |
| 23 Reserves                                                                    | 26              |
| 24 Restricted Assets                                                           | 26              |
| 25 Reconciliation of Cash Flows from Operating activities to Surplus/(Deficit) | 27              |
| 26 Reconciliation of Cash and Cash Equivalents                                 | 27              |
| 27 Financing Arrangements                                                      | 27              |
| 28 Superannuation                                                              | 28              |
| 29 Commitments                                                                 | 29              |
| 30 Operating Lease Commitments                                                 | 29              |
| 31 Financial Instruments                                                       | 30              |
| 32 Auditor's Remuneration                                                      | 33              |
| 33 Related Party Disclosure                                                    | 34              |
| 34 Revenue and Expenses by Function                                            | 35              |
| 35 Port of Apollo Bay                                                          | 35              |
| 36 Capital Expenditure                                                         | 36              |
| 37 Financial Ratios                                                            | 37              |
| 38 Pending Accounting Standards                                                | 39              |
| 39 Contingencies                                                               | 40              |
| Certification of the Financial Report                                          | 41              |
| Auditor General's Report                                                       | 42              |
| Performance Statement                                                          | 43              |

**INCOME STATEMENT  
FOR THE YEAR ENDED 30 JUNE 2008**

|                                                                                | Note  | 2008<br>\$'000 | 2007<br>\$'000 |
|--------------------------------------------------------------------------------|-------|----------------|----------------|
| <b>REVENUE</b>                                                                 |       |                |                |
| Rates and Charges                                                              | 2     | 16,384         | 14,748         |
| Grants Commission                                                              | 3     | 4,633          | 4,401          |
| Grants - Recurrent                                                             | 3     | 2,488          | 1,632          |
| Grants - Non Recurrent                                                         | 3     | 3,697          | 3,602          |
| User Charges, Fees & Fines                                                     | 4     | 3,601          | 3,652          |
| Contributions - Cash                                                           | 5 (a) | 863            | 488            |
| Contributions - Non-monetary assets                                            | 5 (b) | 425            | 2,497          |
| Reimbursements                                                                 | 6     | 280            | 281            |
| Interest income                                                                | 7     | 579            | 490            |
| <b>TOTAL REVENUE</b>                                                           |       | <b>32,950</b>  | <b>31,791</b>  |
| <b>EXPENSES</b>                                                                |       |                |                |
| Employee Benefits                                                              | 8     | 10,058         | 9,577          |
| Finance costs                                                                  | 9     | 220            | 255            |
| Depreciation and Amortisation                                                  | 10    | 7,508          | 7,435          |
| Materials and Services                                                         | 11    | 12,476         | 9,567          |
| Grants and Donations                                                           |       | 176            | 250            |
| Plant costs                                                                    |       | 548            | 511            |
| Other expenses                                                                 | 12    | 968            | 930            |
| <b>TOTAL EXPENSES</b>                                                          |       | <b>31,954</b>  | <b>28,525</b>  |
| Net gain (loss) on disposal of Property, Plant and Equipment, Infrastructure   |       | (98)           | (82)           |
| Property, Plant and Equipment, Infrastructure written off                      | 18    | (237)          | (2,185)        |
| Share of net profits (losses) of associates accounted for by the equity method | 17    | 18             | (24)           |
| <b>SURPLUS (DEFICIT) FOR THE PERIOD</b>                                        |       | <b>679</b>     | <b>975</b>     |

*The above income statement should be read with the accompanying notes.*



**BALANCE SHEET  
AS AT 30 JUNE 2008**

|                                                                | Note | 2008<br>\$'000        | 2007<br>\$'000        |
|----------------------------------------------------------------|------|-----------------------|-----------------------|
| <b>CURRENT ASSETS</b>                                          |      |                       |                       |
| Cash and cash equivalents                                      | 13   | 6,412                 | 6,988                 |
| Trade and other receivables                                    | 14   | 2,022                 | 2,575                 |
| Inventories                                                    | 15   | 90                    | 89                    |
| Other Assets                                                   | 16   | 78                    | 73                    |
| <b>TOTAL CURRENT ASSETS</b>                                    |      | <b><u>8,602</u></b>   | <b><u>9,725</u></b>   |
| <b>NON-CURRENT ASSETS</b>                                      |      |                       |                       |
| Trade and other receivables                                    | 14   | -                     | 24                    |
| Investment in associates accounted for using the equity method | 17   | 458                   | 440                   |
| Property, Plant and Equipment, Infrastructure                  | 18   | 228,126               | 197,821               |
| <b>TOTAL NON-CURRENT ASSETS</b>                                |      | <b><u>228,584</u></b> | <b><u>198,285</u></b> |
| <b>TOTAL ASSETS</b>                                            |      | <b><u>237,186</u></b> | <b><u>208,010</u></b> |
| <b>CURRENT LIABILITIES</b>                                     |      |                       |                       |
| Trade and other payables                                       | 19   | 696                   | 780                   |
| Trust funds and deposits                                       | 20   | 316                   | 276                   |
| Provisions                                                     | 21   | 2,250                 | 2,084                 |
| Interest bearing loans and borrowings                          | 22   | 544                   | 508                   |
| <b>TOTAL CURRENT LIABILITIES</b>                               |      | <b><u>3,806</u></b>   | <b><u>3,648</u></b>   |
| <b>NON-CURRENT LIABILITIES</b>                                 |      |                       |                       |
| Provisions                                                     | 21   | 2,540                 | 2,971                 |
| Interest bearing loans and borrowings                          | 22   | 2,462                 | 3,006                 |
| <b>TOTAL NON-CURRENT LIABILITIES</b>                           |      | <b><u>5,002</u></b>   | <b><u>5,977</u></b>   |
| <b>TOTAL LIABILITIES</b>                                       |      | <b><u>8,808</u></b>   | <b><u>9,625</u></b>   |
| <b>NET ASSETS</b>                                              |      | <b><u>228,378</u></b> | <b><u>198,385</u></b> |
| <b>EQUITY</b>                                                  |      |                       |                       |
| Accumulated surplus                                            |      | 91,896                | 91,879                |
| Reserves                                                       | 23   | 136,482               | 106,506               |
| <b>TOTAL EQUITY</b>                                            |      | <b><u>228,378</u></b> | <b><u>198,385</u></b> |

*The above balance sheet should be read with the accompanying notes.*

STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30 JUNE 2008

| 2008                                                         | Note  | Accumulated<br>Surplus<br>2008<br>\$'000 | Other<br>Reserves<br>2008<br>\$'000 | Asset<br>Revaluation<br>Reserve<br>2008<br>\$'000 | Total<br>2008<br>\$'000 |
|--------------------------------------------------------------|-------|------------------------------------------|-------------------------------------|---------------------------------------------------|-------------------------|
| Balance at beginning of financial year                       |       | 91,879                                   | 2,089                               | 104,417                                           | 198,385                 |
| Surplus (deficit) for the year                               |       | 679                                      | -                                   | -                                                 | 679                     |
| Revaluation of Property, Plant and Equipment, Infrastructure | 23(a) | -                                        | -                                   | 29,313                                            | 29,313                  |
| Transfers to other Reserves                                  | 23(b) | (1,239)                                  | (577)                               | -                                                 | (1,816)                 |
| Transfer from other Reserves                                 | 23(b) | 577                                      | 1,240                               | -                                                 | 1,817                   |
| <b>Balance at end of financial year</b>                      |       | <b>91,896</b>                            | <b>2,752</b>                        | <b>133,730</b>                                    | <b>228,378</b>          |

| 2007                                                         | Note  | Accumulated<br>Surplus<br>2007<br>\$'000 | Other<br>Reserves<br>2007<br>\$'000 | Asset<br>Revaluation<br>Reserve<br>2007<br>\$'000 | Total<br>2007<br>\$'000 |
|--------------------------------------------------------------|-------|------------------------------------------|-------------------------------------|---------------------------------------------------|-------------------------|
| Balance at beginning of financial year                       |       | 91,331                                   | 1,663                               | 102,916                                           | 195,910                 |
| Surplus (deficit) for the year                               |       | 975                                      | -                                   | -                                                 | 975                     |
| Revaluation of Property, Plant and Equipment, Infrastructure | 23(a) | -                                        | -                                   | 1,501                                             | 1,501                   |
| Transfers to other Reserves                                  | 23(b) | -                                        | 426                                 | -                                                 | 426                     |
| Transfer from other Reserves                                 | 23(b) | (427)                                    | -                                   | -                                                 | (427)                   |
| <b>Balance at end of financial year</b>                      |       | <b>91,879</b>                            | <b>2,089</b>                        | <b>104,417</b>                                    | <b>198,385</b>          |

*The above statement of changes in equity should be read with the accompanying notes.*

CASH FLOW STATEMENT  
FOR THE YEAR ENDED 30 JUNE 2008

|                                                                     | Note | 2008<br>Inflows/<br>(Outflows)<br>\$'000 | 2007<br>Inflows/<br>(Outflows)<br>\$'000 |
|---------------------------------------------------------------------|------|------------------------------------------|------------------------------------------|
| <b>CASH FLOWS FROM OPERATING ACTIVITIES</b>                         |      |                                          |                                          |
| Rates and Charges                                                   |      | 16,384                                   | 14,561                                   |
| Government Grants                                                   |      | 11,111                                   | 10,035                                   |
| Council User Charges and Reimbursements received                    |      | 5,098                                    | 4,372                                    |
| Contributions and Donations received                                |      | 727                                      | 647                                      |
| Council payments to Employees                                       |      | (10,910)                                 | (10,059)                                 |
| Council payments to Suppliers                                       |      | (14,644)                                 | (12,351)                                 |
| Interest received                                                   |      | 579                                      | 490                                      |
| Council Grants and Donations paid                                   |      | (176)                                    | (250)                                    |
| Net GST refund/(payment)                                            |      | 1,347                                    | 1,083                                    |
| Other payments                                                      |      | (992)                                    | (954)                                    |
| <b>NET CASH PROVIDED BY OPERATING ACTIVITIES</b>                    | 25   | <b>8,524</b>                             | <b>7,574</b>                             |
| <b>CASH FLOWS FROM INVESTING ACTIVITIES</b>                         |      |                                          |                                          |
| Payments for Property, Plant and Equipment, Infrastructure          |      | (8,968)                                  | (8,292)                                  |
| Proceeds from sale of Property, Plant and Equipment, Infrastructure |      | 560                                      | 316                                      |
| <b>NET CASH USED IN INVESTING ACTIVITIES</b>                        |      | <b>(8,408)</b>                           | <b>(7,976)</b>                           |
| <b>CASH FLOWS FROM FINANCING ACTIVITIES</b>                         |      |                                          |                                          |
| Finance costs                                                       |      | (224)                                    | (256)                                    |
| Repayment of interest bearing loans and borrowings                  |      | (486)                                    | (457)                                    |
| Trust funds and deposits                                            |      | 40                                       | 9                                        |
| Lease payments                                                      |      | (22)                                     | (20)                                     |
| <b>NET CASH USED IN FINANCING ACTIVITIES</b>                        |      | <b>(692)</b>                             | <b>(724)</b>                             |
| Net increase (decrease) in cash and cash equivalents                |      | (576)                                    | (1,126)                                  |
| Cash and cash equivalents at the beginning of the financial year    |      | 6,988                                    | 8,114                                    |
| <b>CASH AND CASH EQUIVALENTS AT THE END OF THE FINANCIAL YEAR</b>   | 26   | <b>6,412</b>                             | <b>6,988</b>                             |

Restrictions on cash assets - see note 24

Financing Arrangements - see note 27

*The above cash flow statement should be read with the accompanying notes.*

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

**INTRODUCTION**

The Colac Otway Shire was established by an order of the Governor in Council on September 20, 1994 and is a body corporate.

The registered and main office of the reporting entity is 2-6 Rae Street Colac Victoria 3250.

The purpose of the Council is to:

- provide for the peace, order and good government of its municipal district;
- to promote the social, economic and environmental viability and sustainability of the municipal district;
- to ensure that resources are used efficiently and effectively and services are provided in accordance with the Best Value Principles to best meet the needs of the local community;
- to improve the overall quality of life of people in the local community;
- to promote appropriate business and employment opportunities;
- to ensure that services and facilities provided by the Council are accessible and equitable;
- to ensure the equitable imposition of rates and charges; and
- to ensure transparency and accountability in Council decision making.

This financial report is a general purpose financial report that consists of an Income Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement, and notes accompanying these financial statements. The general purpose financial report complies with Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standard Board, the *Local Government Act* 1989, and the Local Government (Finance and Reporting) Regulations 2004.

**NOTE 1      SIGNIFICANT ACCOUNTING POLICIES**

**(a)      Basis of Accounting**

This financial report has been prepared on the accrual and going concern bases.

This financial report has been prepared under the historical cost convention, except where specifically stated in Notes 1(e) and 1(f).

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

All entities controlled by Council that have material assets or liabilities, such as the Port of Apollo Bay, have been included in this financial report. All transactions between these entities and the Council have been eliminated in full. Please see Note 35 for further details.

**(b)      Cash and cash equivalents**

For the purposes of the cash flows statement, cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of three months or less, net of outstanding bank overdrafts.

**(c)      Rounding**

Unless otherwise stated, amounts in the financial report have been rounded to the nearest thousand dollars.

**(d)      Web site costs**

Costs in relation to websites are charged as an expense in the period in which they are incurred.

**(e)      Recognition and measurement of assets**

**Acquisition**

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the amount for which the asset could be exchanged between knowledgeable willing parties in an arm's length transaction.

Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction, and an appropriate share of directly attributable variable and fixed overheads.

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

(e) **Recognition and measurement of assets (continued)**

**Acquisition (continued)**

The following classes of assets have been recognised in Note 18. In accordance with Council's policy, the threshold limits detailed in note 1(f) have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year. Assets which are no longer under the control of the Council or which have been replaced are written off.

**Revaluation of Non-Current Assets**

Subsequent to the initial recognition, all non-current assets, other than, plant, machinery and parks and gardens, are measured at fair value being the amounts for which the assets could be exchanged between willing parties in an arms length transaction. Where a market value for a non-current asset does not exist, fair value is determined at written down current replacement cost.

At balance date, the Council reviewed the carrying values of the individual classes of assets, measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date the class of asset was revalued.

In addition, Council undertakes a formal revaluation of land, buildings and infrastructure assets excluding parks and gardens on a regular basis every three years. The valuation is performed by independent experts and experienced Council officers with relevant Engineering qualifications. The last revaluation occurred on 30 June 2007 for the asset classes of Drainage, Kerbs and Channels.

Where assets are revalued, revaluation increments are credited to the Asset Revaluation Reserve, unless they reverse a previous decrement processed through the Income Statement, and decrements are charged to the Income Statement, unless they reverse a previous increment credit to the Asset Revaluation Reserve.

**Land Under Roads**

The Council has elected not to recognise land under roads as an asset in accordance with AASB 1045 Land under Roads, which extends the requirement to recognise and measure land under roads as an asset of Council until 1 July 2008.

(f) **Depreciation of non-current assets**

Non-current assets having limited useful lives are systematically depreciated over their useful lives to Council in a manner which reflects consumption of the service potential embodied in those assets by the Council.

Straight line depreciation is used based on residual useful lives as determined each year and road earthworks are not depreciated. An asset life depreciation review was undertaken during the year which resulted in amendment to some assets lives. The financial impact of any asset life changes will be minimal as the Shire revalue's its infrastructure assets on a three year rolling basis and individual asset lives are re-assessed as part of the revaluation process.

| Major depreciation classes are: | Capitalisation Threshold | Depreciation Method | 2008 Estimated Useful Life Years | 2007 Estimated Useful Life Years |
|---------------------------------|--------------------------|---------------------|----------------------------------|----------------------------------|
| Buildings                       | \$5,000                  | Straight Line       | 50-100                           | 25                               |
| Furniture and Equipment         | \$1,000                  | Straight Line       | 3-21                             | 9-21                             |
| Drainage                        | \$10,000                 | Straight Line       | 100                              | 80                               |
| Roads and Streets               | \$10,000                 | Straight Line       | 12-60                            | 10-55                            |
| Improvements to Parks & Gardens | \$5,000                  | Straight Line       | 10-100                           | 10-100                           |
| Bridges                         | \$10,000                 | Straight Line       | 50-70                            | 50-70                            |
| Footpaths                       | \$10,000                 | Straight Line       | 30-80                            | 30-60                            |
| Kerb and Channelling            | \$10,000                 | Straight Line       | 35-80                            | 35-45                            |
| Plant and Machinery             | \$1,000                  | Straight Line       | 3-10                             | 5-10                             |
| Equipment Under Lease           | \$1,000                  | Straight Line       | 5-10                             | 5-10                             |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

(g) **Impairment of assets**

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the income statement.

(h) **Employee Benefits**

*Wages and salaries*

Liabilities for wages and salaries and rostered days off are recognised and are measured as the amount unpaid at balance date and include appropriate oncosts such as WorkCover charges.

*Annual leave*

Annual leave entitlements are accrued on a pro rata basis in respect of services provided by employees up to balance date and are measured at the amount expected to be paid, including appropriate oncosts, when the accrued obligation is settled.

*Long service leave*

Long service leave entitlements payable are assessed at balance date having regard to expected employee remuneration rates on settlement, employment related oncosts and other factors including accumulated years of employment, on settlement, and experience of employee departure per year of service. Long service leave expected to be paid within 12 months is measured at nominal value based on the amount expected to be paid when settled. Long service leave expected to be paid later than one year has been measured at the present value of the estimated future cash outflows to be made for these accrued entitlements. Commonwealth bond rates are used for discounting future cash flows.

*Classification of employee benefits*

An employee benefit liability is classified as a current liability if the Council does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the period. This would include all annual leave and unconditional long service leave entitlements.

*Superannuation*

A liability is recognised in respect of Council's present obligation to meet the unfunded obligations of defined benefit superannuation schemes to which its employees are members. The liability is defined as the Council's share of the scheme's unfunded position, being the difference between the present value of employees' accrued benefits and the net market value of the scheme's assets at balance date. The liability also includes applicable contributions tax of 17.65%.

The superannuation expense for the reporting year is the amount of the statutory contribution the Council makes to the superannuation plan which provides benefits to its employees together with any movements (favourable/unfavourable) in the position of any defined benefits schemes. Details of these arrangements are recorded in Note 28.

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

(i) **Accounting for investments in associates**

Council's investment in associates is accounted for by the equity method as the Council has the ability to influence rather than control the operations of the entities. The investment is initially recorded at the cost of acquisition and adjusted thereafter for post-acquisition changes in the Council's share of the net assets of the entities. The Council's share of the financial result of the entities is recognised in the income statement.

(j) **Leases**

*Finance leases*

Leases of assets where substantially all the risks and benefits incidental to ownership of the asset, but not the legal ownership, are transferred to the Council are classified as finance leases. Finance leases are capitalised, recording an asset and a liability equal to the present value of the minimum lease payments, including any guaranteed residual value. Lease payments are allocated between the reduction of the lease liability and the interest expense. Leased assets are amortised on a straight line basis over their estimated useful lives to the Council where it is likely that the Council will obtain ownership of the asset or over the term of the lease, whichever is the shorter. Leased assets are currently being amortised over a 5 to 10 year period.

*Operating leases*

Lease payments for operating leases are recognised as an expense in the years in which they are incurred as this reflects the pattern of benefits derived by the Council.

(k) *Revenue Recognition*

Rates, grants and contributions (including developer contributions) are recognised as revenues when the Council obtains control over the assets comprising these receipts. Control over assets acquired from rates is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates. Control over granted assets is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and are valued at their fair value at the date of transfer. Income is recognised when the Council obtains control of the contribution or the right to receive the contribution, it is probable that the economic benefits comprising the contribution will flow to the Council and the amount of the contribution can be measured reliably.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were undischarged at balance date, the unused grant or contribution is disclosed in Note 3. The note also discloses the amount of unused grant or contribution from prior years that was expended on Council's operations during the current year

User fees and fines (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

Donations received by the Council are accounted for on a cash basis.

The profit or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer.

Interest is recognised as revenue on a proportional basis when the payment is due, the value of the payment is notified, or the payment is received, whichever first occurs.

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

(l) **Borrowing Costs**

Borrowing Costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council.

Borrowing costs include interest on borrowings and finance lease charges.

(m) **Inventories**

Inventories held for distribution are measured at cost adjusted when applicable for any loss of service potential. Other inventories are measured at the lower of cost and net realisable value.

(n) **Receivables**

Receivables are amounts due to Council by external parties for the purchase of goods and services and recognised as assets when the goods and services are delivered. Receivables are normally invoiced monthly.

(o) **Payables and other current liabilities**

Payables and other current liabilities are amounts due to external parties for the purchase of goods and services and recognised as liabilities when the goods and services are received. Payables are normally paid monthly. Interest is not payable on these liabilities.

(p) **Provision for Landfill Rehabilitation**

A liability is recognised in respect of Council's present obligation to rehabilitate landfills. All known costs associated with landfill rehabilitation and aftercare costs have been included in the provision. This provision is reviewed every three years in line with Council's revaluation policy.

(q) **Repairs and Maintenance**

Routine maintenance, repair costs, and minor renewal costs are expensed as incurred.

Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

(r) **Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

Cash flows are presented in the cash flow statement on a gross basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flows.

(s) **Allocation between current and non-current**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next twelve months, being the Council's operational cycle, or if the Council does not have an unconditional right to defer settlement of a liability for at least 12 months after the reporting date.



NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 2 RATES AND CHARGES

|                         | 2008<br>\$'000 | 2007<br>\$'000 |
|-------------------------|----------------|----------------|
| Residential             | 7,288          | 6,321          |
| Farm                    | 3,061          | 3,125          |
| Waste Management Charge | 2,016          | 1,763          |
| Municipal Charge        | 1,834          | 1,553          |
| Commercial              | 1,878          | 1,639          |
| Industrial              | 210            | 170            |
| Supplementary           | 97             | 177            |
|                         | <u>16,384</u>  | <u>14,748</u>  |

Council uses the Capital Improved Value as the basis of valuation of all properties within the municipality. The valuation base used to calculate general rates for 2007/2008 was \$4,345,796,700 (2006/2007 \$4,347,213,300).

The date of the last general revaluation within the municipality was 1 January 2006, and the valuation first applied to the rating year commencing 1 July 2006.

The date of the next general revaluation within the municipality is 1 January 2008, and the valuation will be first applied in the rating year commencing 1 July 2008.

NOTE 3 GOVERNMENT GRANTS

|                                               | 2008                |                         | 2007                |                         |
|-----------------------------------------------|---------------------|-------------------------|---------------------|-------------------------|
|                                               | Recurrent<br>\$'000 | Non-Recurrent<br>\$'000 | Recurrent<br>\$'000 | Non-Recurrent<br>\$'000 |
| <b>Governance</b>                             |                     |                         |                     |                         |
| - Grants Commission                           | 4,633               | -                       | 4,401               | -                       |
| - Aged & Home Care                            | 893                 | 65                      | 807                 | 36                      |
| - Family Day Care                             | 336                 | -                       | 359                 | 3                       |
| - Maternal & Child Health                     | 161                 | -                       | 144                 | -                       |
| - Transport Connections                       | 129                 | -                       | -                   | -                       |
| - Community Transport                         | 70                  | -                       | 68                  | -                       |
| - Rural Access Project                        | 61                  | -                       | 72                  | 4                       |
| - Meeting Place                               | 45                  | -                       | 37                  | -                       |
| - Immunisation                                | 36                  | -                       | 17                  | -                       |
| - Delivered Meals                             | 35                  | 3                       | 34                  | 2                       |
| - School Crossings                            | 34                  | -                       | 34                  | -                       |
| - Senior Citizens                             | 23                  | -                       | 17                  | -                       |
| - Tourism Officer Grant                       | 13                  | -                       | -                   | -                       |
| - Tobacco Act Administration                  | 4                   | -                       | 8                   | -                       |
| - Volunteer Project                           | -                   | 17                      | -                   | 144                     |
| - GIS Apollo Bay - Base Station               | -                   | -                       | -                   | 24                      |
| - Staff Training                              | -                   | -                       | 2                   | 7                       |
| - Community Services AEDI                     | -                   | -                       | -                   | 6                       |
| - Local Government Information Technology ELP | -                   | 2                       | -                   | -                       |
| - Apollo Bay Static Library                   | -                   | 20                      | -                   | -                       |
|                                               | <u>6,473</u>        | <u>107</u>              | <u>6,000</u>        | <u>226</u>              |
| <b>Infrastructure</b>                         |                     |                         |                     |                         |
| - Port of Apollo Bay                          | 622                 | 1,524                   | -                   | 139                     |
| - Federal - Roads to Recovery                 | -                   | 1,123                   | -                   | 1,038                   |
| - Dairy Industry Road Funding                 | -                   | 125                     | -                   | -                       |
| - Bus Shelters                                | -                   | 120                     | -                   | -                       |
| - Fire Access Bridge                          | -                   | 54                      | -                   | -                       |
| - Vic Roads - Better Roads                    | -                   | 26                      | -                   | 184                     |
| - Relocation of Powerlines (DPI)              | -                   | 26                      | -                   | -                       |
| - Bus Stop Improvements                       | -                   | 11                      | -                   | 9                       |
| - Memorial Square Shrine Grant                | -                   | 7                       | -                   | -                       |
| - Relocation of Powerlines (DPI)              | -                   | 5                       | -                   | -                       |
| - AUSLINK                                     | -                   | -                       | -                   | 798                     |
| - Silks Access Bridge                         | -                   | -                       | -                   | 33                      |
| - Fire Access Track                           | -                   | -                       | -                   | 30                      |
| - State Emergency Service                     | 10                  | -                       | 10                  | -                       |
| - Beach Cleaning                              | 6                   | -                       | 6                   | -                       |
| - Safety Bids                                 | -                   | -                       | -                   | 5                       |
| - Jackson's Track                             | -                   | -                       | -                   | (1)                     |
|                                               | <u>638</u>          | <u>3,021</u>            | <u>16</u>           | <u>2,235</u>            |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 3 GOVERNMENT GRANTS (CONT'D)

|                                               | 2008                |                         | 2007                |                         |
|-----------------------------------------------|---------------------|-------------------------|---------------------|-------------------------|
|                                               | Recurrent<br>\$'000 | Non-Recurrent<br>\$'000 | Recurrent<br>\$'000 | Non-Recurrent<br>\$'000 |
| <b>Strategic Development</b>                  |                     |                         |                     |                         |
| - Great Ocean Road Visitor Information Centre | -                   | 80                      | -                   | 10                      |
| - Forrest/Birregurra Drought Projects         | -                   | 69                      | -                   | -                       |
| - Economic Development Community Plan         | -                   | 50                      | -                   | -                       |
| - Birregurra Skate Park                       | -                   | 48                      | -                   | -                       |
| - Rural Living Strategy                       | -                   | 35                      | -                   | -                       |
| - Rex Norman Park Improvements                | -                   | 33                      | -                   | 35                      |
| - Catch A Carp' Grant                         | -                   | 33                      | -                   | -                       |
| - Regional Master Trails                      | -                   | 25                      | -                   | -                       |
| - Great Ocean Road Sports Festival            | -                   | 20                      | -                   | 20                      |
| - GORLASS                                     | -                   | 20                      | -                   | 20                      |
| - Pirron Yallock Clubrooms                    | -                   | 20                      | -                   | -                       |
| - Great Ocean Road Plaques                    | -                   | 20                      | -                   | -                       |
| - Meredith Park Upgrade                       | -                   | 18                      | -                   | -                       |
| - Forrest Town Upgrade                        | -                   | 17                      | -                   | 17                      |
| - Small Town Improvement Program              | -                   | 17                      | -                   | -                       |
| - BWFC Stadium Feasibility Study              | -                   | 15                      | -                   | -                       |
| - Western Oval Netball Court                  | -                   | 15                      | -                   | -                       |
| - Biodiversity Mapping                        | -                   | 14                      | -                   | -                       |
| - Environmental Weed Control                  | -                   | 11                      | -                   | 15                      |
| - Port of Apollo Bay Planning/Capacity        | -                   | 8                       | -                   | 22                      |
| - Bluewater Fitness Centre                    | -                   | 8                       | -                   | 3                       |
| - Enviromark Implementation                   | -                   | 7                       | -                   | 7                       |
| - Saleyards Improvements                      | -                   | 6                       | -                   | -                       |
| - Colac Strategic Structure Plan              | -                   | 5                       | -                   | 20                      |
| - Heritage Study                              | -                   | 5                       | -                   | 7                       |
| - Recreation Strategy - Country Action        | -                   | 5                       | -                   | 5                       |
| - Apollo Bay Structure Plan                   | -                   | 5                       | -                   | -                       |
| - KRWRSC Structure Plan                       | -                   | 5                       | -                   | -                       |
| - Public Place Recycling                      | -                   | 2                       | -                   | 20                      |
| - National Youth Week                         | -                   | 2                       | -                   | 5                       |
| - Progress Association Workshop               | -                   | 2                       | -                   | 4                       |
| - Community Choir Grant                       | -                   | 2                       | -                   | -                       |
| - ICLEI Program                               | -                   | 2                       | -                   | -                       |
| - Bluewater Fitness Centre - Access for all   | -                   | 1                       | -                   | 72                      |
| - Environmental Community Water Grant         | -                   | -                       | -                   | 64                      |
| - Jobs For Young People                       | -                   | -                       | -                   | 2                       |
| - Saluting Their Service'                     | -                   | -                       | -                   | 1                       |
| - COPACC Improvements                         | -                   | -                       | -                   | 60                      |
| - Port of Apollo Bay Tourism                  | -                   | -                       | -                   | 60                      |
| - South Colac Netball Court                   | -                   | -                       | -                   | 60                      |
| - Pride of Place                              | -                   | -                       | -                   | 42                      |
| - Neighbourhood Renewal Grant                 | -                   | -                       | -                   | 40                      |
| - Irrewarra Beeac Netball Court               | -                   | -                       | -                   | 20                      |
| - Barongarook Creek Restoration               | -                   | -                       | -                   | 15                      |
| - Elliminyt Hall                              | -                   | -                       | -                   | 13                      |
| - Regional Playground                         | -                   | -                       | -                   | 12                      |
| - Bluewater Fitness Centre Child Care         | 5                   | -                       | 12                  | -                       |
| - CLUE                                        | -                   | -                       | -                   | 8                       |
| - Recreation Strategy                         | -                   | -                       | -                   | 6                       |
| - Enviro Control - Bush Tender                | 2                   | -                       | 5                   | -                       |
| - Gellibrand Recreation Reserve               | -                   | -                       | -                   | 4                       |
| - Youth Health Promotion                      | -                   | -                       | -                   | 4                       |
| - Environment                                 | 3                   | -                       | -                   | -                       |
| - Lake Colac                                  | -                   | (56)                    | -                   | 448                     |
|                                               | <u>10</u>           | <u>569</u>              | <u>17</u>           | <u>1,141</u>            |
| <b>TOTAL 7,121</b>                            |                     | <u><b>3,697</b></u>     | <u><b>6,033</b></u> | <u><b>3,602</b></u>     |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 3 GOVERNMENT GRANTS (CONT'D)

Conditions on Grants

Grants recognised as revenue during the year that were obtained on the condition that they be expended in a specified manner that had not occurred at balance date were:

|                                      | 2008                |                         | 2007                |                         |
|--------------------------------------|---------------------|-------------------------|---------------------|-------------------------|
|                                      | Recurrent<br>\$'000 | Non-Recurrent<br>\$'000 | Recurrent<br>\$'000 | Non-Recurrent<br>\$'000 |
| Port of Apollo Bay                   | -                   | 180                     | -                   | 94                      |
| AUSLINK Road Projects                | -                   | 165                     | -                   | 800                     |
| Bus Shelters                         | -                   | 102                     | -                   | -                       |
| HACC Minor Works                     | -                   | 69                      | -                   | 31                      |
| Community Planning                   | -                   | 50                      | -                   | -                       |
| Birreguirra Skate Park               | -                   | 48                      | -                   | -                       |
| Rural Living Strategy                | -                   | 35                      | -                   | -                       |
| Forrest Town Upgrade                 | -                   | 30                      | -                   | -                       |
| Regional Master Trails               | -                   | 21                      | -                   | -                       |
| GORLASS Project                      | -                   | 19                      | -                   | 20                      |
| Lake Colac - LWIP                    | -                   | 14                      | -                   | 262                     |
| Port of Apollo Bay Planning/Capacity | -                   | 8                       | -                   | -                       |
| Memorial Square Shrine               | -                   | 7                       | -                   | -                       |
| National Youth Week                  | -                   | 7                       | -                   | 5                       |
| Country Action Scheme                | -                   | 5                       | -                   | 5                       |
| KRWRSC Structure Plan                | -                   | 5                       | -                   | -                       |
| Volunteer Co-ordination              | -                   | 3                       | -                   | 2                       |
| Youth Health Promotion               | -                   | 1                       | -                   | 2                       |
| Community Water                      | -                   | -                       | -                   | 64                      |
| Lake Colac - Stoddart Street         | -                   | -                       | -                   | 20                      |
| Public Place Recycling               | -                   | -                       | -                   | 19                      |
| Carlisle River - STIP                | -                   | -                       | -                   | 18                      |
| Water Saving                         | -                   | -                       | -                   | 15                      |
| Irrewarra Beeac Netball Court        | -                   | -                       | -                   | 14                      |
| Lake Colac - Fishing Platform        | -                   | -                       | -                   | 13                      |
| Business Week                        | -                   | -                       | -                   | 10                      |
| GORVIC Upgrade                       | -                   | -                       | -                   | 10                      |
| CLUE Project                         | -                   | -                       | -                   | 8                       |
| Enviromark                           | -                   | -                       | -                   | 7                       |
| Heritage Advisor                     | -                   | -                       | -                   | 7                       |
| AEDI Project                         | -                   | -                       | -                   | 6                       |
| Lake Colac - Work for the Dole       | -                   | -                       | -                   | 6                       |
| Ragwort Project                      | -                   | -                       | -                   | 5                       |
| Healthy Lifestyles Project           | -                   | -                       | -                   | 2                       |
| <b>TOTAL 0</b>                       |                     | <b>769</b>              | <b>0</b>            | <b>1,445</b>            |

Grants recognised as revenue in prior years and were expended during the current reporting period in the manner specified by the grantor were:

|                                       |          |              |          |              |
|---------------------------------------|----------|--------------|----------|--------------|
| AUSLINK Road Projects                 | -        | 635          | -        | -            |
| Lake Colac                            | -        | 248          | -        | -            |
| Port of Apollo Bay                    | -        | 87           | -        | 731          |
| Community Water                       | -        | 64           | -        | -            |
| HACC Minor Works                      | -        | 27           | -        | -            |
| GORLASS                               | -        | 20           | -        | -            |
| Lake Colac - Stoddart Street          | -        | 20           | -        | -            |
| Public Place Recycling                | -        | 19           | -        | -            |
| Carlisle River - STIP                 | -        | 18           | -        | -            |
| Water Saving Grants                   | -        | 15           | -        | -            |
| Irrewarra-Beeac Netball Court Upgrade | -        | 14           | -        | -            |
| GORVIC Upgrade                        | -        | 10           | -        | 12           |
| Business Week                         | -        | 10           | -        | 4            |
| CLUE Project                          | -        | 8            | -        | 15           |
| Heritage Advisory                     | -        | 7            | -        | 20           |
| Enviromark Project                    | -        | 7            | -        | 20           |
| Lake Colac - Work for Dole            | -        | 6            | -        | 31           |
| AEDI Project                          | -        | 6            | -        | 12           |
| Ragwort Project                       | -        | 5            | -        | 21           |
| Lake Colac Fishing Platform           | -        | 3            | -        | 2            |
| Healthy Lifestyles Project            | -        | 2            | -        | -            |
| Youth Health Promotion                | -        | 1            | -        | -            |
| Volunteer Co-Ordination               | -        | 1            | -        | 75           |
| National Youth Week                   | -        | 1            | -        | 36           |
| Federal - Roads to Recovery           | -        | -            | -        | 1,535        |
| <b>TOTAL</b>                          | <b>0</b> | <b>1,234</b> | <b>0</b> | <b>2,514</b> |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

|                                                | 2008<br>\$'000 | 2007<br>\$'000 |
|------------------------------------------------|----------------|----------------|
| <b>NOTE 4</b>                                  |                |                |
| <b>USERS CHARGES, FEES AND FINES</b>           |                |                |
| BlueWater Fitness Centre                       | 561            | 677            |
| Home Care and Delivered Meals                  | 557            | 522            |
| Performing Arts Centre                         | 462            | 392            |
| Saleyards                                      | 427            | 575            |
| Town Planning and Building                     | 371            | 323            |
| Visitor Information Centres                    | 245            | 167            |
| Private Works                                  | 210            | 152            |
| Waste Disposal                                 | 167            | 173            |
| Parking, Animal Control and Local Laws         | 170            | 175            |
| Council Properties                             | 119            | 127            |
| Other                                          | 312            | 369            |
|                                                | <u>3,601</u>   | <u>3,652</u>   |
| <b>NOTE 5</b>                                  |                |                |
| <b>CONTRIBUTIONS</b>                           |                |                |
| <b>(a) CONTRIBUTIONS - CASH</b>                |                |                |
| Recreational Land Contributions                | 291            | -              |
| Special Charge Schemes                         | 222            | 345            |
| Car Parking Contributions                      | 131            | 46             |
| Recreation Facilities Contributions            | 64             | -              |
| Apollo Bay Harbour - Fisherman's Co-op         | 23             | 19             |
| COPACC Sponsorship                             | 20             | 21             |
| FREEZA Contributions                           | 14             | 31             |
| Other                                          | 98             | 26             |
|                                                | <u>863</u>     | <u>488</u>     |
| <b>(b) CONTRIBUTIONS - NON-MONETARY ASSETS</b> |                |                |
| Roads and Streets                              | 161            | 1,000          |
| Drainage                                       | 129            | 837            |
| Kerbs and Channelling                          | 103            | 553            |
| Footpaths                                      | 32             | 107            |
|                                                | <u>425</u>     | <u>2,497</u>   |
| <b>NOTE 6</b>                                  |                |                |
| <b>REIMBURSEMENTS</b>                          |                |                |
| Vicroads Agency Reimbursement                  | 89             | 163            |
| Administration Fees                            | 77             | 75             |
| Barnard Trust                                  | 41             | -              |
| Drought Relief                                 | 11             | 5              |
| Other                                          | 62             | 38             |
|                                                | <u>280</u>     | <u>281</u>     |
| <b>NOTE 7</b>                                  |                |                |
| <b>INTEREST INCOME</b>                         |                |                |
| Interest on cash and cash equivalents          | 453            | 405            |
| Interest on rates                              | 126            | 85             |
|                                                | <u>579</u>     | <u>490</u>     |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

|                                                | 2008<br>\$'000 | 2007<br>\$'000 |
|------------------------------------------------|----------------|----------------|
| <b>NOTE 8</b>                                  |                |                |
| <b>EMPLOYEE BENEFITS</b>                       |                |                |
| Wages and Salaries                             | 7,039          | 6,775          |
| Superannuation                                 | 768            | 798            |
| Casual Staff                                   | 651            | 537            |
| Annual Leave and Long Service Leave            | 743            | 748            |
| WorkCover Premium                              | 268            | 197            |
| Vehicles                                       | 245            | 213            |
| Training                                       | 213            | 180            |
| Fringe Benefits Tax                            | 79             | 74             |
| Other                                          | 52             | 55             |
|                                                | <u>10,058</u>  | <u>9,577</u>   |
| <b>NOTE 9</b>                                  |                |                |
| <b>FINANCE COSTS</b>                           |                |                |
| Interest - Borrowings                          | 217            | 250            |
| Interest - Finance Leases                      | 3              | 5              |
|                                                | <u>220</u>     | <u>255</u>     |
| <b>NOTE 10</b>                                 |                |                |
| <b>DEPRECIATION AND AMORTISATION</b>           |                |                |
| Roads and Streets                              | 4,490          | 4,590          |
| Buildings                                      | 940            | 930            |
| Plant and Machinery                            | 628            | 656            |
| Kerb and Channel                               | 420            | 348            |
| Bridges                                        | 248            | 245            |
| Drainage                                       | 235            | 198            |
| Parks and Gardens                              | 228            | 179            |
| Footpaths                                      | 153            | 145            |
| Furniture and Equipment                        | 143            | 121            |
| Leased Assets                                  | 23             | 23             |
|                                                | <u>7,508</u>   | <u>7,435</u>   |
| <b>NOTE 11</b>                                 |                |                |
| <b>MATERIALS AND SERVICES</b>                  |                |                |
| Waste Management                               | 2,552          | 2,348          |
| Port of Apollo Bay (inc Jetty reconstruction)  | 1,931          | 264            |
| Governance                                     | 1,435          | 1,396          |
| Roads, Parks and Gardens                       | 1,430          | 1,381          |
| Arts, Culture and Recreation                   | 743            | 318            |
| Colac Otway Performing Arts and Culture Centre | 569            | 376            |
| Town Planning                                  | 516            | 446            |
| Tourism                                        | 467            | 337            |
| Environment and Fire Prevention                | 374            | 268            |
| Family Day Care                                | 373            | 316            |
| Insurance Premiums                             | 316            | 388            |
| Council Properties                             | 294            | 75             |
| Bluewater Fitness Centre                       | 244            | 248            |
| Economic Development                           | 181            | 283            |
| Delivered Meals                                | 156            | 172            |
| Aged and Disability                            | 137            | 158            |
| Street Lighting                                | 137            | 136            |
| Local Laws                                     | 115            | 150            |
| Auditors' Remuneration                         | 28             | 28             |
| Other                                          | 478            | 569            |
|                                                | <u>12,476</u>  | <u>9,657</u>   |
| <b>NOTE 12</b>                                 |                |                |
| <b>OTHER EXPENSES</b>                          |                |                |
| Library Contribution                           | 405            | 327            |
| Councillors' allowances                        | 131            | 135            |
| Tourism subscriptions                          | 64             | 56             |
| Town Planning - legal fees                     | 40             | 39             |
| Councillors' Travel                            | 39             | 46             |
| Economic Development Contributions             | 37             | 81             |
| Other                                          | 252            | 246            |
|                                                | <u>968</u>     | <u>930</u>     |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

| NOTE 13 | CASH AND CASH EQUIVALENTS | 2008<br>\$'000 | 2007<br>\$'000 |
|---------|---------------------------|----------------|----------------|
|         | Cash on hand              | 6              | 6              |
|         | Cash at bank              | 5,159          | 5,703          |
|         | Cash on call              | 1,247          | 1,279          |
|         |                           | <u>6,412</u>   | <u>6,988</u>   |

Of the cash and cash equivalents amount above, \$2,063,000 (2006/07: \$1,768,000) is subject to restrictions.  
Please see the Restricted Assets Note 24.

NOTE 14 TRADE AND OTHER RECEIVABLES

Current

|                                                   |              |              |
|---------------------------------------------------|--------------|--------------|
| Government Grants                                 | 417          | 688          |
| Farm Rate Rebates                                 | 327          | 143          |
| Rates and Charges                                 | 321          | 505          |
| Special Charge Schemes contributions              | 294          | 441          |
| GST Receivable                                    | 180          | 118          |
| Private Works                                     | 111          | 265          |
| User Charges                                      | 64           | 99           |
| Reimbursement Unfunded Superannuation Loan - CRLC | 24           | 23           |
| Harbour                                           | 13           | 25           |
| Parking Infringement Debtors                      | 1            | 6            |
| Other                                             | 270          | 262          |
|                                                   | <u>2,022</u> | <u>2,575</u> |

Non-Current

|                                                   |          |           |
|---------------------------------------------------|----------|-----------|
| Reimbursement Unfunded Superannuation Loan - CRLC | -        | 24        |
|                                                   | <u>0</u> | <u>24</u> |

NOTE 15 INVENTORIES

|                                             |           |           |
|---------------------------------------------|-----------|-----------|
| Raw Materials and Stores                    | 37        | 35        |
| Great Ocean Road Visitor Information Centre | 18        | 24        |
| Colac Visitor Information Centre            | 16        | 14        |
| Garbage Bins                                | 14        | 13        |
| BlueWater Fitness Centre                    | 5         | 3         |
|                                             | <u>90</u> | <u>89</u> |

NOTE 16 OTHER ASSETS

Current - Prepayments:

|                              |           |           |
|------------------------------|-----------|-----------|
| Site Assessment - Depot Site | 28        | -         |
| Councillor Allowances        | 17        | 21        |
| Licence Fee                  | 18        | 15        |
| COPACC                       | -         | 9         |
| Vehicle Registrations        | -         | 22        |
| Other                        | 15        | 6         |
|                              | <u>78</u> | <u>73</u> |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 17 INVESTMENT IN ASSOCIATES

Investments in associates accounted for by the equity method are:

Name of Associate: Corangamite Regional Library Corporation  
Principal Activity: Library

|                                                                        | Ownership Interest           |                              |
|------------------------------------------------------------------------|------------------------------|------------------------------|
|                                                                        | 2008<br>%                    | 2007<br>%                    |
|                                                                        | <u>24.48</u>                 | <u>24.54</u>                 |
|                                                                        | <b>2008</b><br><b>\$'000</b> | <b>2007</b><br><b>\$'000</b> |
| <b>Council's share of accumulated surplus (deficit)</b>                |                              |                              |
| Council's share of accumulated surplus (deficit) at start of year      | (81)                         | (57)                         |
| Reported surplus (deficit) for year                                    | 18                           | (24)                         |
| <b>Council's share of accumulated surplus (deficit) at end of year</b> | <u><b>(63)</b></u>           | <u><b>(81)</b></u>           |
| <b>Council's share of reserves</b>                                     |                              |                              |
| Asset Replacement Reserve                                              |                              |                              |
| Council's share of asset replacement reserve at start of year          | 7                            | 8                            |
| Share of increase/(decrease) in asset replacement reserve              | 1                            | (1)                          |
| Council's share of asset replacement reserve at end of year            | <u>8</u>                     | <u>7</u>                     |
| Asset Revaluation Reserve                                              |                              |                              |
| Council's share of asset revaluation reserve at start of year          | 514                          | 528                          |
| Share of increase/(decrease) in asset revaluation reserve              | (1)                          | (14)                         |
| Council's share of asset revaluation reserve at end of year            | <u>513</u>                   | <u>514</u>                   |
| <b>Council's share of total reserves at end of year</b>                | <u><b>521</b></u>            | <u><b>521</b></u>            |
| <b>Movement in carrying value of investment</b>                        |                              |                              |
| Carrying value of investment at start of year                          | 440                          | 479                          |
| Share of surplus (deficit) for year                                    | 18                           | (24)                         |
| Share of asset replacement reserve                                     | 1                            | (1)                          |
| Share of asset revaluation reserve                                     | (1)                          | (14)                         |
| <b>Carrying value of investment at end of year</b>                     | <u><b>458</b></u>            | <u><b>440</b></u>            |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 18 PROPERTY, PLANT AND EQUIPMENT, INFRASTRUCTURE

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2008<br>\$'000        | 2007<br>\$'000        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------|
| <b>Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |                       |
| - at Cost                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 14,952                | 19,494                |
| - at Independent Valuation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 75,185                | 75,185                |
| - at Council Valuation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 219,928               | 200,868               |
| Less Accumulated Depreciation and Amortisation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (81,939)              | (97,726)              |
| <b>Total Property, Plant and Equipment, Infrastructure</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b><u>228,126</u></b> | <b><u>197,821</u></b> |
| <b>Property</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                       |                       |
| <b>Land</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                       |
| - at Independent Valuation 30/6/2005                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 29,784                | 29,784                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>29,784</u>         | <u>29,784</u>         |
| <b>Buildings</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                       |                       |
| - at Cost                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1,957                 | 1,378                 |
| - at Independent Valuation 30/6/2005                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 45,401                | 45,401                |
| Less: Accumulated Depreciation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (23,995)              | (23,055)              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>23,363</u>         | <u>23,724</u>         |
| <b>Total Property</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b><u>53,147</u></b>  | <b><u>53,508</u></b>  |
| <p>Land and building assets were revalued as at 30 June 2005. Council engaged Southern Cross Property Services to undertake the revaluation of land and buildings. Land values were determined on a direct comparison basis to arrive at the current market value. Market value is defined as the estimated amount for which an asset should exchange on the date of valuation between the willing buyer and a willing seller in an arms length transaction. The valuation basis for buildings was a mix of market value and replacement cost. All buildings with an alternative use or which could be occupied was valued at market value, while replacement value was used for assets such as toilet blocks, gazebos, scoreboards etc, which are not considered to have a market value.</p> |                       |                       |
| <b>Plant and Equipment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                       |
| <b>Plant and Machinery</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                       |
| - at Cost                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 7,908                 | 7,730                 |
| Less: Accumulated Depreciation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (3,928)               | (3,913)               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>3,980</u>          | <u>3,817</u>          |
| <b>Furniture and Equipment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |                       |
| - at Cost                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1,900                 | 1,704                 |
| Less: Accumulated Depreciation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (468)                 | (355)                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>1,432</u>          | <u>1,349</u>          |
| <b>Total Plant and Equipment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b><u>5,412</u></b>   | <b><u>5,166</u></b>   |



NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 18 PROPERTY, PLANT AND EQUIPMENT, INFRASTRUCTURE (CONT'D)

|                                                            | 2008<br>\$'000        | 2007<br>\$'000        |
|------------------------------------------------------------|-----------------------|-----------------------|
| <b>Infrastructure</b>                                      |                       |                       |
| <b>Roads and Streets</b>                                   |                       |                       |
| - at Cost                                                  | -                     | 6,630                 |
| - at Council Officer Valuation 30/6/2008                   | 157,594               | -                     |
| - at Council Officer Valuation 30/6/2005                   | -                     | 138,534               |
| Less: Accumulated Depreciation                             | (31,115)              | (49,210)              |
|                                                            | <u>126,479</u>        | <u>95,954</u>         |
| <b>Bridges</b>                                             |                       |                       |
| - at Cost                                                  | 209                   | 168                   |
| - at Council Officer Valuation 30/6/2006                   | 15,351                | 15,351                |
| Less: Accumulated Depreciation                             | (4,149)               | (3,955)               |
|                                                            | <u>11,411</u>         | <u>11,564</u>         |
| <b>Footpaths</b>                                           |                       |                       |
| - at Cost                                                  | 630                   | 395                   |
| - at Council Officer Valuation 30/6/2006                   | 7,108                 | 7,108                 |
| Less: Accumulated Depreciation                             | (2,424)               | (2,284)               |
|                                                            | <u>5,314</u>          | <u>5,219</u>          |
| <b>Kerb and Channelling</b>                                |                       |                       |
| - at Cost                                                  | 134                   | -                     |
| - at Council Officer Valuation 30/6/2007                   | 18,344                | 18,344                |
| Less: Accumulated Depreciation                             | (6,862)               | (6,442)               |
|                                                            | <u>11,616</u>         | <u>11,902</u>         |
| <b>Parks and Gardens</b>                                   |                       |                       |
| - at Cost                                                  | 1,777                 | 1,302                 |
| - at Council Officer Valuation 30/6/2005                   | 3,004                 | 3,004                 |
| Less: Accumulated Depreciation                             | (2,179)               | (1,951)               |
|                                                            | <u>2,602</u>          | <u>2,355</u>          |
| <b>Drainage</b>                                            |                       |                       |
| - at Cost                                                  | 250                   | -                     |
| - at Council Officer Valuation 30/6/2007                   | 18,527                | 18,527                |
| Less: Accumulated Depreciation                             | (6,673)               | (6,438)               |
|                                                            | <u>12,104</u>         | <u>12,089</u>         |
| <b>Recreational and leisure equipment under lease</b>      |                       |                       |
| - At cost                                                  | 187                   | 187                   |
| Less: Accumulated Amortisation                             | (146)                 | (123)                 |
|                                                            | <u>41</u>             | <u>64</u>             |
| <b>Total Infrastructure</b>                                | <u><u>169,567</u></u> | <u><u>139,147</u></u> |
| <b>Total Property, Plant and Equipment, Infrastructure</b> | <u><u>228,126</u></u> | <u><u>197,821</u></u> |

The Council Officer's valuations are at fair value being written down replacement cost taking into account the asset condition.

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 18

PROPERTY, PLANT AND EQUIPMENT, INFRASTRUCTURE (CONT'D)

YEAR ENDED 30 JUNE 2007

|                                                                | Balance at<br>beginning of<br>financial year | Acquisition<br>of assets<br>(note 36) | Revaluation<br>increments<br>(decrements)<br>(note 23) | Depreciation and<br>amortisation<br>(note 10) | Written down<br>value of<br>disposals | Assets<br>written off | Non-monetary<br>assets<br>contributed<br>(note 5b) | Balance at<br>end of<br>financial<br>year |
|----------------------------------------------------------------|----------------------------------------------|---------------------------------------|--------------------------------------------------------|-----------------------------------------------|---------------------------------------|-----------------------|----------------------------------------------------|-------------------------------------------|
|                                                                | \$'000                                       | \$'000                                | \$'000                                                 | \$'000                                        | \$'000                                | \$'000                | \$'000                                             | \$'000                                    |
| <b>2007 YEAR</b>                                               |                                              |                                       |                                                        |                                               |                                       |                       |                                                    |                                           |
| <b>Property</b>                                                |                                              |                                       |                                                        |                                               |                                       |                       |                                                    |                                           |
| Land                                                           | 29,784                                       | 0                                     | 0                                                      | 0                                             | 0                                     | 0                     | 0                                                  | 29,784                                    |
| Buildings                                                      | 23,916                                       | 738                                   | 0                                                      | (930)                                         | 0                                     | 0                     | 0                                                  | 23,724                                    |
| <b>Total Property</b>                                          | <b>53,700</b>                                | <b>738</b>                            | <b>0</b>                                               | <b>(930)</b>                                  | <b>0</b>                              | <b>0</b>              | <b>0</b>                                           | <b>53,508</b>                             |
| <b>Plant and Equipment</b>                                     |                                              |                                       |                                                        |                                               |                                       |                       |                                                    |                                           |
| Plant and Machinery                                            | 4,263                                        | 438                                   | 0                                                      | (656)                                         | (228)                                 | 0                     | 0                                                  | 3,817                                     |
| Furniture and Equipment                                        | 1,233                                        | 238                                   | 0                                                      | (121)                                         | (1)                                   | 0                     | 0                                                  | 1,349                                     |
| <b>Total Plant and Equipment</b>                               | <b>5,496</b>                                 | <b>676</b>                            | <b>0</b>                                               | <b>(777)</b>                                  | <b>(229)</b>                          | <b>0</b>              | <b>0</b>                                           | <b>5,166</b>                              |
| <b>Infrastructure</b>                                          |                                              |                                       |                                                        |                                               |                                       |                       |                                                    |                                           |
| Roads and Streets                                              | 96,086                                       | 5,411                                 | 0                                                      | (4,590)                                       | 0                                     | (1,953)               | 1,000                                              | 95,954                                    |
| Bridges                                                        | 11,603                                       | 251                                   | 0                                                      | (245)                                         | 0                                     | (45)                  | 0                                                  | 11,564                                    |
| Footpaths                                                      | 4,896                                        | 417                                   | 0                                                      | (145)                                         | 0                                     | (56)                  | 107                                                | 5,219                                     |
| Kerb and Channelling                                           | 11,520                                       | 225                                   | 65                                                     | (348)                                         | 0                                     | (113)                 | 553                                                | 11,902                                    |
| Parks and Gardens                                              | 1,990                                        | 562                                   | 0                                                      | (179)                                         | 0                                     | (18)                  | 0                                                  | 2,355                                     |
| Drainage                                                       | 9,988                                        | 12                                    | 1,450                                                  | (198)                                         | 0                                     | 0                     | 837                                                | 12,089                                    |
| Equipment under lease                                          | 87                                           | 0                                     | 0                                                      | (23)                                          | 0                                     | 0                     | 0                                                  | 64                                        |
| <b>Total Infrastructure</b>                                    | <b>136,170</b>                               | <b>6,878</b>                          | <b>1,515</b>                                           | <b>(5,728)</b>                                | <b>0</b>                              | <b>(2,185)</b>        | <b>2,497</b>                                       | <b>139,147</b>                            |
| <b>Total Property, Plant and<br/>Equipment, Infrastructure</b> | <b>195,366</b>                               | <b>8,292</b>                          | <b>1,515</b>                                           | <b>(7,435)</b>                                | <b>(229)</b>                          | <b>(2,185)</b>        | <b>2,497</b>                                       | <b>197,821</b>                            |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 18

PROPERTY, PLANT AND EQUIPMENT, INFRASTRUCTURE (CONT'D)

YEAR ENDED 30 JUNE 2008

|                                                                | Balance at<br>beginning of<br>financial year | Acquisition<br>of assets<br><br>(note 36) | Revaluation<br>increments<br>(decrements)<br><br>(note 23) | Depreciation and<br>amortisation<br><br>(note 10) | Written down<br>value of<br>disposals | Assets<br>written off | Non-monetary<br>assets<br>contributed<br><br>(note 5b) | Balance at<br>end of<br>financial<br>year |
|----------------------------------------------------------------|----------------------------------------------|-------------------------------------------|------------------------------------------------------------|---------------------------------------------------|---------------------------------------|-----------------------|--------------------------------------------------------|-------------------------------------------|
|                                                                | \$'000                                       | \$'000                                    | \$'000                                                     | \$'000                                            | \$'000                                | \$'000                | \$'000                                                 | \$'000                                    |
| <b>2008 YEAR</b>                                               |                                              |                                           |                                                            |                                                   |                                       |                       |                                                        |                                           |
| <b>Property</b>                                                |                                              |                                           |                                                            |                                                   |                                       |                       |                                                        |                                           |
| Land                                                           | 29,784                                       | 0                                         | 0                                                          | 0                                                 | 0                                     | 0                     | 0                                                      | 29,784                                    |
| Buildings                                                      | 23,724                                       | 579                                       | 0                                                          | (940)                                             | 0                                     | 0                     | 0                                                      | 23,363                                    |
| <b>Total Property</b>                                          | <b>53,508</b>                                | <b>579</b>                                | <b>0</b>                                                   | <b>(940)</b>                                      | <b>0</b>                              | <b>0</b>              | <b>0</b>                                               | <b>53,147</b>                             |
| <b>Plant and Equipment</b>                                     |                                              |                                           |                                                            |                                                   |                                       |                       |                                                        |                                           |
| Plant and Machinery                                            | 3,817                                        | 1,403                                     | 0                                                          | (628)                                             | (612)                                 | 0                     | 0                                                      | 3,980                                     |
| Furniture and Equipment                                        | 1,349                                        | 284                                       | 0                                                          | (143)                                             | (46)                                  | (12)                  | 0                                                      | 1,432                                     |
| <b>Total Plant and Equipment</b>                               | <b>5,166</b>                                 | <b>1,687</b>                              | <b>0</b>                                                   | <b>(771)</b>                                      | <b>(658)</b>                          | <b>(12)</b>           | <b>0</b>                                               | <b>5,412</b>                              |
| <b>Infrastructure</b>                                          |                                              |                                           |                                                            |                                                   |                                       |                       |                                                        |                                           |
| Roads and Streets                                              | 95,954                                       | 5,697                                     | 29,315                                                     | (4,490)                                           | 0                                     | (158)                 | 161                                                    | 126,479                                   |
| Bridges                                                        | 11,564                                       | 151                                       | 0                                                          | (248)                                             | 0                                     | (56)                  | 0                                                      | 11,411                                    |
| Footpaths                                                      | 5,219                                        | 227                                       | 0                                                          | (153)                                             | 0                                     | (11)                  | 32                                                     | 5,314                                     |
| Kerb and Channelling                                           | 11,902                                       | 31                                        | 0                                                          | (420)                                             | 0                                     | 0                     | 103                                                    | 11,616                                    |
| Parks and Gardens                                              | 2,355                                        | 475                                       | 0                                                          | (228)                                             | 0                                     | 0                     | 0                                                      | 2,602                                     |
| Drainage                                                       | 12,089                                       | 121                                       | 0                                                          | (235)                                             | 0                                     | 0                     | 129                                                    | 12,104                                    |
| Equipment under lease                                          | 64                                           | 0                                         | 0                                                          | (23)                                              | 0                                     | 0                     | 0                                                      | 41                                        |
| <b>Total Infrastructure</b>                                    | <b>139,147</b>                               | <b>6,702</b>                              | <b>29,315</b>                                              | <b>(5,797)</b>                                    | <b>0</b>                              | <b>(225)</b>          | <b>425</b>                                             | <b>169,567</b>                            |
| <b>Total Property, Plant and<br/>Equipment, Infrastructure</b> | <b>197,821</b>                               | <b>8,968</b>                              | <b>29,315</b>                                              | <b>(7,508)</b>                                    | <b>(658)</b>                          | <b>(237)</b>          | <b>425</b>                                             | <b>228,126</b>                            |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

| NOTE 19 | TRADE AND OTHER PAYABLES | 2008<br>\$'000 | 2007<br>\$'000 |
|---------|--------------------------|----------------|----------------|
|         | Trade Creditors          | 379            | 474            |
|         | Accrued Expenses         | 317            | 306            |
|         |                          | <u>696</u>     | <u>780</u>     |

| NOTE 20 | TRUST FUNDS AND DEPOSITS                       | 2008<br>\$'000 | 2007<br>\$'000 |
|---------|------------------------------------------------|----------------|----------------|
|         | Refundable deposits - Planning Permits         | 84             | 84             |
|         | Refundable deposits - Landscaping Bond         | 67             | 68             |
|         | Refundable deposits - Builders Footpath        | 67             | 63             |
|         | Refundable deposits - Re-erection of dwellings | 48             | 33             |
|         | Refundable deposits - Contracts                | 41             | 21             |
|         | Refundable deposits - Other                    | 9              | 7              |
|         |                                                | <u>316</u>     | <u>276</u>     |

Trust Deposits are refundable deposits held as guarantees for compliance with Council regulations.

| NOTE 21 | PROVISIONS                                 |                                 |                                               |                 |                 | 2008<br>\$'000         | 2007<br>\$'000         |
|---------|--------------------------------------------|---------------------------------|-----------------------------------------------|-----------------|-----------------|------------------------|------------------------|
|         | Annual leave<br>\$'000                     | Long service<br>leave<br>\$'000 | Landfill<br>rehabilitation<br>works<br>\$'000 | Other<br>\$'000 | Total<br>\$'000 |                        |                        |
|         | Balance at beginning of financial year     | 802                             | 1,293                                         | 2,936           | 24              | 5,055                  |                        |
|         | Additional provisions                      | 512                             | 231                                           | -               | 41              | 784                    |                        |
|         | New employee transfers                     | -                               | 33                                            | -               | -               | 33                     |                        |
|         | Amounts used                               | (520)                           | (320)                                         | (200)           | (42)            | (1,082)                |                        |
|         | Balance at the end of financial year       | <u>794</u>                      | <u>1,237</u>                                  | <u>2,736</u>    | <u>23</u>       | <u>4,790</u>           |                        |
|         | <b>2007</b>                                |                                 |                                               |                 |                 |                        |                        |
|         | Balance at beginning of financial year     | 720                             | 1,280                                         | 2,942           | 29              | 4,971                  |                        |
|         | Additional provisions                      | 524                             | 224                                           | -               | 29              | 777                    |                        |
|         | New employee transfers                     | -                               | 1                                             | -               | -               | 1                      |                        |
|         | Amounts used                               | (442)                           | (212)                                         | (6)             | (34)            | (694)                  |                        |
|         | Balance at the end of financial year       | <u>802</u>                      | <u>1,293</u>                                  | <u>2,936</u>    | <u>24</u>       | <u>5,055</u>           |                        |
|         | <b>(a) Provision for Employee Benefits</b> |                                 |                                               |                 |                 | <b>2008<br/>\$'000</b> | <b>2007<br/>\$'000</b> |
|         | <b>Current</b>                             |                                 |                                               |                 |                 |                        |                        |
|         | Annual Leave                               |                                 |                                               |                 |                 | 794                    | 802                    |
|         | Long Service Leave                         |                                 |                                               |                 |                 | 1,129                  | 1,044                  |
|         | Other                                      |                                 |                                               |                 |                 | 23                     | 24                     |
|         |                                            |                                 |                                               |                 |                 | <u>1,946</u>           | <u>1,870</u>           |
|         | <b>Non-Current</b>                         |                                 |                                               |                 |                 |                        |                        |
|         | Long Service Leave                         |                                 |                                               |                 |                 | 108                    | 249                    |
|         |                                            |                                 |                                               |                 |                 | <u>108</u>             | <u>249</u>             |
|         | <b>Total</b>                               |                                 |                                               |                 |                 | <u>2,054</u>           | <u>2,119</u>           |
|         |                                            |                                 |                                               |                 |                 | <b>2008<br/>No.</b>    | <b>2007<br/>No.</b>    |
|         | Number of employees at year end            |                                 |                                               |                 |                 | <u>289 (199 EFT)</u>   | <u>288 (194 EFT)</u>   |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

| NOTE 21                                                | PROVISIONS (CONT'D) | 2008                | 2007                |
|--------------------------------------------------------|---------------------|---------------------|---------------------|
|                                                        |                     | \$'000              | \$'000              |
| <b>(b) Provision for Landfill Rehabilitation Works</b> |                     |                     |                     |
|                                                        | Current             | 304                 | 214                 |
|                                                        | Non-Current         | 2,432               | 2,722               |
|                                                        | <b>Total</b>        | <b><u>2,736</u></b> | <b><u>2,936</u></b> |

Please see note 27 for details of Financial Assurances given to EPA Victoria for the Alvie Landfill rehabilitation.

NOTE 22 INTEREST BEARING LOANS AND BORROWINGS

(a) Loans

|                    |                      |                     |                     |
|--------------------|----------------------|---------------------|---------------------|
| <b>Current</b>     |                      |                     |                     |
|                    | Borrowings - Secured | 518                 | 486                 |
| <b>Non-current</b> |                      |                     |                     |
|                    | Borrowings - Secured | 2,462               | 2,980               |
|                    | <b>Total</b>         | <b><u>2,980</u></b> | <b><u>3,466</u></b> |

The loans and bank overdraft facility (Note 27) are secured over the general rates of the Council.

Borrowings are expected to be settled as follows:

|  |                                                   |              |              |
|--|---------------------------------------------------|--------------|--------------|
|  | Not later than one year                           | 518          | 486          |
|  | Later than one year and not later than five years | 1,075        | 1,337        |
|  | Later than five years                             | 1,387        | 1,643        |
|  |                                                   | <u>2,980</u> | <u>3,466</u> |

(b) Finance Leases

Council had the following obligation under finance leases for the lease of gym equipment (the sum of which is recognised as a liability after deduction of future lease finance charges included in the obligation):

|  |                                                       |           |           |
|--|-------------------------------------------------------|-----------|-----------|
|  | Not later than one year                               | 27        | 25        |
|  | Later than one year and not later than five years     | -         | 27        |
|  | Minimum lease payments                                | <u>27</u> | <u>52</u> |
|  | Future finance lease charges                          | (1)       | (4)       |
|  | Recognised in the statement of financial position as: | <u>26</u> | <u>48</u> |

|                    |              |                  |                  |
|--------------------|--------------|------------------|------------------|
| <b>Current</b>     |              |                  |                  |
|                    | Leases       | 26               | 22               |
| <b>Non-current</b> |              |                  |                  |
|                    | Leases       | -                | 26               |
|                    | <b>Total</b> | <b><u>26</u></b> | <b><u>48</u></b> |

Aggregate carrying amount of interest bearing liabilities:

|  |              |                     |                     |
|--|--------------|---------------------|---------------------|
|  | Current      | 544                 | 508                 |
|  | Non-current  | 2,462               | 3,006               |
|  | <b>Total</b> | <b><u>3,006</u></b> | <b><u>3,514</u></b> |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 23 RESERVES

(a) The Asset Revaluation Reserve records revaluations of non-current assets.

|                                         | Balance at<br>beginning of<br>financial year<br>\$'000 | Increment/<br>(Decrement)<br>\$'000 | Share of increment<br>Increment/<br>(Decrement)<br>of associate<br>\$'000 | Balance at<br>end of<br>financial year<br>\$'000 |
|-----------------------------------------|--------------------------------------------------------|-------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------|
| <b>2008</b>                             |                                                        |                                     |                                                                           |                                                  |
| <b>Property</b>                         |                                                        |                                     |                                                                           |                                                  |
| Land                                    | 22,229                                                 | -                                   | -                                                                         | 22,229                                           |
| Buildings                               | 8,877                                                  | -                                   | -                                                                         | 8,877                                            |
|                                         | <u>31,106</u>                                          | <u>-</u>                            | <u>-</u>                                                                  | <u>31,106</u>                                    |
| <b>Plant and equipment</b>              |                                                        |                                     |                                                                           |                                                  |
| Furniture and Equipment                 | 293                                                    | -                                   | -                                                                         | 293                                              |
| Share of CRLC Asset Revaluation Reserve | 514                                                    | -                                   | (2)                                                                       | 512                                              |
|                                         | <u>807</u>                                             | <u>-</u>                            | <u>(2)</u>                                                                | <u>805</u>                                       |
| <b>Infrastructure</b>                   |                                                        |                                     |                                                                           |                                                  |
| Roads and Streets                       | 54,590                                                 | 29,315                              | -                                                                         | 83,905                                           |
| Bridges                                 | 8,019                                                  | -                                   | -                                                                         | 8,019                                            |
| Footpaths                               | 1,150                                                  | -                                   | -                                                                         | 1,150                                            |
| Kerb and Channel                        | 5,189                                                  | -                                   | -                                                                         | 5,189                                            |
| Parks and Gardens                       | 552                                                    | -                                   | -                                                                         | 552                                              |
| Drainage                                | 3,004                                                  | -                                   | -                                                                         | 3,004                                            |
|                                         | <u>72,504</u>                                          | <u>29,315</u>                       | <u>-</u>                                                                  | <u>101,819</u>                                   |
| <b>Total Asset Revaluation Reserve</b>  | <u><b>104,417</b></u>                                  | <u><b>29,315</b></u>                | <u><b>(2)</b></u>                                                         | <u><b>133,730</b></u>                            |
| <b>2007</b>                             |                                                        |                                     |                                                                           |                                                  |
| <b>Property</b>                         |                                                        |                                     |                                                                           |                                                  |
| Land                                    | 22,229                                                 | -                                   | -                                                                         | 22,229                                           |
| Buildings                               | 8,877                                                  | -                                   | -                                                                         | 8,877                                            |
|                                         | <u>31,106</u>                                          | <u>-</u>                            | <u>-</u>                                                                  | <u>31,106</u>                                    |
| <b>Plant and equipment</b>              |                                                        |                                     |                                                                           |                                                  |
| Furniture and Equipment                 | 293                                                    | -                                   | -                                                                         | 293                                              |
| Share of CRLC Asset Revaluation Reserve | 528                                                    | -                                   | (14)                                                                      | 514                                              |
|                                         | <u>821</u>                                             | <u>-</u>                            | <u>(14)</u>                                                               | <u>807</u>                                       |
| <b>Infrastructure</b>                   |                                                        |                                     |                                                                           |                                                  |
| Roads and Streets                       | 54,590                                                 | -                                   | -                                                                         | 54,590                                           |
| Bridges                                 | 8,019                                                  | -                                   | -                                                                         | 8,019                                            |
| Footpaths                               | 1,150                                                  | -                                   | -                                                                         | 1,150                                            |
| Kerb and Channel                        | 5,124                                                  | 65                                  | -                                                                         | 5,189                                            |
| Parks and Gardens                       | 552                                                    | -                                   | -                                                                         | 552                                              |
| Drainage                                | 1,554                                                  | 1,450                               | -                                                                         | 3,004                                            |
|                                         | <u>70,989</u>                                          | <u>1,515</u>                        | <u>-</u>                                                                  | <u>72,504</u>                                    |
| <b>Total Asset Revaluation Reserve</b>  | <u><b>102,916</b></u>                                  | <u><b>1,515</b></u>                 | <u><b>(14)</b></u>                                                        | <u><b>104,417</b></u>                            |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 23 RESERVES (CONT'D)

(b) Other Reserves record funds allocated for various purposes including the future acquisition or replacement of non-current assets.

|                                 | Balance at<br>beginning of<br>financial year<br>\$'000 | Transfer from<br>accumulated<br>surplus<br>\$'000 | Transfer to<br>accumulated<br>surplus<br>\$'000 | Balance at<br>end of<br>financial year<br>\$'000 |
|---------------------------------|--------------------------------------------------------|---------------------------------------------------|-------------------------------------------------|--------------------------------------------------|
| <b>2008</b>                     |                                                        |                                                   |                                                 |                                                  |
| Landfill Rehabilitation         | 250                                                    | 50                                                | -                                               | 300                                              |
| Plant Replacement               | 478                                                    | 512                                               | (486)                                           | 504                                              |
| Share of CRLC Plant Replacement | 7                                                      | -                                                 | 1                                               | 8                                                |
| Marengo Transfer Station        | 225                                                    | -                                                 | -                                               | 225                                              |
| Saleyards Reseve                | -                                                      | 86                                                | -                                               | 86                                               |
| Waste Management Reserve        | -                                                      | 170                                               | -                                               | 170                                              |
| Car Parking                     | 115                                                    | 131                                               | -                                               | 246                                              |
| Recreational Lands              | 84                                                     | 291                                               | (17)                                            | 358                                              |
| Lakeside Estate                 | 930                                                    | -                                                 | (75)                                            | 855                                              |
| Total Other Reserves            | <u>2,089</u>                                           | <u>1,240</u>                                      | <u>(577)</u>                                    | <u>2,752</u>                                     |
| <b>2007</b>                     |                                                        |                                                   |                                                 |                                                  |
| Landfill Rehabilitation         | 180                                                    | 70                                                | -                                               | 250                                              |
| Plant Replacement               | 167                                                    | 311                                               | -                                               | 478                                              |
| Share of CRLC Plant Replacement | 8                                                      | (1)                                               | -                                               | 7                                                |
| Marengo Transfer Station        | 225                                                    | -                                                 | -                                               | 225                                              |
| Car Parking                     | 115                                                    | -                                                 | -                                               | 115                                              |
| Recreational Lands              | 38                                                     | 46                                                | -                                               | 84                                               |
| Lakeside Estate                 | 930                                                    | -                                                 | -                                               | 930                                              |
| Total Other Reserves            | <u>1,663</u>                                           | <u>426</u>                                        | <u>-</u>                                        | <u>2,089</u>                                     |
| <b>Total Reserves</b>           | <u><b>106,506</b></u>                                  | <u><b>30,555</b></u>                              | <u><b>(579)</b></u>                             | <u><b>136,482</b></u>                            |

NOTE 24 RESTRICTED ASSETS

2008  
\$'000

2007  
\$'000

Council has cash and cash equivalents (note 13) that are subject to restrictions. As at the reporting date, Council had legislative restrictions in relation to employee entitlements (Long Service Leave) and reserve funds (Car parking and Recreational lands Reserves).

|                                              |              |              |
|----------------------------------------------|--------------|--------------|
| Long Service Leave (note 21)                 | 1,237        | 1,293        |
| Trust Deposits (note 20)                     | 316          | 276          |
| Reserve funds - Car Parking (note 23)        | 246          | 115          |
| Reserve funds - Recreational Lands (note 23) | 358          | 84           |
|                                              | <u>2,157</u> | <u>1,768</u> |

Restricted asset for long service leave is based on the Local Government (Long Service Leave) Regulations 2002 and does not necessarily have to equate to the long service leave liability disclosed in Note 21 due to a different basis of calculation prescribed by the regulation.

The Recreational Lands and the Car Parking developers reserves are required to be spent on future developments for recreation and car parking. Trust Deposits are refundable deposits held as guarantees for compliance with Council regulations. It includes deposits paid for building and planning permits.

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

| NOTE 25        | RECONCILIATION OF CASH FLOWS FROM<br>OPERATING ACTIVITIES TO SURPLUS                              | 2008<br>\$'000      | 2007<br>\$'000      |
|----------------|---------------------------------------------------------------------------------------------------|---------------------|---------------------|
|                | <b>Surplus for the period</b>                                                                     | <b>679</b>          | <b>975</b>          |
|                | Depreciation and amortisation                                                                     | 7,508               | 7,435               |
|                | (Profit)/loss on disposal of Property, Plant and Equipment, Infrastructure                        | 98                  | 82                  |
|                | Share of net (profit) losses in associate entity                                                  | (18)                | 24                  |
|                | Property, Plant and Equipment, Infrastructure written off                                         | 237                 | 2,185               |
|                | Contributions non-monetary assets                                                                 | (425)               | (2,497)             |
|                | Finance costs                                                                                     | 224                 | 256                 |
|                | <i>Change in assets and liabilities:</i>                                                          |                     |                     |
|                | (Increase)/decrease in Trade and other receivables                                                | 576                 | 174                 |
|                | (Increase)/decrease in Inventories                                                                | (1)                 | (3)                 |
|                | (Increase)/decrease in Prepayments                                                                | (5)                 | (3)                 |
|                | Increase/(decrease) in Trade and other payables                                                   | (84)                | (1,138)             |
|                | Increase/(decrease) in Provisions                                                                 | (265)               | 84                  |
|                | <b>Net cash provided by operating activities</b>                                                  | <b><u>8,524</u></b> | <b><u>7,574</u></b> |
| <br>           |                                                                                                   |                     |                     |
| <b>NOTE 26</b> | <b>RECONCILIATION OF CASH AND CASH EQUIVALENTS</b>                                                |                     |                     |
|                | Cash and cash equivalents (see Note 13)                                                           | 6,412               | 6,988               |
|                | Less bank overdraft                                                                               | -                   | -                   |
|                |                                                                                                   | <b><u>6,412</u></b> | <b><u>6,988</u></b> |
| <br>           |                                                                                                   |                     |                     |
| <b>NOTE 27</b> | <b>FINANCING ARRANGEMENTS</b>                                                                     |                     |                     |
|                | <b>Bank overdraft facilities</b>                                                                  |                     |                     |
|                | Used facilities                                                                                   | -                   | -                   |
|                | Unused facilities                                                                                 | 1,000               | 1,000               |
|                |                                                                                                   | <b><u>1,000</u></b> | <b><u>1,000</u></b> |
|                | <b>Bank guarantees / Financial assurances</b>                                                     |                     |                     |
|                | During the 2007/08 financial year the Shire made the following financial assurances / guarantees: |                     |                     |
|                | - Environmental Protection Agency of Victoria for the future Alvie landfill rehabilitation        | 322                 | -                   |
|                | - SPI Networks Pty Ltd for the installation of the gas main pipelines in Elliminyt                | 759                 | -                   |
|                |                                                                                                   | <b><u>1,081</u></b> | <b><u>0</u></b>     |



NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 28 SUPERANNUATION

Council makes employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). Obligations for contributions are recognised as an expense in profit or loss when they are due. The Fund has two categories of membership, each of which is funded differently.

The Fund's accumulation category, Vision Super Saver, receives both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (9% required under Superannuation Guarantee Legislation). No further liability accrues to the employer as the superannuation benefits accruing to employees are represented by their share of the net assets of the Fund. From 1 July 2008 employers are required to pay superannuation guarantee contributions based on Ordinary Time Earnings (OTE) which may put upward pressure on contribution levels

The Fund's Defined Benefit Plan is a multi-employer sponsored plan. As the Fund's assets and liabilities are pooled and are not allocated by employer, the Actuary is unable to reliably allocate benefit liabilities, assets and costs between employers. As provided under Paragraph 32 (b) of AASB 119, Council does not use defined benefit accounting for these contributions.

Council makes employer contributions to the defined benefit category of the Fund at rates determined by the Trustee on the advice of the Fund's Actuary. On the basis of the results of the most recent full actuarial investigation conducted by the Fund's actuary as at 31 December 2007, the Trustee has determined that the current funding arrangements are adequate for the expected Defined Benefit Plan liabilities. Council makes the following contributions:-

- 9.25% of members' salaries (same as previous year);
- the difference between resignation and retrenchment benefits paid to any retrenched employees, plus contribution tax (same as previous year);

The Fund's liability for accrued benefits was determined by the Actuary at 30 June 2007 pursuant to the requirements of Australian Accounting Standard AAS 25 as follows:

|                                                | <b>30-Jun-07</b> |
|------------------------------------------------|------------------|
|                                                | <b>\$'000</b>    |
| Net Market Value of Assets                     | 4,102,154        |
| Accrued Benefits (per accounting standards)    | 3,923,436        |
| Difference between Assets and Accrued Benefits | <u>178,718</u>   |
| Vested Benefits                                | 3,572,589        |

The Accrued Benefits liability has been determined by the Actuary at 30 June 2007 outside of the full actuarial review which is normally undertaken every three years and most recently performed as at 31 December 2007. This liability is calculated to satisfy the requirements of AAS 25 and is not reflected in the audited financial statements of the Fund at 30 June 2007

The financial assumptions used to calculate the Accrued Benefits for the defined benefit category of the Fund were:

|                       |           |
|-----------------------|-----------|
| Net Investment Return | 8.0% p.a. |
| Salary Inflation      | 5.5% p.a. |
| Price Inflation       | 3.0% p.a. |

Details of contributions to superannuation funds during the year and contributions payable at 30 June are as follows:

|                                                                                                          | <b>2008</b>   | <b>2007</b>   |
|----------------------------------------------------------------------------------------------------------|---------------|---------------|
|                                                                                                          | <b>\$'000</b> | <b>\$'000</b> |
| <b>FUND</b>                                                                                              |               |               |
| <b>Defined Benefit Plans</b>                                                                             |               |               |
| Employer contributions to Local Authorities Superannuation Fund (Vision Super)                           | <u>221</u>    | <u>287</u>    |
| Employer contributions payable to Local Authorities Superannuation Fund (Vision Super) at reporting date | <u>-</u>      | <u>-</u>      |
| <b>Accumulation Funds</b>                                                                                |               |               |
| Employer contributions to Local Authorities Superannuation Fund (Vision Super)                           | 547           | 511           |
| Employer contributions to other Superannuation Funds                                                     | <u>-</u>      | <u>-</u>      |
|                                                                                                          | <u>547</u>    | <u>511</u>    |
| Employer contributions payable to Local Authorities Superannuation Fund (Vision Super) at reporting date | -             | -             |
| Employer contributions payable to other Superannuation Funds at reporting date                           | <u>-</u>      | <u>-</u>      |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 29 COMMITMENTS

The Council has entered into the following commitments

|                          | Not later<br>than 1 year<br>\$'000 | Later than<br>1 year and<br>not later<br>than 2 years<br>\$'000 | Later than<br>2 years and<br>not later<br>than 5 years<br>\$'000 | Later<br>than<br>5 years<br>\$'000 | Total<br>\$'000 |
|--------------------------|------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------|------------------------------------|-----------------|
| <b>2008</b>              |                                    |                                                                 |                                                                  |                                    |                 |
| <b>Operating</b>         |                                    |                                                                 |                                                                  |                                    |                 |
| Waste management         | 1,863                              | 318                                                             | -                                                                | -                                  | 2,181           |
| Cleaning                 | 205                                | 205                                                             | -                                                                | -                                  | 410             |
| Beeac Landfill           | 10                                 | -                                                               | -                                                                | -                                  | 10              |
| Electoral Services       | 115                                | -                                                               | -                                                                | -                                  | 115             |
| <b>Total</b>             | <b>2,193</b>                       | <b>523</b>                                                      | <b>0</b>                                                         | <b>-</b>                           | <b>2,716</b>    |
| <b>Capital</b>           |                                    |                                                                 |                                                                  |                                    |                 |
| Road Construction        | 233                                | -                                                               | -                                                                | -                                  | 233             |
| Plant and Equipment      | 181                                | -                                                               | -                                                                | -                                  | 181             |
| Other Infrastructure     | 46                                 | -                                                               | -                                                                | -                                  | 46              |
| <b>Total</b>             | <b>460</b>                         | <b>0</b>                                                        | <b>0</b>                                                         | <b>0</b>                           | <b>460</b>      |
| <b>Total commitments</b> | <b>2,653</b>                       | <b>523</b>                                                      | <b>0</b>                                                         | <b>0</b>                           | <b>3,176</b>    |

|                          | Not later<br>than 1 year<br>\$'000 | Later than<br>1 year and<br>not later<br>than 2 years<br>\$'000 | Later than<br>2 years and<br>not later<br>than 5 years<br>\$'000 | Later<br>than<br>5 years<br>\$'000 | Total<br>\$'000 |
|--------------------------|------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------|------------------------------------|-----------------|
| <b>2007</b>              |                                    |                                                                 |                                                                  |                                    |                 |
| <b>Operating</b>         |                                    |                                                                 |                                                                  |                                    |                 |
| Waste management         | 1,661                              | 2,004                                                           | -                                                                | -                                  | 3,665           |
| Cleaning                 | 172                                | -                                                               | -                                                                | -                                  | 172             |
| Property Maintenance     | 19                                 | 15                                                              | -                                                                | -                                  | 34              |
| <b>Total</b>             | <b>1,852</b>                       | <b>2,019</b>                                                    | <b>0</b>                                                         | <b>-</b>                           | <b>3,871</b>    |
| <b>Capital</b>           |                                    |                                                                 |                                                                  |                                    |                 |
| Road Construction        | 371                                | -                                                               | -                                                                | -                                  | 371             |
| Plant and Equipment      | 285                                | -                                                               | -                                                                | -                                  | 285             |
| Other Infrastructure     | 45                                 | -                                                               | -                                                                | -                                  | 45              |
| <b>Total</b>             | <b>701</b>                         | <b>-</b>                                                        | <b>-</b>                                                         | <b>-</b>                           | <b>701</b>      |
| <b>Total commitments</b> | <b>2,553</b>                       | <b>2,019</b>                                                    | <b>0</b>                                                         | <b>0</b>                           | <b>4,572</b>    |

NOTE 30 OPERATING LEASE COMMITMENTS

At the reporting date, Council had the following obligations under non-cancellable operating leases for office equipment (these obligations are not recognised as liabilities):

|                                                   | 2008<br>\$'000 | 2007<br>\$'000 |
|---------------------------------------------------|----------------|----------------|
| Not later than one year                           | 57             | 53             |
| Later than one year and not later than five years | -              | 51             |
|                                                   | <b>57</b>      | <b>104</b>     |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 31 FINANCIAL INSTRUMENTS

(a) Accounting policy terms and conditions

| Recognised financial instruments             | Note | Accounting Policy                                                                                                                                                                                                                                     | Terms and Conditions                                                                                                                                                                                             |
|----------------------------------------------|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Financial assets</b>                      |      |                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                  |
| <b>Cash and cash equivalents</b>             | 13   | Cash on hand and at bank and money market call account are valued at face value.                                                                                                                                                                      | On call deposits returned a floating interest rate of 6.72% (5.9% in 2006/2007). The interest rate at balance date was 7.15% (6.15% in 2006/2007).                                                               |
|                                              |      | Interest is recognised as it accrues.                                                                                                                                                                                                                 |                                                                                                                                                                                                                  |
| <b>Trade and other receivables</b>           |      |                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                  |
| <b>Other debtors</b>                         | 14   | Receivables are carried at nominal amounts due less any provision for doubtful debts. A provision for doubtful debts is recognised when collection in full is no longer probable. Collectibility of overdue accounts is assessed on an ongoing basis. | Trade and other general debtors are unsecured and no interest is charged on arrears. The CRLC loan interest is levied at 6.01%.                                                                                  |
| <b>Financial Liabilities</b>                 |      |                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                  |
| <b>Trade and other payables</b>              | 19   | Liabilities are recognised for amounts to be paid in the future for goods and services provided to Council as at balance date whether or not invoices have been received.                                                                             | General Creditors are unsecured, not subject to interest charges and are normally settled within 30 days of invoice receipt.                                                                                     |
| <b>Interest-bearing loans and borrowings</b> | 22   | Loans are carried at their principal amounts, which represent the present value of future cash flows associated with servicing the debt. Interest is accrued over the period it becomes due and recognised as part of payables.                       | Borrowings are secured by way of mortgages over the general rates of the Council. The weighted average interest rate on borrowings is 6.76% during 2007/2008 (6.70% in 2006/2007).                               |
|                                              |      | Finance leases are accounted for at their principle amount with the lease payments discounted to present value using the interest rates implicit in the leases.                                                                                       | As at balance date, the Council had finance leases with an average lease term of three months remaining. The weighted average rate implicit in the lease is 8.86% (8.86% in 2006/2007).                          |
| <b>Bank overdraft</b>                        | 26   | Overdrafts are recognised at the principal amount. Interest is charged as an expense as it accrues.                                                                                                                                                   | The overdraft facility has not been utilised for this or the previous financial year subject to annual review. If utilised, it is secured by a mortgage over Council's general rates and is repayable on demand. |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 31 FINANCIAL INSTRUMENTS (CONT'D)

(b) Interest rate risk

The exposure to interest rate risk and the effective interest rates of financial assets and financial liabilities, both recognised and unrecognised, at balance date are as follows:

| 2008                                          | Floating<br>Interest<br>rate<br>\$'000 | Fixed interest maturing in  |                                |                                | Non-<br>interest<br>bearing<br>\$'000 | Total<br>\$'000     |
|-----------------------------------------------|----------------------------------------|-----------------------------|--------------------------------|--------------------------------|---------------------------------------|---------------------|
|                                               |                                        | 1 year<br>or less<br>\$'000 | Over 1 to 5<br>years<br>\$'000 | More than<br>5 years<br>\$'000 |                                       |                     |
| <b>Financial Assets</b>                       |                                        |                             |                                |                                |                                       |                     |
| Cash & equivalents                            | 6,412                                  | -                           | -                              | -                              | -                                     | 6,412               |
| Trade & other recs                            | 24                                     | -                           | -                              | -                              | 1,676                                 | 1,700               |
| Inv't in associates                           | -                                      | -                           | -                              | -                              | 458                                   | 458                 |
| Total Fin'l Assets                            | <u>6,436</u>                           | <u>-</u>                    | <u>-</u>                       | <u>-</u>                       | <u>2,134</u>                          | <u>8,570</u>        |
| <i>Weighted<br/>average interest<br/>rate</i> | 6.72%                                  | -                           | -                              | -                              |                                       |                     |
| <b>Financial Liabilities</b>                  |                                        |                             |                                |                                |                                       |                     |
| Trade & other pay                             | -                                      | -                           | -                              | -                              | 696                                   | 696                 |
| Trust funds                                   | -                                      | -                           | -                              | -                              | 316                                   | 316                 |
| Interest bearing                              | -                                      | 544                         | 1,075                          | 1,387                          | -                                     | 3,006               |
| Total Fin'l Liab's                            | <u>-</u>                               | <u>544</u>                  | <u>1,075</u>                   | <u>1,387</u>                   | <u>1,012</u>                          | <u>4,018</u>        |
| <i>Weighted<br/>average interest<br/>rate</i> | -                                      | 6.45%                       | 6.62%                          | 7.04%                          |                                       |                     |
| <b>Net Fin'l assets</b>                       | <u><b>6,436</b></u>                    | <u><b>(544)</b></u>         | <u><b>(1,075)</b></u>          | <u><b>(1,387)</b></u>          | <u><b>1,122</b></u>                   | <u><b>4,552</b></u> |

| 2007                                          | Floating<br>Interest<br>rate<br>\$'000 | Fixed interest maturing in  |                                |                                | Non-<br>interest<br>bearing<br>\$'000 | Total<br>\$'000     |
|-----------------------------------------------|----------------------------------------|-----------------------------|--------------------------------|--------------------------------|---------------------------------------|---------------------|
|                                               |                                        | 1 year<br>or less<br>\$'000 | Over 1 to 5<br>years<br>\$'000 | More than<br>5 years<br>\$'000 |                                       |                     |
| <b>Financial Assets</b>                       |                                        |                             |                                |                                |                                       |                     |
| Cash & equivalents                            | 6,988                                  | -                           | -                              | -                              | -                                     | 6,988               |
| Trade & other recs                            | 47                                     | -                           | -                              | -                              | 2,041                                 | 2,088               |
| Inv't in associates                           | -                                      | -                           | -                              | -                              | 440                                   | 440                 |
| Total Fin'l Assets                            | <u>7,035</u>                           | <u>-</u>                    | <u>-</u>                       | <u>-</u>                       | <u>2,481</u>                          | <u>9,516</u>        |
| <i>Weighted<br/>average interest<br/>rate</i> | 5.90%                                  | -                           | -                              | -                              |                                       |                     |
| <b>Financial Liabilities</b>                  |                                        |                             |                                |                                |                                       |                     |
| Trade & other pay                             | -                                      | -                           | -                              | -                              | 780                                   | 780                 |
| Trust funds                                   | -                                      | -                           | -                              | -                              | 276                                   | 276                 |
| Interest bearing                              | -                                      | 508                         | 1,363                          | 1,643                          | -                                     | 3,514               |
| Total Fin'l Liab's                            | <u>-</u>                               | <u>508</u>                  | <u>1,363</u>                   | <u>1,643</u>                   | <u>1,056</u>                          | <u>4,570</u>        |
| <i>Weighted<br/>average interest<br/>rate</i> | -                                      | 6.43%                       | 6.54%                          | 6.98%                          |                                       |                     |
| <b>Net Fin'l assets</b>                       | <u><b>7,035</b></u>                    | <u><b>(508)</b></u>         | <u><b>(1,363)</b></u>          | <u><b>(1,643)</b></u>          | <u><b>1,425</b></u>                   | <u><b>4,946</b></u> |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 31 FINANCIAL INSTRUMENTS (CONT'D)

(c) Net Fair Values

The aggregate net fair values of financial assets and financial liabilities, both recognised and unrecognised, at balance date are as follows:

|                                | Total carrying amount<br>per the Balance Sheet |                | Aggregate net fair value |                |
|--------------------------------|------------------------------------------------|----------------|--------------------------|----------------|
|                                | 2008<br>\$'000                                 | 2007<br>\$'000 | 2008<br>\$'000           | 2007<br>\$'000 |
| <b>Financial Instruments</b>   |                                                |                |                          |                |
| <b>Financial Assets</b>        |                                                |                |                          |                |
| Cash and cash equivalents      | 6,412                                          | 6,988          | 6,412                    | 6,988          |
| Trade and other receivables    | 1,700                                          | 2,088          | 1,700                    | 2,088          |
| Investment in associates       | 458                                            | 440            | 458                      | 440            |
| Total Financial Assets         | <u>8,570</u>                                   | <u>9,516</u>   | <u>8,570</u>             | <u>9,516</u>   |
| <b>Financial Liabilities</b>   |                                                |                |                          |                |
| Trade and other payables       | 696                                            | 780            | 696                      | 780            |
| Trust funds and other deposits | 316                                            | 276            | 316                      | 276            |
| Interest bearing liabilities   | 3,006                                          | 3,514          | 1,891                    | 2,345          |
| Total Financial Liabilities    | <u>4,018</u>                                   | <u>4,570</u>   | <u>2,903</u>             | <u>3,401</u>   |

For current assets and liabilities, excluding finance leases and borrowings, the net fair value approximates the carrying amount because of the short period to maturity.

For finance leases, the carrying amount approximates net fair value and has been measured by discounting future cash flows by the interest rate implicit in the lease.

The net fair value of fixed rate interest bearing liabilities has been measured by discounting contracted future cash flows by the average interest rate charged on the outstanding balance.

(d) Credit Risk

The maximum exposure to credit risk at balance date in relation to each class of recognised financial asset is represented by the carrying amount of those assets as indicated in the Balance Sheet.

(e) Risks and Mitigation

The risks associated with our main financial instruments and our policies for minimising these risks are detailed below.

**Market Risk**

Market risk is the risk that the fair value or future cash flows of our financial instruments will fluctuate because of changes in market prices. The Council's exposures to market risk are primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk. Components of market risk to which we are exposed are discussed below.

**Interest Rate Risk**

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Interest rate risk arises from interest bearing financial assets and liabilities that we use. Non derivative interest bearing assets are predominantly short term liquid assets. Our interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes us to fair value interest rate risk.

This risk is mitigated by only using fixed rate borrowings that result in a fixed dollar repayment schedule that the Shires believes it will adequately meet before drawing down the loan. The Shire has not borrowed funds for a number of years and has therefore reduced the Shire's exposure to interest rate risk. Also, the Shire has not made any long term loans to borrowers and therefore has little interest rate risk exposure to these types of loans.

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

**Credit Risk**

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause us to make a financial loss. We have exposure to credit risk on all financial assets included in our balance sheet. To help manage this risk:

- we have a policy for establishing credit limits for the entities we deal with;
- we may require collateral where appropriate; and
- we only invest surplus funds with financial institutions which are 'A rated'.

Trade and other receivables consist of a large number of customers, spread across the consumer, business and government sectors. Credit risk associated with the Council's financial assets is minimal because the main debtor is the Victorian Government. Apart from the Victorian Government we do not have any significant credit risk exposure to a single customer or groups of customers. Ongoing credit evaluation is performed on the financial condition of our customers and, where appropriate, an allowance for doubtful debts is raised.

We may also be subject to credit risk for an associate entity. Please note 17 for details of the entity.

**Liquidity Risk**

Liquidity risk includes the risk that, as a result of our operational liquidity requirements:

- we will not have sufficient funds to settle a transaction on the date;
- we will be forced to sell financial assets at a value which is less than what they are worth; or
- we may be unable to settle or recover a financial assets at all.

To help reduce these risks we:

- have readily accessible standby facilities and other funding arrangements in place (see note 27);
- hold highly liquid monetary assets

To enhance the availability of the liquid funds, the Shire has used financial guarantees secured against the rating income, rather than liquid funds held on deposit with financial institutions to meet contingent financial obligations as detailed in note 27 - Financing Arrangements.

**(e) Sensitivity Disclosure Analysis**

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, the Council believes the following movements are 'reasonably possible' over the next 12 months (Base rates are sourced from Federal Bank of Australia):

- A parallel shift of +2% and -1% in market interest rates (AUD) from year-end rates of 7%.

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, the Council believes the above impacts will be minimal on operating result and net equity due to fixed rate borrowings and minimal surplus cash that will only generate modest interest revenue

| NOTE 32 | AUDITORS' REMUNERATION                                                    | 2008<br>\$'000 | 2007<br>\$'000 |
|---------|---------------------------------------------------------------------------|----------------|----------------|
|         | Audit fee to conduct external audit - Victorian Auditor-General appointee | <u>28</u>      | <u>28</u>      |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 33 RELATED PARTY DISCLOSURE

(i) Responsible persons

Names of persons holding the position of a Responsible Person at the Colac Otway Shire Council at any time during the year are:

|                                |                             |                              |
|--------------------------------|-----------------------------|------------------------------|
| <b>Councillors</b>             | Chris Smith (Mayor)         | Tony Graham (part of year)   |
|                                | Warren Riches               | Carol Wilmink (part of year) |
|                                | Joe Di Cecco                | Geoff Higgins (part of year) |
|                                | Peter Mercer                | Brian Crook (part of year)   |
|                                | Fran Lehmann (part of year) | Stuart Hart (part of year)   |
| <b>Chief Executive Officer</b> | Tracey Slatter              |                              |

(ii) Remuneration of Responsible Persons

The numbers of Responsible Officers, whose total remuneration from Council and any related entities fall within the following bands:

|                                                                                                | 2008<br>No.   | 2007<br>No.   |
|------------------------------------------------------------------------------------------------|---------------|---------------|
| \$0 - \$9,999                                                                                  | 6             | -             |
| \$10,000 - \$19,999                                                                            | 2             | 6             |
| \$20,000 - \$29,999                                                                            | 1             | -             |
| \$30,000 - \$39,999                                                                            | 1             | -             |
| \$40,000 - \$49,999                                                                            | -             | 1             |
| \$170,000 - \$179,999                                                                          | -             | 1             |
| \$180,000 - \$189,999                                                                          | 1             | -             |
|                                                                                                | <u>11</u>     | <u>8</u>      |
|                                                                                                | <b>\$'000</b> | <b>\$'000</b> |
| Total Remuneration for the reporting year for Responsible Persons included above, amounted to: | <u>309</u>    | <u>306</u>    |

(iii) No retirement benefits have been made by the Council to a Responsible Person. (2006/07 \$Nil).

(iv) No loans have been made, guaranteed or secured by the Council to a Responsible Person during the reporting year (2006/07 \$Nil).

(v) Other Transactions

No transactions other than remuneration payments or the reimbursement of approved expenses were entered into by Council with Responsible Persons, or Related Parties of such Responsible Persons during the reporting year (2006/07 \$Nil), except that an entity controlled by ex Cr G. Higgins rendered services to the Shire on commercial rates and terms to the value of \$59,708 (2006/07 \$116,296) during the period.

(vi) Senior Officers Remuneration

A Senior Officer other than a Responsible Person, is an officer of Council who has management responsibilities and reports directly to the Chief Executive Officer or whose total annual remuneration exceeds \$100,000.

The number of Senior Officers other than the Responsible Persons, are shown below in their relevant income bands:

|                                                                                            | 2008<br>No.   | 2007<br>No.   |
|--------------------------------------------------------------------------------------------|---------------|---------------|
| Income Range:                                                                              |               |               |
| \$30,000 - \$39,999                                                                        | -             | 1             |
| \$50,000 - \$59,999                                                                        | 1             | -             |
| \$60,000 - \$69,999                                                                        | 1             | -             |
| \$80,000 - \$89,999                                                                        | -             | 1             |
| \$100,000 - \$109,999                                                                      | -             | -             |
| \$110,000 - \$119,999                                                                      | -             | 1             |
| \$120,000 - \$129,999                                                                      | 1             | 1             |
| \$130,000 - \$139,999                                                                      | 2             | -             |
|                                                                                            | <u>5</u>      | <u>4</u>      |
|                                                                                            | <b>\$'000</b> | <b>\$'000</b> |
| Total Remuneration for the reporting year for Senior Officers included above, amounted to: | <u>493</u>    | <u>358</u>    |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

| NOTE 34         | REVENUE AND EXPENSES BY FUNCTION | 2008<br>\$'000    | 2007<br>\$'000    |
|-----------------|----------------------------------|-------------------|-------------------|
| <b>Income</b>   |                                  |                   |                   |
|                 | Rates                            | 14,489            | 13,071            |
|                 | Infrastructure                   | 9,711             | 9,880             |
|                 | Governance                       | 4,124             | 3,581             |
|                 | Strategic Development            | 2,508             | 2,851             |
|                 | Grants Commission                | 2,678             | 2,556             |
|                 | Total Income                     | <u>33,510</u>     | <u>31,939</u>     |
| <b>Expenses</b> |                                  |                   |                   |
|                 | Infrastructure                   | 17,507            | 16,564            |
|                 | Governance                       | 8,312             | 8,366             |
|                 | Strategic Development            | 7,012             | 6,034             |
|                 | Total Expenses                   | <u>32,831</u>     | <u>30,964</u>     |
|                 | <b>Surplus for the year</b>      | <u><b>679</b></u> | <u><b>975</b></u> |

NOTE 35 PORT OF APOLLO BAY

The Council is the Committee of Management for the Port of Apollo Bay. The assets and liabilities of the Committee have been included in Council's financial statements and are summarised below:

|                    |                          |                   |                   |
|--------------------|--------------------------|-------------------|-------------------|
| <b>Assets</b>      |                          |                   |                   |
|                    | Current Assets           | 539               | 612               |
|                    | <b>Total Assets</b>      | <u><b>539</b></u> | <u><b>612</b></u> |
| <b>Liabilities</b> |                          |                   |                   |
|                    | Current Liabilities      | 50                | 13                |
|                    | Non-Current Liabilities  | 10                | 14                |
|                    | <b>Total Liabilities</b> | <u><b>60</b></u>  | <u><b>27</b></u>  |
|                    | <b>Net Assets</b>        | <u><b>479</b></u> | <u><b>585</b></u> |
|                    | Accumulated Funds        | 479               | 585               |
|                    | <b>Total Equity</b>      | <u><b>479</b></u> | <u><b>585</b></u> |



NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

| NOTE 36                          | CAPITAL EXPENDITURE            | Note | 2008<br>\$'000      | 2007<br>\$'000      |
|----------------------------------|--------------------------------|------|---------------------|---------------------|
| <b>Capital Expenditure Areas</b> |                                |      |                     |                     |
|                                  | Roads and streets              |      | 5,697               | 5,411               |
|                                  | Plant and equipment            |      | 1,687               | 676                 |
|                                  | Buildings                      |      | 579                 | 738                 |
|                                  | Parks and gardens              |      | 475                 | 562                 |
|                                  | Footpaths                      |      | 227                 | 417                 |
|                                  | Bridges                        |      | 151                 | 251                 |
|                                  | Drainage                       |      | 121                 | 12                  |
|                                  | Kerbs and channelling          |      | 31                  | 225                 |
|                                  | <b>Total Capital Works</b>     |      | <b><u>8,968</u></b> | <b><u>8,292</u></b> |
| Represented by:                  |                                |      |                     |                     |
|                                  | Renewal of infrastructure      |      | 4,633               | 5,433               |
|                                  | Upgrade of infrastructure      |      | 2,069               | 1,314               |
|                                  | Renewal of plant and equipment |      | 1,403               | 512                 |
|                                  | Upgrade of buildings           |      | 477                 | 382                 |
|                                  | New plant and equipment        |      | 205                 | 65                  |
|                                  | Renewal of buildings           |      | 101                 | 356                 |
|                                  | Upgrade of plant and equipment |      | 80                  | 99                  |
|                                  | New infrastructure             |      | -                   | 131                 |
|                                  | <b>Total Capital Works</b>     |      | <b><u>8,968</u></b> | <b><u>8,292</u></b> |

**Property, Plant and Equipment, Infrastructure movement**

The movement between the previous year and the current year in Property, Plant and Equipment, Infrastructure as shown in the Balance Sheet links to the net of the following items:

|                                                                      |                      |                     |
|----------------------------------------------------------------------|----------------------|---------------------|
| Total Capital Works                                                  | 8,968                | 8,292               |
| Asset revaluation movement                                           | 29,315               | 1,515               |
| Depreciation and amortisation                                        | (7,508)              | (7,435)             |
| Contributions non-monetary assets                                    | 425                  | 2,497               |
| Assets written off                                                   | (237)                | (2,185)             |
| Written down value of assets sold                                    | (658)                | (229)               |
| <b>Net movement in Property, Plant and Equipment, Infrastructure</b> | <b><u>30,305</u></b> | <b><u>2,455</u></b> |

**(a) Renewal**

Expenditure on an existing asset which returns the service potential or the life of the asset up to that which it had originally. It is periodically required expenditure, relatively large (material) in value compared with the value of the components or sub-components of the asset being renewed. As it reinstates existing service potential, it has no impact on revenue, but may reduce future operating and maintenance expenditure if completed at the optimum time.

**(b) Upgrade**

Expenditure which enhances an existing asset to provide a higher level of service or expenditure that will increase the life of the asset beyond that which it had originally. Upgrade expenditure is discretionary and often does not result in additional revenue unless direct user charges apply. It will increase operating and maintenance expenditure in the future because of the increase in the Council's asset base.

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

| NOTE 37                                                                                                                                                                                                                                                                                                                                 | FINANCIAL RATIOS (CONTINUED) |   |        |  |        |  |        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---|--------|--|--------|--|--------|
|                                                                                                                                                                                                                                                                                                                                         | 2008                         |   | 2008   |  | 2007   |  | 2006   |
|                                                                                                                                                                                                                                                                                                                                         | (\$)                         |   | (%)    |  | (%)    |  | (%)    |
| <b>(e) Working capital ratio</b> (to assess Council's ability to meet current commitments).                                                                                                                                                                                                                                             |                              |   |        |  |        |  |        |
| Current assets                                                                                                                                                                                                                                                                                                                          | 8,602                        | = | 226.0% |  | 266.6% |  | 243.2% |
| Current liabilities                                                                                                                                                                                                                                                                                                                     | 3,806                        |   |        |  |        |  |        |
| The ratio expresses the level of current assets the Council has available to meet its current liabilities.                                                                                                                                                                                                                              |                              |   |        |  |        |  |        |
| <b>(f) Adjusted Working capital ratio</b> (to assess Council's ability to meet current commitments).                                                                                                                                                                                                                                    |                              |   |        |  |        |  |        |
| Current assets                                                                                                                                                                                                                                                                                                                          | 8,602                        | = | 321.3% |  | 373.5% |  | 314.9% |
| Current liabilities                                                                                                                                                                                                                                                                                                                     | 2,677                        |   |        |  |        |  |        |
| The ratio expresses the level of current assets the Council has available to meet its current liabilities.                                                                                                                                                                                                                              |                              |   |        |  |        |  |        |
| Current liabilities have been reduced to reflect the long service leave that is shown as a current liability because Council does not have an unconditional right to defer settlement of the liability for at least twelve months after the reporting date, but is not likely to fall due within 12 months after the end of the period. |                              |   |        |  |        |  |        |
| <b>Auditor General KPI ratios</b>                                                                                                                                                                                                                                                                                                       |                              |   |        |  |        |  |        |
| The following five ratios are used by the Victorian Auditor General to assess Council's financial sustainability level.                                                                                                                                                                                                                 |                              |   |        |  |        |  |        |
| <b>(g) Underlying Result</b> (removes non-cash developer contributions and other one-off items from the Operating Result))                                                                                                                                                                                                              |                              |   |        |  |        |  |        |
| Adjusted Net Operating Result                                                                                                                                                                                                                                                                                                           | 254                          | = | 0.8%   |  | -5.0%  |  | 5.0%   |
| Total Underlying Revenue                                                                                                                                                                                                                                                                                                                | 33,085                       |   |        |  |        |  |        |
| <b>(h) Liquidity Ratio</b> (to assess Council's ability to pay its liabilities in the next 12 months)                                                                                                                                                                                                                                   |                              |   |        |  |        |  |        |
| Current assets                                                                                                                                                                                                                                                                                                                          | 8,602                        | = | 226.0% |  | 266.6% |  | 243.2% |
| Current liabilities                                                                                                                                                                                                                                                                                                                     | 3,806                        |   |        |  |        |  |        |
| <b>(i) Indebtedness Ratio</b> (to assess Council's ability to cover longer term liabilities from its own sourced revenue)                                                                                                                                                                                                               |                              |   |        |  |        |  |        |
| Non-current liabilities                                                                                                                                                                                                                                                                                                                 | 5,002                        | = | 24.1%  |  | 31.3%  |  | 34.2%  |
| Own-sourced revenue                                                                                                                                                                                                                                                                                                                     | 20,746                       |   |        |  |        |  |        |
| <b>(j) Self-Financing Ratio</b> (to assess Council's ability to replace assets from cash generated by operations)                                                                                                                                                                                                                       |                              |   |        |  |        |  |        |
| Net operating cash flows                                                                                                                                                                                                                                                                                                                | 8,524                        | = | 25.8%  |  | 24.2%  |  | 22.5%  |
| Underlying revenue                                                                                                                                                                                                                                                                                                                      | 33,085                       |   |        |  |        |  |        |
| <b>(k) Investment Gap Ratio</b> (measures whether Council is spending on infrastructure at a faster rate the infrastructure is depreciating)                                                                                                                                                                                            |                              |   |        |  |        |  |        |
| Capital Spend                                                                                                                                                                                                                                                                                                                           | 8,968                        | = | 119.4% |  | 112.0% |  | 113.0% |
| Depreciation                                                                                                                                                                                                                                                                                                                            | 7,508                        |   |        |  |        |  |        |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 38 PENDING ACCOUNTING STANDARDS

The following Australian Accounting Standards have been issued or amended and are applicable to the Council but are not yet effective. They have not been adopted in preparation of the financial statements at reporting date.

| AASB amendment                                                                                          | Standards affected                                                                                                                       | Outline of amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Application date of Standard | Application date for Council |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------|
| AASB 2006-3 Amendments to Australian Accounting Standards                                               | - AAS27 Financial Reporting by Local Governments<br>- AASB 1045 Land under Roads: Amendments to AAS 27A, AAS 29A and AAS 31A             | From the beginning of the reporting period to which this Standard is first applied, until the end of the first reporting period ending on or after 31 December 2007, transitional provisions shall apply. Under those provisions, local governments, while encouraged to apply full provisions of this Standard, may elect instead not to recognise land under roads as an asset in the balance sheet.                                                                                                                                                                                                                                                         | October 2006                 | 01-July-2008                 |
| AASB 1004 Contributions                                                                                 | AAS 27 Financial Reporting by Local Governments                                                                                          | As this Standard broadly reproduces the requirements relating to certain relevant requirements contained in AAS 27, there will be no direct impact on the financial report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 01-July-2008                 | 01-July-2008                 |
| AASB 1051 Land Under Roads                                                                              | AAS 27 Financial Reporting by Local Governments                                                                                          | In respect to land under roads acquired before 30 June 2008: allows a Council to elect to recognise or not to recognise an asset; requires any adjustment upon recognition to be made against accumulated surplus; requires a Council to disclose its accounting policy; allows a Council to elect to adopt the fair values or a previous revaluation; requires any above elections to be made effective as at 1 July 2008. Requires that land under roads acquired after 30 June 2008 is accounted for in accordance with AASB 116. The impact of any changes that may be required cannot be reliably estimated and is not disclosed in the financial report. | 01-July-2008                 | 01-July-2008                 |
| AASB 1052 Disaggregated Disclosures                                                                     | AAS 27 Financial Reporting by Local Governments                                                                                          | As this Standard broadly reproduces the requirements relating to certain relevant requirements contained in AAS 27, there will be no direct impact on the financial report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 01-July-2008                 | 01-July-2008                 |
| AASB 2007-9 Amendments to Australian Accounting Standards arising from the review of AASs 27, 29 and 31 | AAS 27 Financial Reporting by Local Governments<br>Amendments to AASB 3, AASB 5, AASB 8, AASB 101, AASB 114, AASB 116, AASB 127 AASB 137 | As this Standard broadly reproduces the requirements relating to certain relevant requirements contained in AAS 27, there will be no direct impact on the financial report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 01-July-2008                 | 01-July-2008                 |

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2008

NOTE 37 FINANCIAL RATIOS

|                                                                                                        | 2008<br>(\$) |   | 2008<br>(%) | 2007<br>(%) | 2006<br>(%) |
|--------------------------------------------------------------------------------------------------------|--------------|---|-------------|-------------|-------------|
| (a) <b>Debt servicing ratio</b> (to identify the capacity of Council to service its outstanding debt); |              |   |             |             |             |
| <u>Debt servicing costs</u>                                                                            | 220          | = | 0.7%        | 0.8%        | 0.9%        |
| Total revenue                                                                                          | 32,950       |   |             |             |             |

Debt servicing costs refer to the payment of interest on loan borrowings, finance lease, and bank overdraft.

The ratio expresses the amount of interest paid as a percentage of Council's total revenue.

|                                                                                    |        |   |      |      |      |
|------------------------------------------------------------------------------------|--------|---|------|------|------|
| (b) <b>Debt commitment ratio</b> (to identify council's debt redemption strategy); |        |   |      |      |      |
| <u>Debt servicing &amp; redemption</u>                                             | 728    | = | 4.4% | 5.0% | 5.3% |
| Rate and Charges revenue                                                           | 16,384 |   |      |      |      |

The strategy involves the payment of loan principal and interest, finance lease principal and interest.

The ratio expresses the percentage of rate revenue utilised to pay interest and redeem debt principal.

|                                                                                 |        |   |       |       |       |
|---------------------------------------------------------------------------------|--------|---|-------|-------|-------|
| (c) <b>Revenue ratio</b> (to identify Council's dependence on non-rate income); |        |   |       |       |       |
| Rate and Charges revenue                                                        | 16,384 | = | 49.7% | 46.4% | 44.0% |
| Total revenue                                                                   | 32,950 |   |       |       |       |

The level of Council's reliance on rate revenue is determined by assessing rate revenue as a proportion of the total revenue of Council.

|                                                                          |        |   |       |       |       |
|--------------------------------------------------------------------------|--------|---|-------|-------|-------|
| (d) <b>Debt exposure ratio</b> (to identify Council's exposure to debt); |        |   |       |       |       |
| Total indebtedness                                                       | 7,255  | = | 11.2% | 12.1% | 13.9% |
| Total realisable assets                                                  | 65,004 |   |       |       |       |

For the purposes of the calculation of financial ratios, realisable assets are those assets which can be sold and which are not subject to any restriction on realisation or use.

Any liability represented by a restricted asset (Note 24) is excluded from total indebtedness.

This ratio enables assessment of Council's solvency and exposure to debt. Total indebtedness refers to the total liabilities of Council. Total liabilities are compared to total realisable assets which are all Council assets not subject to any restriction and are able to be realised. The ratio expresses the percentage of total liabilities for each dollar of realisable assets.

NOTE 39

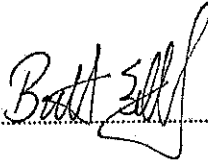
CONTINGENCIES

A potential liability may arise as a result of road works undertaken on Colac Otway Shire's behalf.  
At the current date it is not possible to determine the extent nor to measure the value of this potential liability.

CERTIFICATION OF THE FINANCIAL REPORT

In my opinion the accompanying financial statements have been prepared in accordance with the Local Government Act 1989, the Local Government (Finance and Reporting) Regulations 2004, Australian Accounting Standards and other mandatory professional reporting requirements.

PRINCIPAL ACCOUNTING OFFICER .....



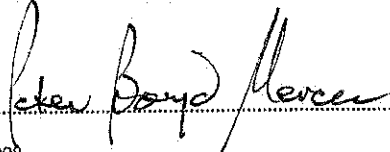
Date: 29 August 2008

In our opinion the accompanying financial statements present fairly the financial transactions of the Colac Otway Shire for the year ended 30 June 2008 and the financial position of the Council as of that date.

As at the date of signing, we are not aware of any circumstances which would render any particulars in the financial statements to be misleading or inaccurate.

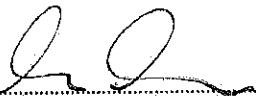
We have been authorised by the Council on 27 August 2008 to certify the financial statements in their final form.

COUNCILLOR .....



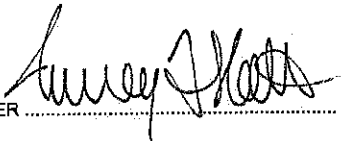
Date: 29 August 2008

COUNCILLOR .....



Date: 29 August 2008

CHIEF EXECUTIVE OFFICER .....



Date: 29 August 2008

# VAGO

Victorian Auditor-General's Office

## INDEPENDENT AUDITOR'S REPORT

### To Councillor's, Colac-Otway Shire Council

#### *The Financial Report and Standard Statements*

The accompanying financial report for the year ended 30 June 2008 of the Colac-Otway Shire Council which comprises of an income statement, balance sheet, statement of changes in equity, cash flow statement, a summary of significant accounting policies and other explanatory notes to and forming part of the financial report, and the certification of the financial report has been audited.

The accompanying standard statements for the year ended 30 June 2008 of the Colac-Otway Shire Council which comprises of a standard income statement, standard balance sheet, standard cash flow statement, standard statement of capital works, the related notes and the certification of standard statements have been audited.

#### *The Councillor's Responsibility for the Financial Report and Standard Statements*

The Councillor's of the Colac-Otway Shire Council are responsible for the preparation and the fair presentation of:

- the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the financial reporting requirements of the *Local Government Act 1989*
- the standard statements in accordance with the basis of preparation as described in note 1 of the statements and the requirements of the *Local Government Act 1989*.

This responsibility includes:

- establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report and standard statements that are free from material misstatement, whether due to fraud or error
- selecting and applying appropriate accounting policies
- making accounting estimates that are reasonable in the circumstances.

#### *Auditor's Responsibility*

As required by the *Audit Act 1994*, my responsibility is to express an opinion on the financial report and standard statements based on the audit, which has been conducted in accordance with Australian Auditing Standards. These Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance whether the financial report and standard statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report and standard statements. The audit procedures selected depend on judgement, including the assessment of the risks of material misstatement of the financial report and standard statements, whether due to fraud or error. In making those risk assessments, consideration is given to internal control relevant to the entity's preparation and fair presentation of the financial report and standard statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of the accounting policies used, and the reasonableness of accounting estimates made by the Councillors, as well as evaluating the overall presentation of the financial report and standard statements.

1

Level 24, 35 Collins Street, Melbourne Vic. 3000

Telephone 61 3 8601 7000 Facsimile 61 3 8601 7010 Email [comments@audit.vic.gov.au](mailto:comments@audit.vic.gov.au) Website [www.audit.vic.gov.au](http://www.audit.vic.gov.au)

# VAGO

Victorian Auditor-General's Office

## Independent Auditor's Report (continued)

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

### *Matters Relating to the Electronic Presentation of the Audited Financial Report and Standard Statements*

This auditor's report relates to the financial statements published in both the annual report and on the website of the Colac-Otway Shire Council for the year ended 30 June 2008. The Councillors are responsible for the integrity of the web site. I have not been engaged to report on the integrity of the web site. The auditor's report refers only to the statements named above. An opinion is not provided on any other information which may have been hyperlinked to or from these statements. If users of this report are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited financial report to confirm the information included in the audited financial report presented on the Colac-Otway Shire Council web site.

### *Independence*

The Auditor-General's independence is established by the *Constitution Act 1975*. The Auditor-General is not subject to direction by any person about the way in which his powers and responsibilities are to be exercised. In conducting the audit, the Auditor-General, his staff and delegates complied with all applicable independence requirements of the Australian accounting profession.

### *Auditor's Opinion*

In my opinion:

- the financial report presents fairly, in all material respects, the financial position of the Colac-Otway Shire Council as at 30 June 2008 and its financial performance and cash flows for the year then ended in accordance with applicable Australian Accounting Standards (including the Australian Accounting Interpretations), and the financial reporting requirements of the *Local Government Act 1989*.
- The standard statements present fairly, in all material respects, in accordance with the basis of preparation as described in note 1 to the statements and comply with the requirements of the *Local Government Act 1989*.

MELBOURNE  
3 September 2008

  
D D R Pearson  
Auditor-General



## *Performance Measures for Strategic Objectives:*

| Strategic Objective               | Performance Measure                                                                                                                                                | How Data is Reported                                | 2007 – 2008 Targets | 2007 – 2008 Actuals |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------|---------------------|
| <b>Governance</b>                 | Ensure that Council Plan Priorities are implemented.                                                                                                               | Council Records.                                    | 80%                 | 81%                 |
|                                   | Increase the Index Mean for Council's advocacy and community representation on key local issues to be equal to or better than the median of the Large Rural Shires | Local Government Community Satisfaction Survey 2008 | 62                  | 54                  |
|                                   | Increase the Index Mean for Council's engagement in decision making on key on key local issues to be equal to or better than the median of the Large Rural Shires  | Local Government Community Satisfaction Survey 2008 | 58                  | 45                  |
|                                   | Increase the Index Mean for overall performance generally of the Council to equal or better than the median of the Large Rural Shires                              | Local Government Community Satisfaction Survey 2008 | 61                  | 51                  |
| <b>Financial Sustainability</b>   | Ensure the Working Capital Ratio (Current Assets to Current Liabilities) is maintained at 1.25:1 (Est AIFRS Adj)                                                   | Audited Financial Statements                        | 1.25:1              | 2.26:1              |
| <b>Roads &amp; Infrastructure</b> | Ensure the Asset Renewal Gap is reduced                                                                                                                            | Council Records                                     | 75%                 | 97%                 |
|                                   | Percentage of Capital Works expenditure projects completed                                                                                                         | Council Records                                     | 90%                 | 83%                 |

# **NOTES TO AND FORMING PART OF THE PERFORMANCE STATEMENT FOR 2007/2008**

## **Introduction to the Performance Statement**

The Victorian Government is of the view that it is reasonable to expect all councils to collect and publish performance information. An amendment to the Local Government Act 1989 (Section 153) ensured that local government develops new performance accountability mechanics that allow for a consistent approach in the collection and reporting of information and community satisfaction. Without comparable figures, a great deal of benefit of measuring performance is lost.

The use of performance indicators by local government is a significant first step towards achieving:

- An improved capacity to objectively measure council performance leading to a better set of relationships between state and local government.
- Better informed local communities.

Since 1997/98, there has been a requirement for councils to adopt an annual business plan as part of its corporate planning cycle and to include in its annual report a statement of performance against the targets set in the annual business plan.

The Victorian Government has recently reviewed the requirements of all Victorian Council's in identifying a standard set of performance indicators and those not forming part on Council's Annual Business Plan are separately reported in the Annual Report.

## **Common Terms**

The majority of the terms used in the performance statement are the same as those used in the financial statements. However some of the terms are different. A full and detailed explanation of each indicator, how it is calculated, its purpose and interpretation etc, can be found in the "Explanatory Guide" which is available from the Council.

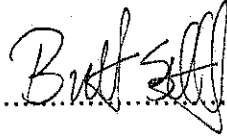
Short explanation of a "different" term used are listed below:

**Customer Satisfaction Ratings** – Indexed mean of 350 respondents' answers in a survey, conducted by the independent strategic research consultants Wallis Consulting Group, asking them to rate council's performance. The indexed mean is a weighted score across five performance ratings being 100 – for an excellent / outstanding performance, 80 – a good / high standard, 60 – adequate / acceptable, 40 – needs some improvement and 20 – needs a lot of improvement.

## CERTIFICATION OF PERFORMANCE STATEMENT

In my opinion, the accompanying performance statement of the Colac Otway Shire Council in respect of 2007/2008 financial year has been prepared in accordance with *the Local Government Act 1989*.

PRINCIPAL ACCOUNTING OFFICER: .....



Date: 29 August 2008

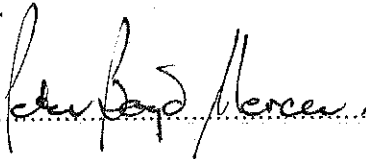
In our opinion, the accompanying performance statement of the Colac Otway Shire Council in respect of 2007/2008 financial year is presented fairly in accordance with *the Local Government Act 1989*.

The statement outlines the performance targets and measures set out in relation to the achievement of the business plan in respect of that year described in the Council Plan and describes the extent to which the business plan was met in that year having regard to those targets and measures.

As at the time of signing, we are not aware of any circumstance which would render any particular in the statement to be misleading or inaccurate.

NAME: Peter Mercer

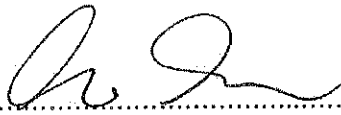
COUNCILLOR: .....



Date: 29 August 2008

NAME: Chris Smith

COUNCILLOR: .....



Date: 29 August 2008

NAME: Tracey Slatter

CHIEF EXECUTIVE OFFICER: .....



Date: 29 August 2008

# VAGO

Victorian Auditor-General's Office

## INDEPENDENT AUDIT REPORT

### To the Councillors, Colac-Otway Shire Council

#### *The Performance Statement*

The accompanying performance statement for the year ended 30 June 2008 of the Colac-Otway Shire Council which comprises the statement, the related notes and the certification of the performance statement has been audited.

#### *The Councillors Responsibility for the Performance Statement*

The Councillors of the Colac-Otway Shire Council are responsible for the preparation and the fair presentation of the performance statement in accordance with the *Local Government Act 1989*. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the performance statement that is free of material misstatement, whether due to fraud or error.

#### *Auditor's Responsibility*

As required by the *Local Government Act 1989*, my responsibility is to express an opinion on the performance statement based on the audit, which has been conducted in accordance with Australian Auditing Standards. These Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance whether the performance statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the performance statement. The audit procedures selected depend on judgement, including the assessment of the risks of material misstatement of the performance statement, whether due to fraud or error. In making those risk assessments, consideration is given to internal control relevant to the entity's preparation and fair presentation of the performance statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the overall presentation of the performance statement.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

#### *Matters Relating to the Electronic Presentation of the Audited Performance Statement*

This auditor's report relates to the statement of performance published in both the annual report and on the website of the Colac-Otway Shire Council for the year ended 30 June 2008. The Councillors are responsible for the integrity of the web site. I have not been engaged to report on the integrity of the web site. The auditor's report refers only to the statements named above. An opinion is not provided on any other information which may have been hyperlinked to or from these statements. If users of this report are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited performance statement to confirm the information included in the audited performance statement presented on the Council's web site.

# VAGO

Victorian Auditor-General's Office

## Independent Audit Report (continued)

### *Independence*

The Auditor-General's independence is established by the *Constitution Act 1975*. The Auditor-General is not subject to direction by any person about the way in which his powers and responsibilities are to be exercised. In conducting the audit the Auditor-General, his staff and delegates complied with all applicable independence requirements of the Australian accounting profession.

### *Auditor's Opinion*

In my opinion, the performance statement of the Colac-Otway Shire Council in respect of the 30 June 2008 financial year presents fairly, in all material respects, in accordance with the *Local Government Act 1989*.

MELBOURNE  
3 September 2008

  
D D R Pearson  
Auditor-General

## Acronyms and Definitions

|                   |                                                                  |
|-------------------|------------------------------------------------------------------|
| <b>ALCAM</b>      | Australian Level Crossing Assessment Model                       |
| <b>AWATS</b>      | Aerated Water Treatment Systems                                  |
| <b>BGANZ</b>      | Botanic Gardens Australia and New Zealand                        |
| <b>BRWMG</b>      | Barwon Regional Waste Management Group                           |
| <b>CAC</b>        | Colac Area Health                                                |
| <b>CCMA</b>       | Corangamite Catchment Management Authority                       |
| <b>CCP</b>        | Cities for Climate Protection                                    |
| <b>CEO</b>        | Chief Executive Officer                                          |
| <b>CFA</b>        | Country Fire Authority                                           |
| <b>COPACC</b>     | Colac Otway Performing Arts and Cultural Centre                  |
| <b>COSWORKS</b>   | Colac Otway Shire Works Unit                                     |
| <b>CPI</b>        | Consumer Price Index                                             |
| <b>DARE</b>       | Disability Access Radio Express                                  |
| <b>DR</b>         | Disaster Recovery                                                |
| <b>DMS</b>        | Document Management Services                                     |
| <b>DSE</b>        | Department of Sustainability and Environment                     |
| <b>EDMS</b>       | Electronic Document Management System                            |
| <b>EPA</b>        | Environment Protection Authority                                 |
| <b>EFT</b>        | Effective Full Time employees                                    |
| <b>GAP</b>        | Greenhouse Action Plan                                           |
| <b>G21</b>        | Geelong Regional Alliance                                        |
| <b>GIS</b>        | Geographic Information System                                    |
| <b>GPS</b>        | Global Positioning System                                        |
| <b>HACC</b>       | Home and Community Care for the aged and those with disabilities |
| <b>ICLEI</b>      | International Council for Local Environmental Initiatives        |
| <b>ICT</b>        | Information, Communication and Technology                        |
| <b>ICTSP</b>      | Information Communications and Technology Strategic Plan         |
| <b>IFMP</b>       | Integrated Fire Management Plan                                  |
| <b>Interplan®</b> | Council's Corporate Performance Management software system       |
| <b>ISU</b>        | Information Services Unit                                        |
| <b>JMAPP</b>      | Jardine Municipal Asset Protection Package                       |
| <b>LG</b>         | Local Government                                                 |
| <b>MAV</b>        | Municipal Association of Victoria                                |
| <b>MSS</b>        | Municipal Strategic Statement                                    |
| <b>NCAC</b>       | National Childcare Accreditation Council                         |
| <b>OH&amp;S</b>   | Occupational Health and Safety                                   |
| <b>PES®</b>       | Council's Corporate Personnel Evaluation software system         |
| <b>RDV</b>        | Regional Development Victoria                                    |
| <b>RIDF</b>       | Regional Infrastructure Development Funds                        |
| <b>SafetyMAP</b>  | Accreditation through the Victorian WorkCover Authority          |
| <b>SAP</b>        | Sustainability Action Plan                                       |
| <b>SEMP</b>       | Safety Environment Management Plan                               |
| <b>SWLLEN</b>     | South West Local Learning Education Network                      |
| <b>SWUP</b>       | Sustainable Water Use Action Plan                                |
| <b>VCAT</b>       | Victorian Civil and Administrative Tribunal                      |
| <b>VDPAC</b>      | Victorian Drug and Alcohol Council                               |
| <b>VECCI</b>      | Victorian Employers Chamber of Commerce and Industry             |
| <b>VEP</b>        | Volunteer Engagement Project                                     |
| <b>WorkSafe</b>   | Victorian WorkCover Authority                                    |

# CONTACTING THE COUNCIL

## Contacting Your Councillors

| Councillor                                  | Address                                            | Contact Details                                                                                                                                       |
|---------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Cr Chris Smith (Mayor)</b><br>Colac Ward | 1330 Bungador Road<br>Swan Marsh 3249              | Phone BH/AH: 5235 1255<br>Mobile: 0419 351 255<br>Fax: 5235 1451<br>Email: <a href="mailto:cjmjsmith@bigpond.com">cjmjsmith@bigpond.com</a>           |
| <b>Cr Fran Lehmann</b><br>Colac Ward        | 41 Murray Street East<br>Colac 3250                | Phone/Fax: 5231 3965<br>Mobile: 0419 597 503<br>Email: <a href="mailto:lehmann.frances.j@edumail.vic.gov.au">lehmann.frances.j@edumail.vic.gov.au</a> |
| <b>Cr Tony Graham</b><br>Colac Ward         | P O Box22<br>Birregurra 3250                       | Mobile BH: 0419 352 498<br>Email: <a href="mailto:tony.graham@colacotway.vic.gov.au">tony.graham@colacotway.vic.gov.au</a>                            |
| <b>Cr Carol Wilmink</b><br>Otway Ward       | 665 Barham River Road<br>Apollo Bay 3233           | Phone BH/AH: 5237 6987                                                                                                                                |
| <b>Cr Joe Di Cecco</b><br>Otway Ward        | Suite 4, 93 Great Ocean Road<br>Apollo Bay 3233    | Phone BH: 5237 7999<br>Mobile: 0418 522 197                                                                                                           |
| <b>Cr Warren Riches</b><br>Warrion Ward     | "Derrimut"<br>Ondit Warrion Road<br>Warrion 3249   | Phone/Fax: 5234 8206<br>E-mail: <a href="mailto:warrenr@bordnet.com.au">warrenr@bordnet.com.au</a>                                                    |
| <b>Cr Peter Mercer</b><br>Murray Ward       | Meadowell Farm<br>160 Meadowell Road<br>Colac 3249 | Phone: 5236 6246<br>Fax: 5236 6546                                                                                                                    |

### Colac Service Centre

2-6 Rae Street  
Colac Vic 3250

Phone: (03) 5232 9400  
Fax: (03) 5232 1046

Hours: 8.30am – 5.00pm  
Monday to Friday

### Postal Address:

PO Box 283  
Colac Vic 3250

### Email Address:

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

### Website Address:

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

### Apollo Bay Service Centre

69 Nelson Street  
Apollo Bay Vic 3233

Phone: (03) 5237 6504  
Fax: (03) 5237 6734

Hours: 8.30am – 1.00pm  
Monday to Friday

**OM082810-10 JULY 2008 - SEPTEMBER 2008 FIRST QUARTER PERFORMANCE REPORT**

AUTHOR: Anne-Maree Neal                      ENDORSED: Colin Hayman  
DEPARTMENT: Corporate and Community Services      FILE REF: GEN0329 Budget

**Purpose**

This report provides information to Council and the community on the progress of achieving Council Priority Issues, Capital Works Program and key operational areas for the 3 month period to the end of September 2008.

Please refer to the Attachments to this report for more detailed information on:

- Council Plan Progress Report;
- Financial Performance Report; and
- Capital Works Progress Report;

**Council Plan Update**

The attached report provides Council with the first quarter progress report as at 30 September 2008 for the 2008/09 financial year against the Council Plan 2005-2009.

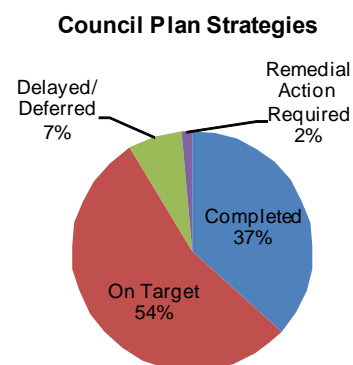
The Council Plan consists of seven themes or "Community Priorities", for the Shire during the four year Council Plan period.

- Strong Leadership;
- Roads and Infrastructure;
- Planning and Development;
- Health, Recreation and Community Services;
- Economic Development;
- Environment Sustainability; and
- Financial Sustainability.

Each Community Priority incorporates a number of Council Plan Objectives (what we want to achieve) and Strategies (how we will approach it). The Strategies are reviewed and updated every 12 months and form the basis of Annual Business Plans (what we will do) and Budgets for each Business Unit of Council.

The Council Plan contains 68 strategies. Of these, 25 are completed, 37 are on target, 5 have been delayed or deferred and 1 requires remedial action. NB: Council Plan strategies and actions cannot be deferred unless this course of action is endorsed by Council.

Progress against the strategies and Annual Business Plan actions are routinely updated in the Interplan® business software performance system. Along with progress comments,



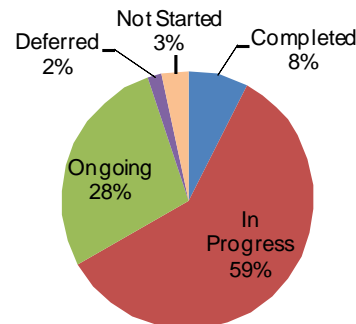


responsible officers are required to indicate the current status and the percentage of achievement.

Annual Business Plans contain a total of 117 Council Plan actions for the 2008/09 financial year. Of these 69 Actions are 'In Progress', 33 are Ongoing, 9 are completed, 5 are deferred or delayed and 1 requires remedial action.

As at 30<sup>th</sup> September 2008, the end of the first quarter, the organisation is on track to achieve a successful outcome for this financial year.

**Progress of Council Plan Actions**



### Financial Performance Update

As at the 30 September 2008 it is forecast that the accumulated cash deficit for the 2008/2009 year will be approximately \$0.47 million. It is worth noting that the budget expectations were for a cash deficit of approximately \$1.1 million over the year, so although the forecast result is not yet on a positive footing, the forecast deficit is a substantial improvement on the budget.

Additionally, based upon current forecasts, an operating surplus of approximately \$0.13 million is predicted for the year. This is approximately \$0.09 million less than the budget result expected for the year. This minimal difference between budget and forecast is a positive result; especially as it has made provision for possible rectification of damage to native vegetation at Cressy-Shelford Road.

It continues to be a priority of Council to achieve an operating surplus for the 2008/2009 year that we will continue to refine our forecasts and adjust our activities to ensure that, insofar as it is possible, Council is in the position to report an operating surplus for the 2008/2009 financial year.

Council has a cash at bank balance of \$3.44 million, which is marginally lower than for the same time in 2007/2008. Rates notices were issued to rate payers during September and reminders for instalments will be sent each quarter. To date we have received 12.90% of the rates and charges which is a slightly higher proportion than for the same period last year of 12.10%. Council has also received \$0.078 million in investment interest for the year to 30<sup>th</sup> September 2008 which is slightly lower than for the same period last year due to a slightly lower level of cash held.

Council's financial position will continue to be monitored with the following aims in mind:

- An operating surplus achieved for the second consecutive year;
- Council continuing to meet the Infrastructure Renewal Gap;
- Delivery of responsible projects designed to enhance the community;
- Delivery of a strong capital works programme; and
- An improved positive financial position.

Over the coming months with the above aims in mind and the meeting of statutory requirements the following important financial management projects will be undertaken:

- Recognition of Council's Land and building assets;
- Recognition of Council's land under roads;

- Development of Investment strategy and policy documents\*;
- Review of Councils financial management policies, procedures and practices; and
- Modelling for Long Term Financial Planning.

\* In today's volatile market, Council can be reassured that the current investment strategy utilised by Council would be termed 'very conservative'. All of Council's funds are maintained in accounts that are currently secured by the Commonwealth Government's current deposit guarantee provisions. Prior to the announcement of the deposit guarantee by the Commonwealth government, Council's funds have been held consistently in very conservative, secure investments and have not been utilised in any speculative investment schemes. Council can be assured that all funds are managed in a safe and secure manner.

The forecast indicates that the financial viability of Council will continue improve, provided that financial sustainability considerations are a strong element of all decision making processes. Key information concerning the position of Council at the end of September are included as attachments to this report.

Full details of the progress of each individual capital works project contained in the 2008/09 program are presented in the attached 'Interplan 'Council Plan Capital Works Progress Report.

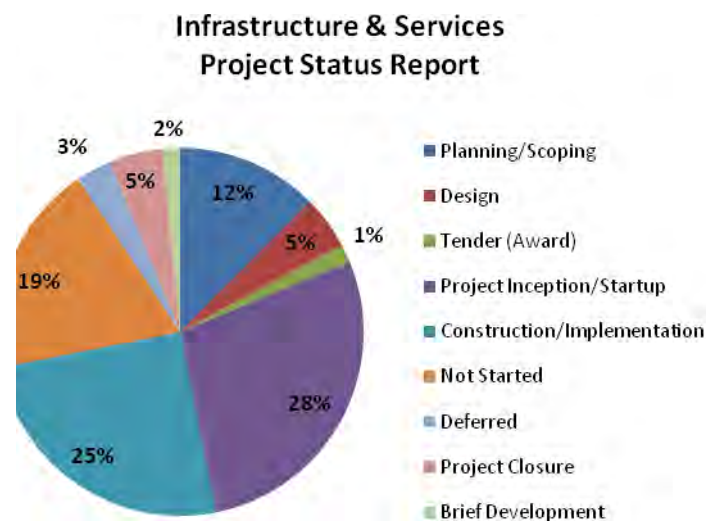
### Capital Works Program Update

The capital works and major projects budget for the year in 2008/09 is \$10.114 million of which \$9.664 million relates to capital asset works and \$450,000 for major operational projects to recurrent capital projects.

Steady progress is being made in order to finalise those projects which have been carried over from 2007/08 however implementation of the 2008/09 Capital Works Program is proceeding at a slower rate than expected. Delays to the delivery of some items in this year's Capital Works Program are now likely to be expected as a result of significant changes being made to processes to support the existing basic systems for the planning and execution of projects.

It is not clear at this stage as to the number of projects which may be delayed, this will become more apparent during the course of the year. An analysis of the projects being directly managed by the Infrastructure and Services Department indicates that 25% of projects are in the construction/implementation phase, 28% have reached startup, 12% are still within the planning cycle, and 19% of projects have yet to start.

The implemented changes have resulted in quite an increase in workload but the improvements made to existing project management systems and processes have been



essential to minimise levels of risk to Council. They also support the achievement of project and organisational goals and give greater assurance to stakeholders that resources are being managed effectively.

- **Contracts awarded and tenders advertised for July 2008 to September 2008**

**JULY 2008****Contracts Awarded**

| <b>Contract No.</b>       | <b>Description Contractor</b> | <b>Value \$<br/>(excluding GST)</b> |
|---------------------------|-------------------------------|-------------------------------------|
| No Contracts were awarded |                               |                                     |

**Tenders Advertised**

| <b>Tender No.</b>          | <b>Description Closing</b> | <b>Date</b> |
|----------------------------|----------------------------|-------------|
| No Tenders were advertised |                            |             |

**AUGUST 2008****Contracts Awarded**

| <b>Contract No.</b> | <b>Description Contractor</b> | <b>Value \$<br/>(excluding GST)</b> |
|---------------------|-------------------------------|-------------------------------------|
| 0809                | Regional Trails Masterplan    | Inspiring Place<br>99,845           |

**Tenders Advertised**

| <b>Tender No.</b> | <b>Description Closing</b>                | <b>Date</b> |
|-------------------|-------------------------------------------|-------------|
| 0801              | Binns Road Bridge                         | 27/8/08     |
| 0812              | Pound Road Reconstruction                 | 10/9/08     |
| 0813              | Bituminous Sealing Works                  | 27/8/08     |
| 0816              | Living At Home Assessment Practice Manual | 17/9/08     |

**SEPTEMBER 2008****Contracts Awarded**

| <b>Contract No.</b> | <b>Description Contractor</b> | <b>Value \$<br/>(excluding GST)</b> |
|---------------------|-------------------------------|-------------------------------------|
| 0813                | Bituminous Sealing Works      | Boral Resources (Vic)<br>827,730.40 |

**Tenders Advertised**

| <b>Tender No.</b>          | <b>Description Closing</b> | <b>Date</b> |
|----------------------------|----------------------------|-------------|
| No Tenders were advertised |                            |             |

## Key Infrastructure Projects Update

- **Auslink Regional Strategic Regional Roads Program**

Colac Otway Shire has two (2) projects which have been funded under the Federal Government's Strategic Regional Roads Program, the widening of Poorneet Road and the upgrade of a section of Swan Marsh Irrewillipe Road.

The widening of Poorneet Road has largely been completed with a final seal to be applied as a component of Council's 2008/09 Sealing Program. The construction of the unsealed section of Swan Marsh Irrewillipe Road is due to commence in the latter half of 2008/09 with design and project planning requirements nearing finalisation.

- **Local Roads to Markets Program**

Funding was received from the State Government's Local Roads to Market Program to widen the section of Larpent Road extending between the Princes Highway and Underwoods Road (Colac Carlisle Road). Good progress on implementing this project is being made, with detailed design reaching finalisation. All key project planning outcomes have been achieved (e.g. statutory planning referrals, cultural heritage requirement checks, etc). It is intended that construction activities will commence prior to December 2008 subject to the completion of an environmental impact assessment.

- **Better Roads Program – Local Timber Roads**

Council has included two projects on its 2008/09 Capital Works Program primarily aimed at supporting the timber industry. These projects are the replacement of the Binns Road Bridge over the Aire River and other upgrades to Binns Road extending from the bridge to Beech Forest Road. These improvements include gravel resheeting, drainage, signage upgrades, etc.

Tenders for the replacement of the bridge have been evaluated with the intention of awarding the contract this month (Oct'08). The commencement of road upgrade works are subject to statutory planning approval and therefore are unlikely to commence until late in the 2008 calendar year.

- **Special Charge Schemes**

### 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 is programmed in the 2008/2009 Capital Works Program, with tenders advertised in August 2008 and the contract awarded to Lake & Land Pty Ltd at the September 2008 Council Meeting.

### Slater Street, Elliminyt - Road Construction

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

The tender for the construction of the unsealed section of Slater Street was advertised on the 26 October 2007 and awarded to R Slater and Sons. Construction was programmed in the 2007/2008 Capital Works Program, and is a carryover project as the construction was not completed by the end of June 2008. The works commenced at the end of May 2008. To

date civil works have reached practical completion, with a final seal to be done at the same time as Council's Sealing program.

#### 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 were also sent to all residents seeking their feedback on whether they wish Council to further investigate the project by way of a Special Charge Scheme. Of the 35 surveys sent, 13 property owners requested further investigation of a special charge scheme, 12 property owners did not want further investigation, and 10 properties did not respond.

A Meeting of the Residents Representative Committee was held on the 25 August 2008 to discuss the progression of the project. Information regarding apportionment methods and scope of works will be distributed shortly, with a follow up meeting of the Residents Representative Committee to be held in the coming weeks.

#### 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 were sent to all residents seeking their feedback on whether they wish Council to further investigate the project by way of a Special Charge Scheme. Results indicate mixed support for further investigation of the construction of Sinclair Street by way of a Special Charge Scheme. Strong support exists for the construction of Sinclair Street between Pound Road and Aireys Street, however no support exists for the construction of Sinclair Street between Aireys Street and Irrewillipe Road.

The project proposal will be reviewed and discussed with the property owners prior to any further investigation of the construction of Sinclair Street.

- **Road Safety Strategy**

Council's existing Road Safety Strategy is presently being reviewed and updated. This is being undertaken in collaboration with the Corangamite Shire (with strong links to the Corangamite Policing District). Both municipalities have committed funding to the project. An external consultant has been appointed with the Strategy to be developed during 2008/09.

The aim of the Road Safety Strategy is to integrate road safety with the various services that Council provides to the community.

A stakeholder meeting was held on 14 August 2008 involving VicRoads, Victoria Police, Corangamite Shire, RoadSafe Colac and Colac Otway Shire. Council officers attending provided input into the strategy to ensure that the various road safety programs delivered by each organisation are consistent and complement each other.

- **Roads Committee**

The last Roads Committee Meeting was held on 2 September 2008 with reports providing:

- An update on current Special Charge Schemes;
- A status report on the progress being made on road specific projects contained within the 2008/09 Capital Works Program;
- An update on the work being done to review Council's existing Road Safety Strategy; and
- An indication of the level of compliance of Council's road management activities with the defined standards of the Road Management Plan.

- **Gellibrand Landfill Rehabilitation**

The design drawings and specification for this project has been completed. A planning permit application has been lodged and negotiations underway with Parks Victoria for signing of a Memorandum of Understanding (MOU) for site access and determining long term maintenance responsibilities of both parties. A native vegetation assessment now needs to be undertaken as part of planning permit requirement.

- **Apollo Bay Transfer Station**

Negotiations have commenced for the purchase of land within the proposed Industrial Estate Subdivision at Apollo Bay. The final design drawings have been submitted to the Planning Department for planning permit approval. Part of the planning permit requirement is that a Cultural and Heritage Management Plan (CHMP) needs to be prepared. This process will commence in mid October. Council has received a grant from Sustainability Victoria to assist with some aspects of the project.

- **Barwon Regional Waste Management Group (BRWVG – Total Waste Management)**

Council relies upon BRWVG – Regional Waste Treatment facilities for efficient disposal of recycling material and putrescible waste. The Regional Waste Tendering process has been successfully undertaken and process is currently underway for member Councils entering into individual contracts. Each member Council will be required to enter into their own contract depending on their specific requirements. It has been proposed to form a contracts monitoring committee for which a Terms of Reference are being developed.

- **Marengo Transfer Station**

With the ongoing use of the Marengo Transfer Station past its anticipated date, maintenance works have been carried out to bring the transfer station up to a more usable standard prior to the busy summer months. Works have included cleaning of drains and carting of material to create a more suitable base for the contractors to work with and remove depressions in the surface which were pooling with water. Cosworks have assisted as the main contractor in drain clearing, cartage of material and compacting of site.

- **Beech Forest Waste Collection Site**

Council officers have met with representatives of the Beech Forest Progress Assoc. in regards to determining the most suitable site for the relocation of Waste Collection, with further discussion scheduled for the next Progress Assoc meeting on the 4 November.

- **Bring your Bin In Campaign**

Following complaints in the Skenes Creek area, letters have been forwarded to non resident home owners and Real Estate Agents operating in Skenes Creek reminding them of their responsibility to 'bring their bins in'.

**Attachments**

- Council Plan Progress Report
- Financial Performance Report
- Capital Works Progress Report

**Recommendation(s)**

***That Council receive for information the 2008/2009 First Quarter Performance Report for the three months ending 30 September 2008.***

~~~~~



✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Priority 1 Roads and Infrastructure

Objective 1.1 Increased State and Federal Government funding for infrastructure projects

Strategy	Status	Comments
Advocate for the upgrade of Turtons Track as a major sealed 2WD Touring route.	✓	Strategy completed – Turtons Track upgraded
Advocate for improved infrastructure services – telecommunications	✓	Telstra planning to install a Mobile tower at Beech Forrest in early 2009. Optus planning to install Mobile towers in Lavers Hill and Forrest.
Advocate for the upgrade of the main access roads between Princes Hwy and the Great Ocean Road including the Colac/Forrest Road, Birregurra/Forrest Road, Forrest/Skenes Creek Road and Forrest/Apollo Bay Road and the Colac/Lavers Hill Road consistent with actions contained in the Great Ocean Road Regional Strategy.	✓	
Advocate for the location of the Geelong By-Pass connection with the Princes Highway to enable a continuous 100kmh speed zone.	✓	
Advocate for the Construction of a dual carriageway Princes Highway from Geelong to Colac and then beyond to the South Australian border.	✓	Funding commitment achieved from both State & Federal Governments for duplication to Winchelsea.
Advocate for the development of an alternative heavy vehicle route for the City of Colac.	✓	
Advocate for the identification of a designated route for the future location of a Colac By-Pass for the Princes Highway.	✓	Colac Structure Plan adopted by Council at the March 2007 Meeting. The Plan recommends that origin - destination surveys be undertaken following completion of the Geelong Bypass, and after allowing sufficient time for traffic patterns to settle. This will enable data and needs to be properly assessed. No further work is to be undertaken until that time.
Continue increased funding of infrastructure asset renewal, particularly on rural road resheeting, drainage, timber bridges and footpaths.	*	Ongoing. Projects funded under Roads to Recovery, Auslink and Better Roads are included in the 08/09 Capital Works program. Project planning nearing completion.

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Objective 1.2 Improved and renewed infrastructure

Strategy	Status	Comments
Investigate the feasibility of a Regional Saleyards complex with other municipalities in the G21 Region.	✓	Strategy completed. Reported to Council September 2005.
Develop and implement the Asset Management Plans and Asset Management System for all infrastructure categories.	*	<p>Building Asset Management Plan prepared and reviewed. Detailed Building Register updated and rationalised including ownership details and land status. Financial Plan prepared for Asset Management Working Group consideration and submission to Executive for review and report to Council. Outcomes for sustainability will drive the final acquisition and disposal strategy which once completed will be incorporated into the Asset Management Plan.</p> <p>The Parks & Gardens best Value review has been started but has not been completed. The information from the Best Value review of Parks and Gardens review, when completed, will assist the overall review of maintenance, renewal expenditure and service levels which in turn will be documented into the formal Asset Management Plan for Parks & Gardens.</p>
Implement the Road Safety Plan and Council approved road safety initiatives in partnership with VicRoads and other agencies.	*	Draft Road Safety Strategy has been prepared in conjunction with Corangamite Shire and other key stakeholders. Currently being reviewed, including VicRoads consultation, prior to finalisation and submission to Council for adoption.
Manage our roads consistent with Council's Road Management Plan.	*	Compliance with Council's Road Management Plan. Reports provided to Roads Committee.
Strategically manage the impacts on Council's local road network giving consideration to emerging industries and changes in transport demands.	*	Transport Strategy being prepared associated with the Education Recreation Precinct traffic impacts; G21 Strategic Transport plan adopted complimenting South West Regional Transport Plans and successful grant application was received relating to the State Government's Farmers to Markets Program.
Provide appropriate Waste Management facilities in accordance with Best Practice.	*	Rehabilitation program ongoing as per the Regional Waste Management Group Plan. Planning Permit in progress for Gellibrand Landfill rehabilitation with works expected to be undertaken within third quarter..

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Priority 2 Planning and Development

Objective 2.1 Sustainable development of the Colac Otway Municipality

Strategy	Status	Comments
Develop and implement a Sustainability Action Plan for the organisation and the Community.	*	Council successful in achieving a \$30,000 grant to develop an Environment Strategy. The Strategy is expected to be completed by November 2009. Implementing actions in the Greenhouse Action Plan and Sustainable Water Use Plan.
Continue to implement the Lake Colac Master Plan and Management Plan, including advocating for funding contributions from the State Government, relevant Authorities and the community.	()	Works deferred until the Cultural Heritage Management Plan is produced. Site inspections and research for this have been completed with a draft report expected mid October. Once this is complete and agreed upon by Aboriginal Affairs Victoria, works will commence. A vegetation survey has been undertaken along the Lake Colac foreshore and Barongarook Creek, which will form the weed control works for 2008/09. Recommendations for controlling sediment flows in to the Lake are being incorporated into the Lake Colac Revegetation and Weed Control Plan..
Continue the redevelopment of the Apollo Bay Harbour, including the development of a Concept Plan specific to the Apollo Bay Harbour precinct, which will form an important component of the Apollo Bay Structure Plan.	*	Audit report on the Marina received in August 08 and recommendations adopted by Council at Sep 08 meeting. Recommendations being implemented with works commenced on the slipway, signage and induction process for users. 'Enquiry by Design' public consultation forum held. A new concept for the Master Plan achieved with community and State Government involvement.

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Objective 2.2 Well planned and developed municipality

Strategy	Status	Comments
Continue the development of the Colac Botanic Gardens.	✓	
Develop a Colac Structure Plan that provides a long term vision for Colac, by setting a planning and development framework that will provide for the orderly sequencing of development. This will ensure that community and infrastructure servicing, open space, industrial and commercial facilities are provided in a staged and efficient manner.	✓	Colac Structure Plan developed. Advocacy to continue with VicRoads with a view to them completing an Integrated Traffic Management Plan to deal with the implications of the Princes Highway upgrade project on traffic flow within Colac and its environs.
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.	*	Planning Scheme review completed. Submissions to Amendment C55 of the Planning Scheme heard by independent Panel. Report received September 08 and made available to the public. The Panel supported the majority of amendments subject to some minor changes. A report to Council for adoption of the Amendment is anticipated prior to the end of 2008.
Prepare a Developer Contributions Plan which will facilitate developer contributions towards the provision of social and physical infrastructure.	0	Deferred – awaiting State Government “off-the-Shelf” levies.
Improve the Eastern Entrance to Colac.	0	Not yet funded due to other higher funding priorities of Council. Improved town entrance signage to be investigated as an interim approach. This project will be reviewed as part of the Community Planning process, which is being presented to Council through the Budget process for 2008/09.
Complete the Apollo Bay Structure Plan incorporating the results of the Apollo Bay character Study to provide guidance and direction for the future development of Apollo Bay, including the identification of car parking needs, a continuation of the streetscape development program, and the development of a Concept Plan for the future development of the Apollo Bay Harbour.	*	Apollo Bay Structure Plan and Character Study completed. Project Brief prepared for car parking study and tenders called. Apollo Bay Harbour draft Master Plan being reviewed.
Complete a Neighbourhood Character Study and Structure Plan which will provide guidelines and a policy basis for determining development applications in the towns of Kennett River, Wye River, Skenes Creek and Separation Creek.	*	Structure plans adopted by Council in February 2008. A planning scheme amendment to implement the Structure Plan is currently being prepared. The Minister’s authorisation to proceed will then be sought. Amendment expected to be placed on exhibition early in 2009.
Prepare Structure Plans that provide long-term vision and planning and development framework for the townships of Birregurra and Forrest.	*	Draft project brief prepared. Tenders for Consultants to undertake the project expected to be called for late 2008.
Through effective community engagement, develop a Colac Otway 2030 Vision, with a view to developing a long-term strategic vision for the municipality around a number of key themes including: Quality of Life, Environmental Stewardship, Built Environment, Local Economy, Tourism and Culture, and Living and Learning.	*	Community Plan process commenced to develop a community vision and a set of priorities for further development of the municipality.
Priorities identified for the Hinterland are incorporated into the review of the Colac Otway Planning Scheme and the Economic Development and Environment Priority areas. These include the completion of the Neighbourhood Character Studies, Structure Plans, policy development and a review of the impact of the transfer of agricultural land to forestry use.	✓	Structure Plan, Neighbourhood Character Study, Planning Scheme review and Rural Land Strategy completed. Amendment C55 exhibited and seeks to incorporate outcomes into the Planning Scheme.

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Priority 3 Financial Sustainability

Objective 3.1 Financial sustainability of the Colac Otway Shire Council

Strategy	Status	Comments
Advocate for increased State Government recognition and funding as compensation for the Shire's larger than average area of non-rateable land.	✓	
Undertake a review of rating which includes: - Council Pensioner Rate Concessions - Other concessions and rental waivers - Special rates and charges schemes - An assessment of the impact of increased forestry use of land.	✓	Rating Strategy completed and implemented.
Maintain internal audit program based on the outcomes of the Risk Assessment Audit.	*	Appointment of a new internal audit service provider currently in progress.
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 Visitor Information Centres.	*	Ongoing action currently considering the draft Feasibility Study of the Blue Water Fitness Centre Stadium as a component of the Beechy Precinct. COPACC to receive draft Civic Hall Scoping Project on 6 Oct 08 and meeting with Arts Victoria on 8 Oct 08 to negotiate the Local Partnerships Agreement for 08/09. VICs generating income from the Book Victoria fee for service booking system and by implementing paid advertising as part of the VIC strategy.
Ensure our debt is managed and levels are maintained below prudential guidelines.	*	Preparation of the 2009 Strategic Resource plan to commence in December 08.
Ensure our Financial Plan is sustainable.	✓	

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Priority 4 Health Recreation and Community Services

Objective 4.1 Quality health and community services that promote community wellbeing

Strategy	Status	Comments
Develop, implement and review Council's Festival and Events Strategy.	*	Implementation of the Festival and Events Strategy: FReeZA program for calendar year 2008 successfully completed with final event staged to be staged in October. The Encore Event Evaluation System being implemented by nine Event Organisers. Partnerships fostered with Otways Tourism to explore co-funding opportunities for the 2009 Great Victoria Bike Ride.
Ensure that Health and Wellbeing programs are available and accessible to all residents.	✓	
Continue to support strong integration between the Colac Otway Shire and Health Services within the Shire.	✓	The Municipal Public Health Plan adopted in October 2007.
Review and implement the recommendations of the Colac Otway Shire Arts and Culture Strategy.	*	Further review of Arts Strategy actions to be undertaken.
Assess the impact and demand implications of an ageing population.	*	Implementation of the recommendations of the Positive Aging Strategy will commence early in 2009.
Implement the signage recommendations from the Colac Municipal Precinct Signage Access report.	*	\$10,000 allocated for locality signage. Nine signs will be developed and installed throughout the Shire. A Tourism Signage Policy consistent with VicRoads guidelines is under development.
Coordinate, implement and support youth initiatives across the Shire.	✓	

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Objective 4.2 *Recreation facilities that support community participation and wellbeing*

Strategy	Status	Comments
Develop a sustainable approach for our sporting grounds.	*	Draft agreements presented to all City Reserve User Groups. Comments being received and collated to develop new agreements.
Investigate strategies to fund and develop Central Reserve and Bluewater Fitness Centre Precinct.	*	Draft Masterplan for the Central Reserve received for consideration. Proposing community consultation over the coming month. Draft Feasibility Study currently being considered by Project Working Group. Water audits were carried out at these facilities to identify priority actions in terms of water saving and return for investment. The first draft report of the audits was received recently and is currently under review. The final recommendations of the audits will direct efforts toward the most appropriate funding sources. MOU for the Beechy Centre project completed and endorsed. Currently working through final stages of the Development and Joint Use Agreement.
Develop, implement and review Council's Recreation Strategy.	*	Recreation Strategy adopted in August 2006. Year 2 of the Tennis Facilities program completed. Regional Trails Masterplan project brief confirmed and project contract being developed. Collaboration with Apollo Bay P12 College to improve the stadium and swimming pool facilities progressing, awaiting draft agreement from the Department of Education and Early Childhood Development for Council consideration. Draft business plan for Apollo Bay Centre forwarded to the College Principal for consideration.
Continue the renewal of Council's Playground Program.	*	Ongoing improvements further to the independent audits and community engagement.
Advocate for the development of a Hydrotherapy Pool located at the Bluewater Fitness Centre.	✓	Detailed advocacy undertaken. Resulted in Council decision not to proceed.

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Priority 5 Economic Development

Objective 5.1 Regeneration of our small towns

Strategy	Status	Comments
Review the impacts of population growth and the need for workforce planning.	0	Deferred – low priority for the business community.
Continue Implementation of Small Town Improvement Program in partnership with community groups.	*	Applications are now open for the 2008/09 Small Towns Improvement Program. These close in November 08. Small Town visitor information signs have been temporarily removed to be framed. These will be reinstalled as soon as possible. Signs being developed for Kennett River. Signs to be developed for Birregurra, Barwon Downs and Beeac as part of park upgrades within each township.

Objective 5.2 Promotion of our local business and attraction of new business

Strategy	Status	Comments
Continue to implement the Economic Development and Tourism Strategy.	*	Annual Economic Development Report to the community completed to draft stage. Business Awards being held on 25 October 08. Met with new business operators in Geelong and Colac as well as businesses looking to expand/relocate to Colac. Business Mentoring session to be held Wednesday 22 October with Katherine Sampson, CEO of Healthy Habits, for 6 local businesses.
Continue support for and attract additional Major Events to be held within the Municipality.	*	Funding and resource support provided for Event development and delivery.
Undertake a review of Council funding of tourism activities.	✓	Completed and recommendations implemented.
Advocate for the provision of a natural gas supply for Birregurra and extension of coverage for the whole of the Colac urban area.	✓	Birregurra and whole of Colac urban area is a longer term objective. Works commenced in February to connect Elliminyt and is expected to be completed in December 2008..
Work with the State Government to explore the possible co-uses of the Colanda site.	*	Colanda future needs consultation project to be completed in the last half of 2008. The Department of Human Services will continue to plan and consult with residents and their families.
Support an increase in nature based tourism opportunities across the Shire.	✓	Will be supported through the development of the Regional Trails Strategy.

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Strategy	Status	Comments
Complete implementation of Old Beechy Rail Trail and undertake promotion of the Trail.	*	Ongoing requirement to continue work with the Beechy Committee of Management.

Objective 5.3 *Tertiary education opportunities and attraction of skilled and unskilled employees to our Shire*

Strategy	Status	Comments
Implement the recommendations of the Tertiary Feasibility Study by advocating and lobbying the State Government for additional training hours to be provided within the Shire.	✓	The Beechy Centre Global Connector will include a TAFE 'one stop shop' to coordinate TAFE training in Colac.

Priority 6 **Environmental Sustainability**

Objective 6.1 *Best practice environmental management*

Strategy	Status	Comments
Establish environmental best practice as a benchmark for managing natural resources in relation to Council assets (including storm water management, energy use and water use).	*	Ongoing. The Sustainability Working Group has identified a number of priority actions for 2008/09. A tracking system is being developed as a consistent and efficient means to track savings made through implementing sustainability actions. Have achieved Milestone 4 of the Cities for Climate Protection Program. Project plans for environmentally sensitive reserves have been completed for the 2008/09 financial year.
Implementing environmental best practice through planning conditions in line with regional, state-wide and national legislation and established procedures in regard to land use management.	*	The Forestry industry has been sent a letter notifying them that auditing will be starting soon and that their operations could be targeted. In addition a web-based database has been developed to capture Timber Harvesting Plans and Plantation Development Notices. This will guide how the audit process is undertaken and help identify where forestry activities will place pressure on public infrastructure such as roads and bridges.

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Objective 6.2 Local communities addressing local environment priorities

Strategy	Status	Comments
Implementation of approved recommendations from the three Towns Stormwater Management Strategy (concept Study).)	Actions not programmed for 2008/09. A gap analysis and engagement strategy has been prepared to refocus this project for 2008/09 and beyond.
Focus on the control of weeds on both Council and privately owned properties.	*	Weed packages for the 2008/09 financial year have been developed, focusing on protecting conservation values on Council managed land, with a portion for emergent weeds and high conservation roadsides. The Weeds Consultative Committee has supported this approach and works are predicated to commence in late October.
Pursue waste water issues in the towns of, Colac East, Birregurra, Cressy, Beeac, Forrest, Gellibrand, Kennett River, Separation Creek, Wye River.	*	All septics in the Wye River and Separation Creek hamlets are to be inspected, with 85% completed. Results will inform assessments on whether a property can treat and retain effluent on site or needs to be connected to a reticulated sewerage system. Barwon Water will prepare a functional design for other hamlets. Barwon Water has received funding from DSE to implement water initiatives, with Colac Otway Shire working with Barwon Water on these.
Determine a location for the development of an Apollo Bay Transfer Station.	*	Site selected and draft agreement for purchase of land effectively completed. All Transfer Station detailed plans finalised. Cultural Heritage Management Plan commissioned and will start early October 2008. Pre construction project planning works in progress.
Raise awareness of environmental issues through increased community engagement and improved access to information.	*	Environmental Workshops are being carried out by Greening Australia in partnership with Colac Otway Shire and the Catchment Management Authority. Recent workshops have focused on encouraging the enhancement of biodiversity in backyards. Future workshops will focus on estuarine heath and fire ecology. Over 350 people attended the two day National Tree Day event, with positive community feedback. The Colac newspaper column is submitted each month. Issues covered between June and September included world environment day, forestry practices, water quality and road side weed management. Installation of a web-based Sustainable Living Guide as part of the COS Internet and Intranet sites is currently under way.

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Objective 6.3 Addressing major environmental issues in partnership with State and Federal Government bodies

Strategy	Status	Comments
Investigate options for a future waste management system to be implemented following completion of the existing contracts in September 2009.	*	Commenced – part of Best Value review process. Will be completed in Jan 2009.
Develop a strategy for the provision of a hard waste collection throughout the municipality and options for a green waste collection for non resident property owners.	✓	Strategy developed and implemented.
Working in partnership with other responsible authorities and environmental groups to improve facilitation of environmental projects.	*	Seed collection sourced from the local area and plant propagation carried out by the Social Justice Program with Landcare groups for revegetation works. Roadside vegetation surveys of the south eastern area of the Shire have been completed. It is anticipated that a complete dataset of 60% of the roads will be available by the end of the year. Commenced investigations into a more user friendly database system for collected data. The Otway Barham Reference Group recently met to sign off on the framework for managing the Otway Barham water catchment.

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Priority 7 Strong Leadership

Objective 7.1 Strong community leadership, governance and advocacy

Strategy	Status	Comments
Councillors and Council Officers to advocate strongly to other levels of government on issues of importance to the Shire's communities.	✓	Strong advocacy has occurred on projects that are key to the Shire including the Education, Recreation and Community Precinct, Princes Highway West, Apollo Bay Harbour, Roadside Weeds, Roadside Grazing, Lake Colac and Otway Trails.
Continue the (Best Value) business planning process of organisational review: <ul style="list-style-type: none"> • Annually identify potential savings and efficiencies that can be redirected by Council to higher priorities • Work towards improved Community Satisfaction Survey results • Assess the impact on the Council's reliance on grants • Assess the level of community demand for services • Undertake a review of the development and implementation of Council's major projects process 	()	The Best Value Review for the Apollo Bay Harbour fees was completed. Reviews for Waste Management and Assets are continuing. A review team has been formed to look at the Shire's processes across the organisation with respect to projects.
Develop, implement and review Council's Volunteer Strategy.	✓	5 Year Strategic Plan endorsed by Council in January 2008.

FINANCIAL PERFORMANCE REPORT
FOR MONTH OF SEPTEMBER 2008

TABLE OF CONTENTS

		Page
1	Budget Variances	1
2	Operating Statement	2
3	End of Year Predicted Result	3
4	Working Capital Ratio	3
5	Cash Position	4
6	Rates Debtors	4
7	Other Debtors	5
8	Trade Creditors	6
9	Loan Liability	6
10	Interest on Investment	7
11	Capital Works	8

**BUDGET VARIANCES
Net Cost to Council**

Summary by Service

	Actual 30-Sep-08	Budget	Forecast	% Actual of Forecast
GOVERNANCE	\$1,891,865	\$4,160,126	\$4,726,252	40.03%
INFRASTRUCTURE	(\$1,182,383)	\$5,573,556	\$5,432,846	-21.37%
STRATEGIC DEVELOPMENT	\$1,098,341	\$5,143,800	\$5,308,570	20.69%
DEBT SERVICES	\$176,829	\$682,700	\$682,700	25.90%
CAPITAL WORKS	\$445,918	\$6,014,029	\$6,284,258	7.10%
RATES	(\$15,532,071)	(\$15,542,939)	(\$15,547,289)	99.90%
OTHER INCOME	(\$1,247,468)	(\$4,950,351)	(\$4,989,873)	25.00%
Net from Revenue	<u>(\$14,348,969)</u>	<u>\$1,080,921</u>	<u>\$1,897,464</u>	
APPROPRIATION	(\$1,551,009)	(\$1,551,009)	(\$1,551,009)	
(SURPLUS)/DEFICIT C/FWD	<u>(\$15,899,978)</u>	<u>(\$470,088)</u>	<u>\$346,455</u>	

Points to Note

Governance

- Insurance premiums paid.
- Community Minor Projects Grants provided
- Workcover premiums paid

Infrastructure

- Approx \$0.6m Cosworks maintenance.
- Waste Management Charges raised for the full year.

Strategic Development

- Tourism Memberships paid
- Building fees higher than budgeted
- Minor Recerartion Facilities Projects Grants provided

Debt Services

- No new loan borrowings for year

Capital Works

- Aprox \$1m carried forward expenditure on Marengo Transfer Station

Rates

- Total rates of \$15.8m raised.

Other Income

- First quarter Grants Commission funding received.

Appropriation

- Accumulated cash surplus brought forward from 2007/08 of \$1.55m

OPERATING STATEMENT

	September YTD ACTUAL	BUDGET	FORECAST	NOTE
OPERATING REVENUE				
Rates	\$13,519,341	\$13,454,089	\$13,454,089	
Garbage Charge	\$2,139,847	\$2,143,599	\$2,151,000	
Municipal Charge	\$2,009,796	\$2,003,850	\$2,008,200	
Grants Commission	\$1,247,468	\$4,950,351	\$4,989,873	
Recurrent Grants & Subsidies	\$997,427	\$2,525,619	\$2,564,399	
Non-recurrent Grants & Subsidies	\$501,211	\$3,095,871	\$3,556,416	1
Charges Fees & Fines	\$850,191	\$3,862,919	\$3,918,987	2
Reimbursements & Contribution	\$219,249	\$442,923	\$582,178	3
Interest Revenue	\$78,588	\$420,000	\$470,000	
Donated assets	\$34,750	\$139,000	\$139,000	
TOTAL OPERATING REVENUE	\$21,597,867	\$33,038,221	\$33,834,142	
OPERATING EXPENDITURE				
Employee Costs	\$2,308,603	\$10,875,000	\$10,982,092	
Materials & Services	\$2,645,172	\$11,671,000	\$12,506,927	4
Plant Costs	\$172,286	\$427,000	\$683,469	
Loan Interest	\$68,483	\$190,500	\$190,500	
Grants & Donations	\$86,655	\$140,900	\$135,900	
Other	\$273,895	\$936,883	\$942,074	
Depreciation	\$2,032,500	\$8,430,000	\$8,130,000	
Written Down Value - Assets Sold	\$550,000	\$550,000	\$550,000	5
TOTAL OPERATING EXPENDITURE	\$8,137,594	\$33,221,283	\$34,120,962	
NET SURPLUS/(DEFICITS) FROM OPERATIONS	\$13,460,273	(\$183,062)	(\$286,820)	
Proceeds from Sales	\$25,141	\$550,000	\$565,000	
Property, Plant & Equipment Write Off	(\$37,500)	(\$150,000)	(\$150,000)	
RESULTING FROM OPERATIONS	\$13,447,914	\$216,938	\$128,180	

Notes

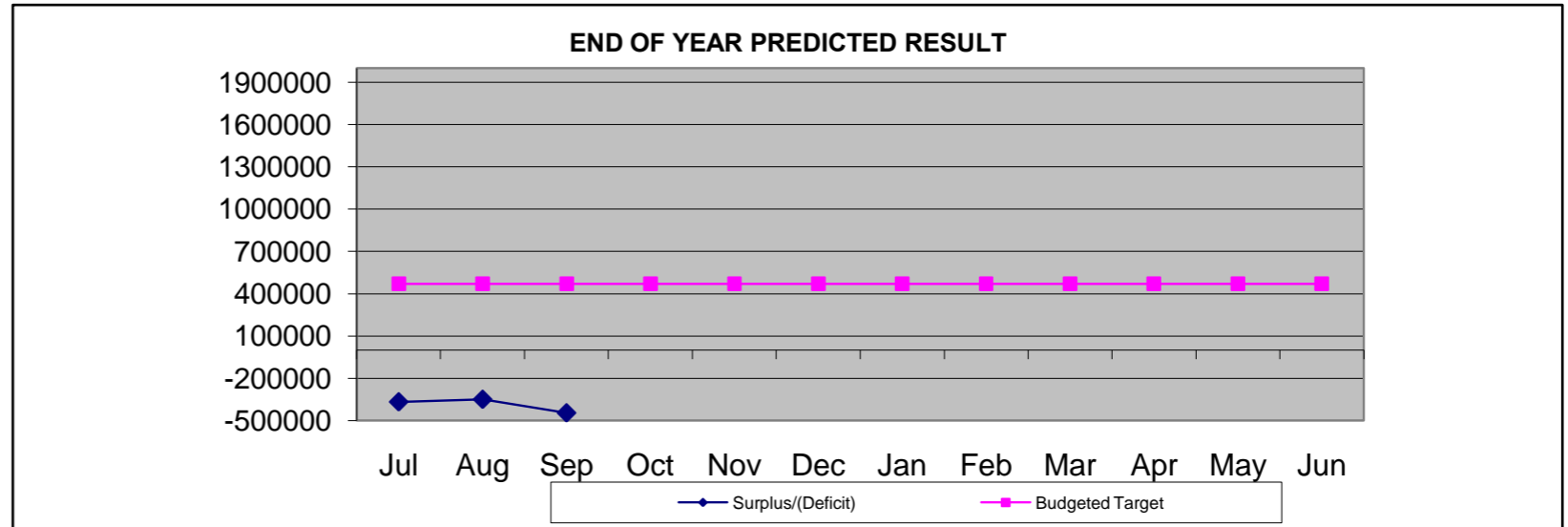
- 1 Non-Recurrent Grants & Subsidies
 - Living Libraries grant \$0.1m received
 - Joint Use Sports Facilities Grant \$0.2m received
- 2 Charges, Fees & Fines
 - Council Property rentals raised
- 3 Reimbursements and Contributions
 - Increased Private Scheme charges (Marks St)
- 4 Materials & Services
 - Additional \$0.5m contingency for roadworks
- 5 Written Down - Value of Assets Sold
 - Slight gain expected on Sale of Land

END OF YEAR PROJECTED RESULT

Predicted accumulated cash surplus/deficit position as at 30/09/2008.

Comments

Estimated accumulated cash surplus \$0.47m
 Projected cash deficit as at 30/09/2008 forecast at approx \$0.55m



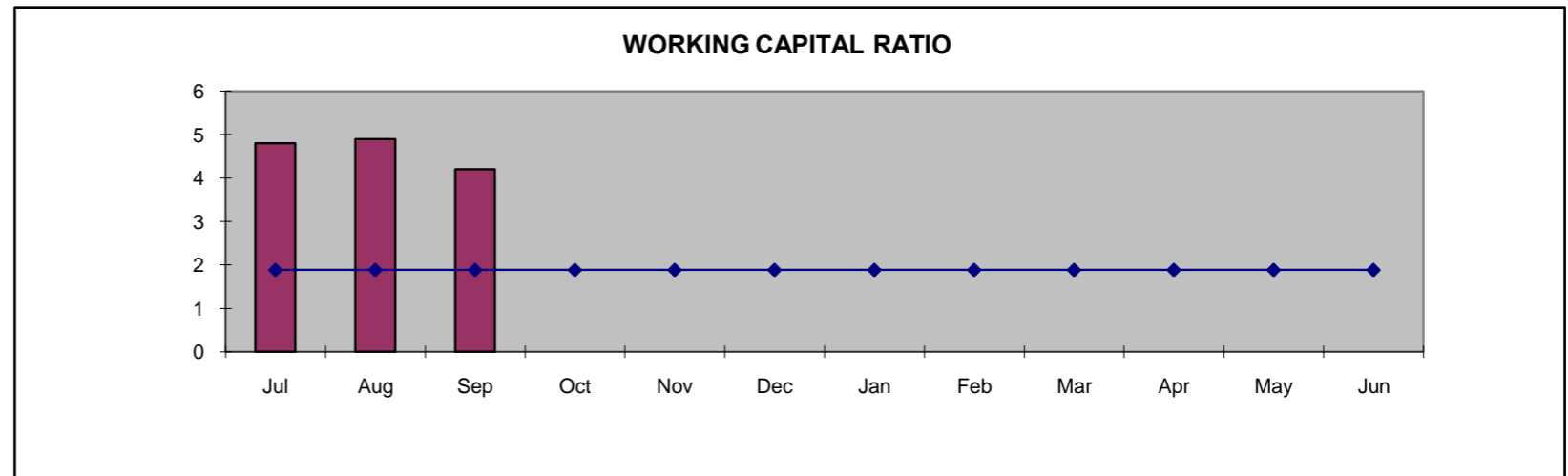
WORKING CAPITAL RATIO

To assess Council's ability to meet current commitments.

Comment

Current Ratio of 4.2:1 as at 30/09/08

Estimated to be 1.88:1 at 30/06/09



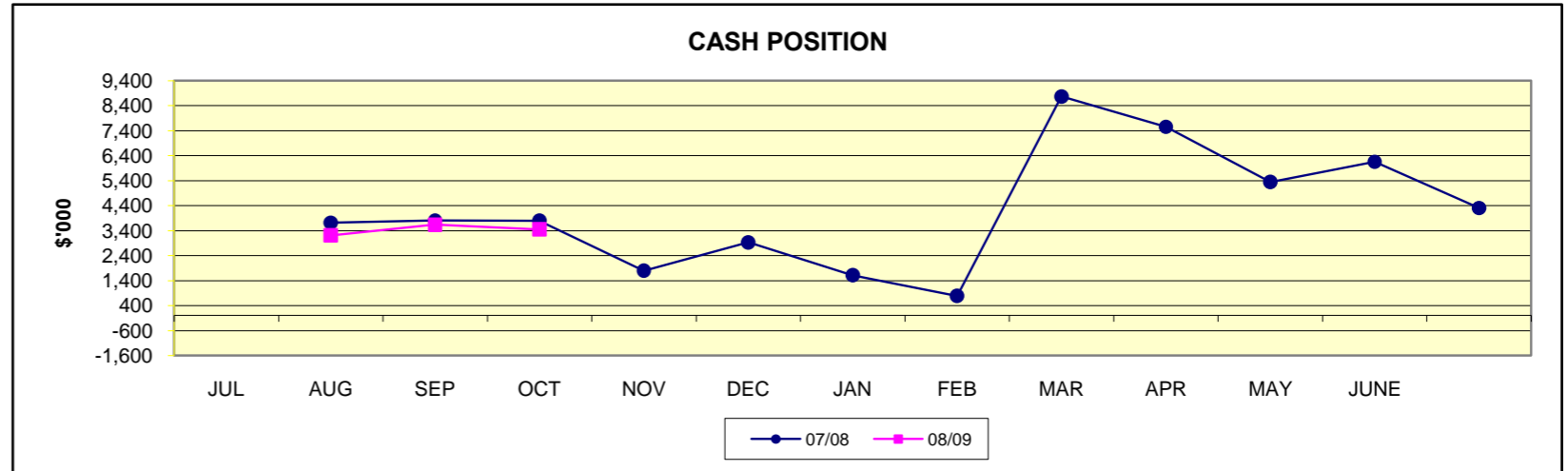
CASH POSITION

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. \$0.19m for September 2008. Diminished cash position of approx \$0.36m as compared to previous year.

	2008/09	2007/08
Income	\$2.71m	\$3.33m
Exp.	<u>-\$2.90m</u>	<u>-\$3.33m</u>
Net	<u>-\$0.19m</u>	\$0.00m
Balance	\$3.44m	\$3.80m



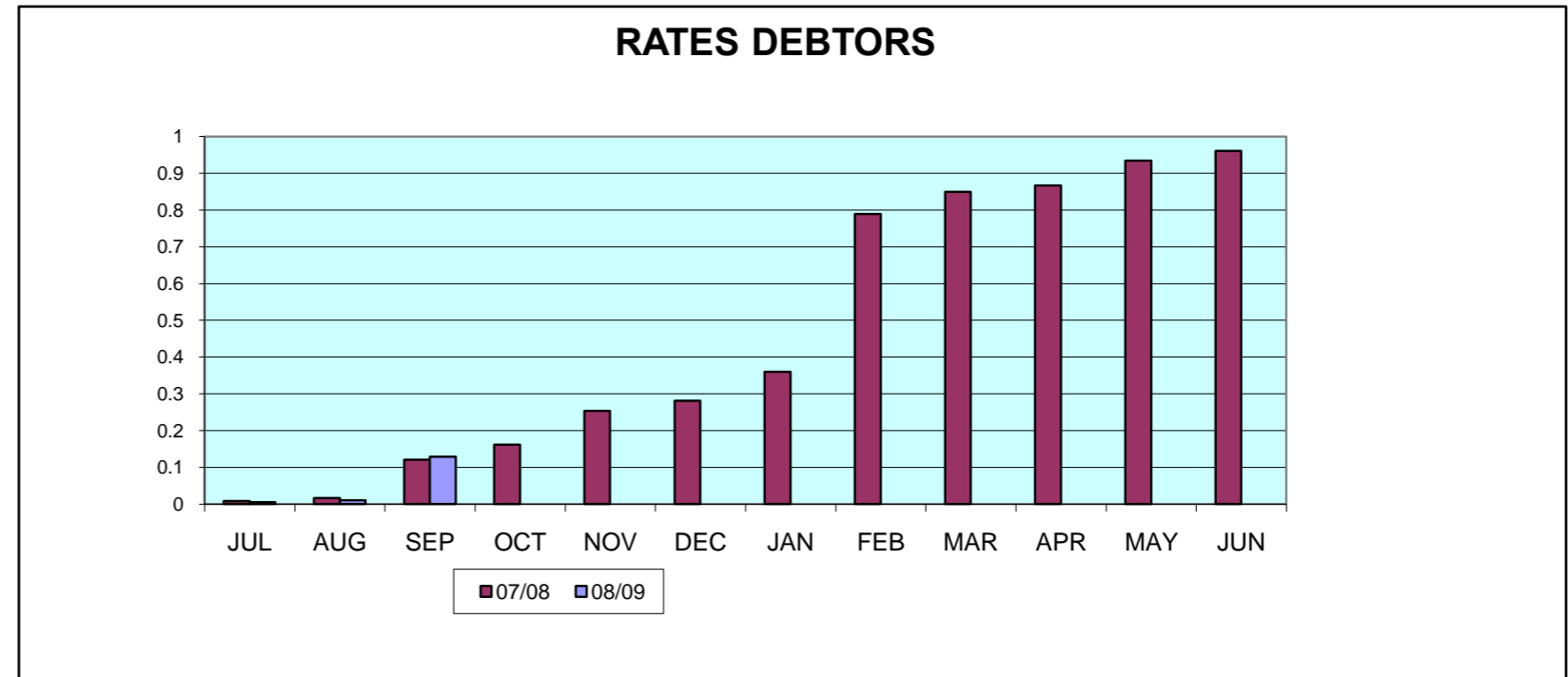
RATES DEBTORS

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

Comment

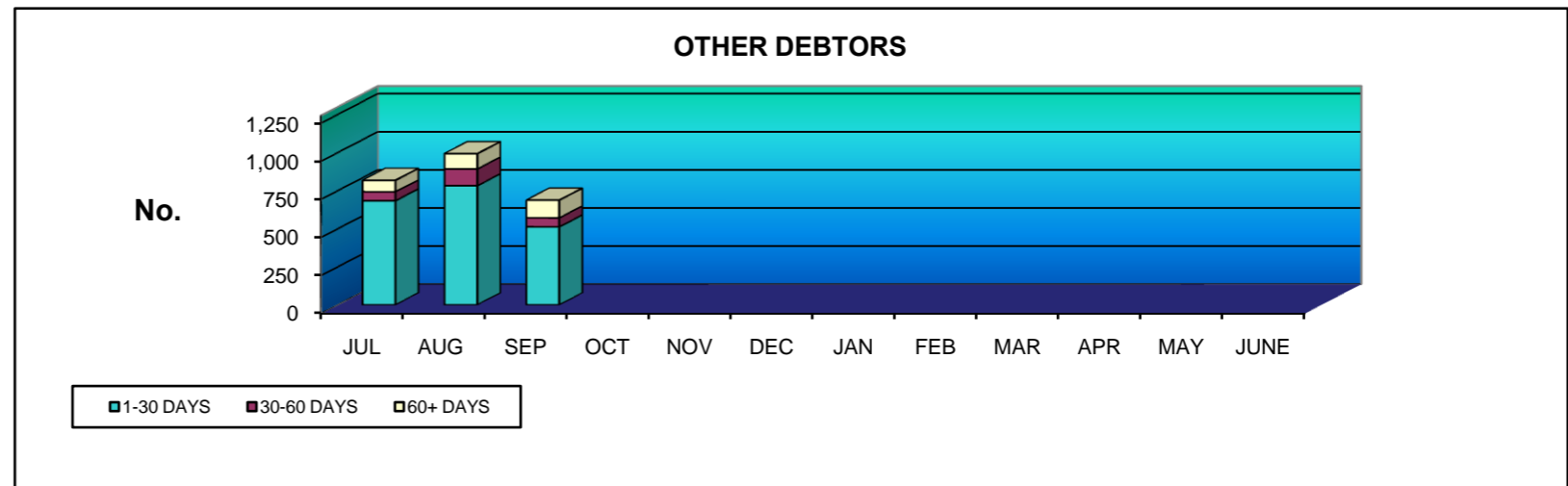
Rates to the value of \$18.0m raised. Collection % slightly up on previous year.

	000's	2008/09	2007/08
July	\$17,928	0.50%	0.80%
August	\$17,841	1.00%	1.60%
September	\$15,687	12.90%	12.10%
October			
November			
December			
January			
February			
March			
April			
May			



OTHER DEBTORS

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



	NUMBER	AMOUNT	% OF TOTAL		WORKS	MISC	TOTAL	% OF TOTAL
1-30 Days^	56	\$185,788	20%					
30-60 Days^	6	\$9,554	1%					
60+ Days^	51	\$237,084	25%					
Payment Arrangements	1	\$94,365	10%	1-30 DAYS	\$1,641	\$184,147	\$185,788	20%
Final Notice	0	\$0	0%	30-60 DAYS	\$2,952	\$6,602	\$9,554	1%
Debt Collectors	2	\$3,532	0%	60+ DAYS	\$16,186	\$318,794	\$334,980	36%
Other Debtors*	566	\$98,201	11%	Other Debtors*	-	-	\$98,201	11%
Private Schemes	-	\$274,706	30%	Private Schemes	-	-	\$274,706	30%
Harbour	5	\$27,168	3%	Harbour	-	-	\$27,168	3%
TOTAL	687	\$930,399	100%	TOTAL	\$20,780	\$509,543	\$930,399	100%

* 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 Victorian Communities	\$0	\$0	\$80,630	\$80,630	Recreation Facilities Grants
Country Fire Authority	\$49,500	\$0	\$0	\$49,500	Sales of Land Barwon Downs
Regional Development Victoria	\$11,000	\$0	\$33,000	\$44,000	Regional Trails Masterplan / Economic Development Strategy
Graeme Dickson Partners	\$0	\$0	\$36,000	\$36,000	Planning Application PP6/05
Parks Victoria	\$0	\$0	\$25,061	\$25,061	Lake Colac Carp Management
Apollo Bay Fisherman's Co-Operative	\$24,739	\$0	\$0	\$24,739	Annual Rental 2008-9
Dept Innovation, Industry & Regional Develop.	\$0	\$0	\$22,000	\$22,000	Colac Structure Plan
	\$85,239	\$0	\$196,691	\$281,930	

TRADE CREDITORS

Payments to trade creditors for the month.

Creditor Voucher No.s 38581 - 38684 for \$95,427.36 and Electronic Funds Transfers Nos. 40427 - 40814 for \$1,987,889.54 for the month of September were approved by the Chief Executive officer under delegated authority on Wednesday 24 September 2008

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

CGU Workers Insurance	WorkCover Premiums	\$342,772.06
Australian Taxation Office	Employee Tax	\$154,769.60
R Slater & Sons Pty Ltd	Slater St Reconstruction	\$125,823.50
Otways Tourism Inc	2008/9 Funding	\$110,000.00
Wheelie Waste Pty Ltd	Waste Contract	\$91,099.10
Jardine Lloyd Thompson	Asset Protection Insurance Premium	\$75,395.88
Bartons Waste Collection Pty Ltd	Waste Contract	\$64,979.33
Surf Coast Shire	Transport Connections Project	\$64,749.50
Clifford Excavations	Road Grading / Construction	\$52,496.40
AGL Electricity	Electricity Charges	\$44,673.38
HMA Blaze	Advertising	\$31,815.40
Civil Force (Vic) Pty Ltd	Birregurra Footpath Replacement	\$29,795.59
Colac Toyota	Plant Replacement	\$29,629.60
Park International Pty Ltd	Guide Posts	\$27,967.50
Ballarat Automotive	Plant Replacement	\$26,141.20
FPPV Pty Ltd	Accommodation Review	\$25,454.00
CT Management Group Pty Ltd	Temporay Infrastructure Manager	\$25,410.00
J Chisholm Pty Ltd	Bulk Fuel	\$25,015.13
Superior Staff Pty Ltd	Contract Staff Waste Management	\$22,716.22
PRC Apollo Bay Kennet River	General Purpose Grant 08/09	\$22,000.00
Colac Area Health	Meals on Wheels Aug 08	\$21,725.05
		\$1,414,428.44

LOAN LIABILITY

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

<u>Comments</u>	LOAN NO.	BAL 01/07/08	NEW LOANS	PROJ. REDEMP. 2007/2008	YTD ACTUAL	BAL 30/06/09
No new loans forecast.	C.O.S. 5	\$231,833	\$0	\$232,000	\$56,710	-\$167
	C.O.S. 6	\$694,303	\$0	\$45,600	\$11,133	\$648,703
	C.O.S. 7	\$1,259,919	\$0	\$67,300	\$16,351	\$1,192,619
	C.O.S. 8	\$234,118	\$0	\$89,200	\$4,094	\$144,918
	C.O.S. 9	\$558,687	\$0	\$83,800	\$20,397	\$474,887
		\$2,978,860	\$0	\$517,900	\$108,685	\$2,460,960

INTEREST ON INVESTMENT

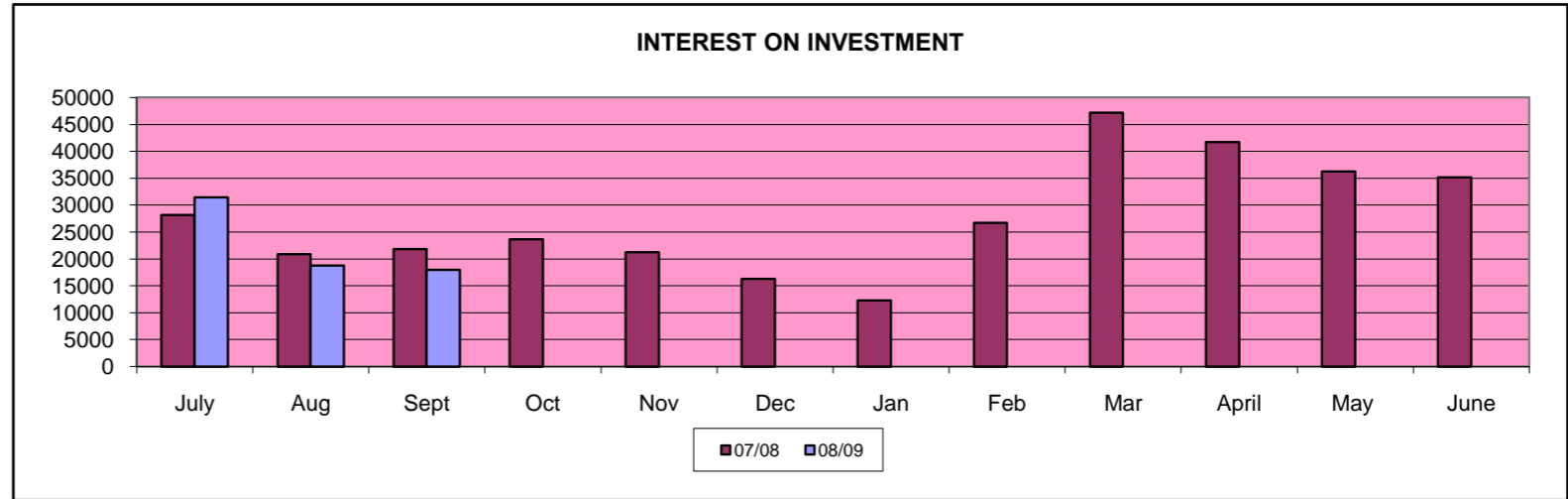
Comparison of interest earned on credit balances of Colac Otway Shire's bank accounts at the end of each month to previous year.

Comment

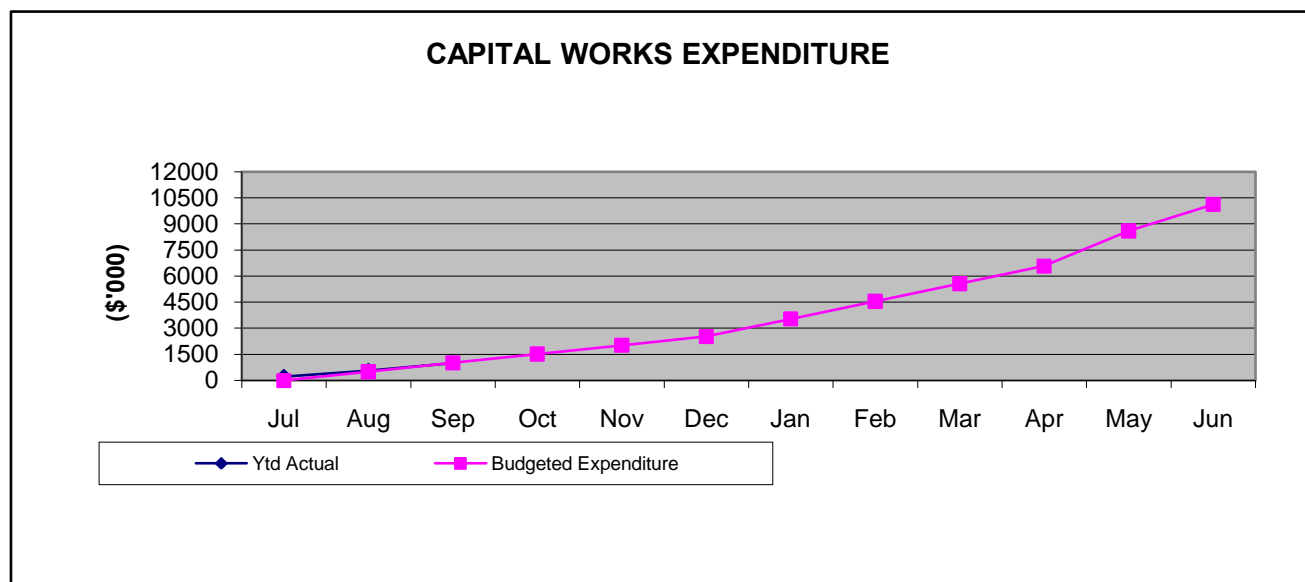
Progressive 2008/09 to 30/09/2008 \$68,234

Progressive 2007/08 to 30/09/2007 \$70,907

Current Interest Rate 7.15%



CAPITAL WORKS



MAJOR PROJECTS PROGRESS REPORT

Roads to Recovery

Capital works priorities ongoing

Local Roads

Cosworks Local roads program - ongoing

Cosworks Drainage program - ongoing

Road Furniture Upgrade - ongoing, items being upgraded as identified

Marks Street - Complete

Bus Shelters - Complete

Other

Gellibrand Landfill Rehab Design - Underway, ongoing

Cressy Landfill Rehab Design - Underway, ongoing

BWFC Sauna & Spa Upgrade - Complete

Playground Improvement Program - Underway - ongoing as needs identified

IT Virtualisation project - complete

IT Strategic Plan - underway, draft report received, ongoing

COPACC Meeting Room Audio & Visual System - installed

Special Charge Scheme - Slater St - approaching finalisation

Colac Otway Shire Council
Variance Reporting
for the period ending 30 September 2008

	YTD Actuals	Annual Budget	Annual Forecast	% Actual of Forecast
Governance				
Executive	105,121	344,050	344,050	30.55%
Human Resources	118,045	168,700	263,081	44.87%
Organisation Development	12,214	68,500	109,010	11.20%
Risk Management	174,931	22,500	522,500	33.48%
Insurance	214,466	(62,500)	(118,500)	-180.98%
General	8,862	(29,550)	(29,550)	-29.99%
Corporate Development	27,397	263,400	263,400	10.40%
Vicroads Agency	25,928	0	0	0.00%
Office Accommodation - Rae Street	68,338	(5,500)	(5,500)	-1242.51%
Office Accommodation - Apollo Bay	9,256	12,450	11,950	77.46%
Grants and Donations	68,113	117,083	116,833	58.30%
Elections	952	113,000	113,000	0.84%
Civic & Ceremonial	4,774	32,400	32,400	14.74%
Councillors	63,346	403,400	403,400	15.70%
Pre-Schools	435	14,300	14,300	3.04%
Libraries	106,927	397,900	400,771	26.68%
Colac Abattoir	1,260	0	0	0.00%
Community Information	17,601	112,600	108,600	16.21%
Finance	92,266	414,000	413,000	22.34%
Interest	(73,473)	(335,000)	(385,000)	19.08%
Overheads	28,283	247,100	247,100	11.45%
DMS	47,853	5,700	5,700	839.52%
Information Technology	365,789	125,500	134,594	271.77%
Customer Services	53,220	96,250	96,250	55.29%
Rates Administration	64,511	322,650	314,150	20.54%
Local Laws	48,658	225,273	210,573	23.11%
Municipal Pound	(566)	2,350	1,350	-41.94%
Animal Control	12,909	30,300	30,300	42.60%
Parking	8,974	55,450	52,450	17.11%
School Crossings	21,826	50,800	58,000	37.63%
Family Day Care	71,897	77,900	77,900	92.29%
Maternal and Child Health	38,690	134,400	131,700	29.38%
Senior Citizens Centres	(5,912)	12,100	12,100	-48.86%
Delivered Meals	(862)	54,850	54,850	-1.57%
Home Care Aged	(55,477)	(113,000)	(113,000)	49.09%
Home Maintenance	(4,592)	4,000	4,000	-114.80%
Home Care Sub Program	(24,190)	(159,500)	(159,500)	15.17%
Home Care Admin	67,011	421,000	441,000	15.20%
Community Services	28,380	170,200	181,200	15.66%
Sewerage	(2,428)	11,000	40,000	-6.07%
Health Admin	54,544	229,450	227,450	23.98%
Prevent Services	2,388	0	0	0.00%
Rural Access Disability Project	(6,008)	6,250	6,250	-96.12%
Community Transport	(5,892)	0	0	0.00%
Transport Connections	69,623	75,220	70,940	98.14%
Community Drop in Ctr	12,022	23,150	23,150	51.93%
Governance	1,937,411	4,160,126	4,726,252	40.99%

Colac Otway Shire Council
Variance Reporting
for the period ending 30 September 2008

	YTD Actuals	Annual Budget	Annual Forecast	% Actual of Forecast
Infrastructure				
Asset Management	149,172	986,700	1,007,350	14.81%
Street Lighting	21,224	142,000	136,500	15.55%
Emergency Services	(28,438)	18,900	18,900	-150.46%
Council Properties	(67,537)	37,300	46,682	-144.68%
Public Conveniences	47,194	120,700	120,700	39.10%
Contract Management	33,790	224,400	196,300	17.21%
Waste Disposal	(1,921,047)	(753,949)	(737,350)	260.53%
Waste Collection	171,252	1,426,455	1,424,914	12.02%
Local Roads Maintenance	146,863	1,336,000	1,313,000	11.19%
Drainage Maintenance	27,452	318,550	313,550	8.76%
Footpaths Kerb and Channel Maintenance	487	31,500	28,500	1.71%
Road Signs and Marking	37,353	305,000	292,000	12.79%
Street Sweeping	9,260	163,000	160,000	5.79%
Street Beautification	64,225	333,750	323,750	19.84%
Recreation Reserve Maintenance	(4,271)	164,400	160,900	-2.65%
Other Parks	21,789	280,000	276,000	7.89%
Botanic Gardens	26,096	237,500	233,500	11.18%
Memorial Square	11,681	82,200	79,500	14.69%
Lakes and Beaches	11,918	86,000	129,500	9.20%
Cemeteries	(757)	17,000	17,000	-4.45%
Cosworks Administration	112,806	151,250	151,250	74.58%
Private Works	1,053	(22,000)	(22,000)	-4.79%
Saleyards	(28,867)	(113,900)	(113,900)	25.34%
Plant	(25,538)	800	(4,200)	608.04%
Infrastructure	(1,182,841)	5,573,556	5,552,346	-21.30%
Strategic Development				
Environment	76,289	473,950	493,600	15.46%
Fire Prevention	13,624	143,200	143,200	9.51%
Building	15,345	217,200	203,200	7.55%
Strategic Planning	46,264	496,100	527,100	8.78%
Statutory Planning	122,130	951,650	993,250	12.30%
Economic Development	69,401	371,100	374,600	18.53%
Tourism	185,856	306,500	337,320	55.10%
Colac Visitor Information Centre	44,873	146,700	146,700	30.59%
Great Ocean Road Visitor Information Centre	83,261	291,500	291,500	28.56%
Arts & Culture	32,294	156,350	143,350	22.53%
COPACC	88,237	243,850	262,550	33.61%
Recreation	140,830	795,200	816,300	17.25%
Events	40,918	233,400	237,900	17.20%
Bluewater Fitness Centre	129,220	317,100	338,100	38.22%
Strategic Development	1,088,542	5,143,800	5,308,670	20.50%

Colac Otway Shire Council
Variance Reporting
for the period ending 30 September 2008

	YTD Actuals	Annual Budget	Annual Forecast	% Actual of Forecast
Debt Services				
Principal	108,684	493,620	493,620	22.02%
Interest	68,144	189,080	189,080	36.04%
Debt Services	176,829	682,700	682,700	25.90%
Capital Works				
Corporate and Administrative	102,944	350,000	378,500	27.20%
Community and Human	7,815	35,072	78,000	10.02%
Local Roads	263,833	3,484,517	3,267,262	8.08%
Roads to Recovery	(5,554)	0	28,369	-19.58%
Other Physical Works	166,430	292,540	550,004	30.26%
Recreation and Culture	(125,433)	641,900	505,623	-24.81%
Health and Environment	4,779	1,020,000	1,102,000	0.43%
Planning and Development	14,212	190,000	375,000	3.79%
Capital Works	429,026	6,014,029	6,284,758	6.83%
Rates				
Rates	(15,534,241)	(15,542,939)	(15,547,289)	99.92%
Rates	(15,534,241)	(15,542,939)	(15,547,289)	99.92%
Other Income				
Other Income	(1,247,468)	(4,950,351)	(4,989,873)	25.00%
Other Income	(1,247,468)	(4,950,351)	(4,989,873)	25.00%
Grand Total	(14,332,743)	1,080,921	2,017,564	



Capital Works Progress Report

Period: 08/09



Capital Works Progress Report

Council Plan 1 Roads and Infrastructure
Priority:

Council Plan 1.2 Improved and renewed infrastructure
Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 1.2.1 Investigate the feasibility of a Regional Saleyards complex with other municipalities in the G21 Region						
1.2.1.4 Colac Saleyards - Achieve compliance with Worksafe Saleyards Project	Ongoing	0%	Water metre installed. Data being collected. 20.12.06. Data being collected expect collation in July 07.4.5.07 5.10.07 Cattle unloading ramps and Loading ramps to be completed by Nov 30 2007.No Change 10 Nov 07. July 08 Compliance achieved. Sep 08 No outstanding issues.		Manager Cosworks	30/06/2009
ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 1.2.2 Develop and implement the Asset Management Plans and Asset Management Systems for all infrastructure categories						
1.2.2.2 Ensure timely preparation of tender documents and undertaking tendering process for capital works in conjunction with Asset Development Services.	In Progress	25%	Sep 08: Maintaining performance in this area.		Contracts Coordinator	30/06/2009

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan						
1.2.4.5 Birregurra Footpath rehab	In Progress	90%	Sept 08 - Construction work well underway and expected to be completed by end of September		Capital Works Coordinator	31/08/2008
1.2.4.6 Bromfield St GPT	Completed	100%	Sept 08 - Works completed mid September		Capital Works Coordinator	31/08/2008
1.2.4.7 Carpendeit-Bungador Rd (Dairy Industry Road Program) - Carry over project. Includes the upgrade of the Speedway Road Intersection	In Progress	90%	Sept 08 - Works complete with the exception of the works on Speedway Rd corner		Capital Works Coordinator	31/12/2008
1.2.4.8 Lighting Improvements - Forest Street, Colac East	In Progress	5%	Sept 08 - Powercor have provided quotation for initial proposal of \$30,000. Currently reviewing scope to undertake works within budget of \$10,000		Capital Works Coordinator	31/08/2008
1.2.4.9 Mclachlan St Footpath	In Progress	90%	Sept 08 - Works complete with the exception of the returns into Thomson St and minor clean up works. These works expected to be completed by early October		Capital Works Coordinator	31/07/2008
1.2.4.10 Old Beechy Rail Trail Maintenance/Upgrades	In Progress	25%	Sept 08:- Maintenance work proceeding as required.		Capital Works Coordinator	30/09/2008
1.2.4.13 Slater St - Construction of bike lanes and additional car parking spaces for the school. Manage project concurrent with Special Charge Scheme.	Completed	100%	Sept 08 - Works completed in early September		Capital Works Coordinator	31/08/2008

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan						
1.2.4.14 Storm Water Management Study Colac	In Progress	5%	Sept 08 - Project Brief prepared. Quotes to be sought in October		Capital Works Coordinator	30/09/2008
1.2.4.15 Wye R TV Tower upgrade	In Progress	80%	Sept 08 - Electronics upgrade works completed by Broadcast Australia in July. Security fence yet to be erected - expected in Nov/Dec when access is more reliable.		Capital Works Coordinator	31/07/2008
1.2.4.17 Marks St - Special Charge Scheme. Construct unsealed shoulders	Completed	100%	Oct 08: Works completed and final notices issued		Capital Works Officer	30/12/2008
1.2.4.18 Slater Street, Special Charge Scheme - Construction of unsealed section of Slater St	In Progress	90%	Oct 08: Works largely completed apart from final seal which is to be undertaken as part of 2008/09 Sealing Program. Finalisation report to be presented to Council meeting (Oct)		Capital Works Officer	30/05/2009
1.2.4.30 Swan Marsh-Irrewillipe Rd - Construction 3.3-5.1km (Unsealed section to Timboon -Colac Rd)	In Progress	10%	Oct 08: - Design complete. Works to be undertaken by Cosworks. Currently finalising environmental assessment. Construction likely to occur in Feb/Mar 2009		Capital Works Coordinator	30/03/2009
1.2.4.31 Larpent Road, Larpent - Pavement Widening & Sealing 0.6-4.1km Sth of Hwy (2 Narrow seal sections between Back Larpent Rd and Underwoods Rd)	In Progress	5%	Oct 08: design 90% complete - completion expected by mid Oct. Environmental assessment complete. Cosworks to expecting to undertake work in Jan / Feb 2009		Capital Works Coordinator	30/03/2009
1.2.4.32 Poorneet Rd Final Seal 5.3km to 9.8km	Not Started	0%	Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)		Capital Works Coordinator	30/03/2009

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan						
1.2.4.33 Marks St - Special Charge Scheme - Final Seal	Not Started	0%	Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)		Capital Works Coordinator	30/03/2009
1.2.4.34 Slater St - Special Charge Scheme - Final Seal	Not Started	0%	Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)		Capital Works Coordinator	30/03/2009
1.2.4.35 Pound Rd - Special Charge Scheme - Construction	In Progress	20%	Oct 08: Contract awarded for works. Works programmed for summer construction period		Capital Works Officer	30/05/2009
1.2.4.36 Binns Rd - Rehabilitation 13km - 19km (Aire R. to Beech Forest Rd)	Not Started	0%	Oct 08: Scope complete, environmental assessment complete. Cosworks expect to undertake works in Apr/May 2009		Capital Works Coordinator	30/05/2009
1.2.4.37 Cape Otway Rd - Final Seal	Not Started	0%	Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)		Capital Works Coordinator	30/03/2009
1.2.4.38 Carpendeit-Bungador Rd - Final seal Bungador School Rd to Speedway Rd	Not Started	0%	Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)		Capital Works Coordinator	30/03/2009
1.2.4.39 Conns Lane - Final Seal	Not Started	0%	Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)		Capital Works Coordinator	30/03/2009
1.2.4.40 Hiders Access - Slip Rehabilitation at 0.3km	Not Started	0%	Oct 08: Scope of works complete, environmental assessments complete. Cosworks expect to undertake works in Apr/May 2009.		Capital Works Coordinator	30/04/2009

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan						
1.2.4.41 Division Rd - Bridge Rehabilitation	Not Started	0%	Oct 08: Scope finalised. Cosworks to do works in Apr/May 2009		Capital Works Coordinator	30/04/2009
1.2.4.42 Lardners Tk - Slip Rehabilitation 3.1km	Not Started	0%	Oct 08: Scope of works complete, environmental assessments being finalised. Cosworks expect to undertake works in Apr/May 2009.		Capital Works Coordinator	30/04/2009
1.2.4.43 Alexander St - Pavement Rehabilitation	Not Started	0%	Oct 08: Scope of works complete, pavement investigations underway, environmental assessments complete. Cosworks expect to undertake works in Nov/Dec.		Capital Works Coordinator	30/03/2009
1.2.4.44 Gallop St Rehabilitation 0 to 0.2km	Not Started	0%	Oct 08: Scope of works complete, pavement investigation underway, environmental assessment complete. Cosworks expect to undertake works in Nov/Dec.		Capital Works Coordinator	30/04/2009
1.2.4.45 Irrewillipe Rd - Final Seal 9.4 - 12.0	Not Started	0%	Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)		Capital Works Coordinator	30/03/2009
1.2.4.46 Cressy-Shelford Rd - Final Seal - 3km to 6km	Deferred	0%	Oct 08 : This project has been deferred based on advice from external design consultant		Capital Works Coordinator	30/03/2009
1.2.4.47 Footpaths - Apollo Bay	Not Started	0%	Oct 08: Not yet started		Capital Works Coordinator	30/05/2009

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan						
1.2.4.48 Regent Place - Lighting Improvements	Not Started	0%	Oct 08: Not yet started		Capital Works Coordinator	30/04/2009
1.2.4.49 Road Furniture Upgrade	In Progress	20%	Oct 08: Cosworks have commenced work		Capital Works Coordinator	30/06/2009
1.2.4.50 Mitchell Grove - Guardrail	In Progress	25%	Project referrals completed. Installation to be undertaken by Cosworks		Capital Works Officer	30/06/2009
1.2.4.51 Christies Rd - Guardrail	In Progress	25%	Project referrals completed. Installation to be undertaken by Cosworks		Capital Works Officer	30/06/2009
1.2.4.52 Swan Marsh Rd - Guardrail 0.7km	In Progress	20%	Project referrals completed. Planning permit required, with application made 3/10/08. Installation to be undertaken by Cosworks		Capital Works Officer	30/06/2009
1.2.4.53 Red Johanna - Guardrail 2.6km & 3.6km	In Progress	25%	Oct 08: Project referrals completed. Installation to be undertaken by Cosworks		Capital Works Officer	30/06/2009
1.2.4.54 Hamilton St Drainage	Not Started	0%	Oct 08: Project referrals to be completed		Capital Works Officer	30/11/2008
1.2.4.56 Local Roads - Resealing Program (Capital). Annual reseal program (Budget \$790,000)	In Progress	15%	Oct 08: Tendered awarded to Boral. Sealing program to commence November/December 2008		Asset Management Officer	30/06/2009

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan						
1.2.4.57 Local Roads - Cosworks Supply/Cart Aggregate (Capital). Supply and cartage of aggregate to support reseal program (budget \$120,000)	In Progress	20%	Oct 08: Sealing works to commence during November/December 2008.		Asset Management Officer	30/06/2009
1.2.4.59 Binns Road Bridge. Replacement of existing bridge (budget \$450,000)	In Progress	10%	Oct 08: Tenders currently being evaluated. Contract to be awarded at October 2008 Council meeting. All project planning completed (e.g. planning permit, etc)		Asset Management Officer	30/06/2009
1.2.4.60 Pedestrian Area - Rae Street. Works to replace pavers and areas of concrete footpath with poor condition in front of Rae Street Customer Service Centre. (budget \$25,000)	In Progress	5%	Oct 08: Project planning commenced. Quotations currently being sourced to undertake works.		Asset Management Officer	30/06/2009
1.2.4.61 Armstrong Street Drainage	Not Started	0%	Oct 08: Project referrals to be completed		Capital Works Officer	30/06/2009
1.2.4.62 South Colac Recreation Reserve Drainage	Not Started	0%	Oct 08: Project referrals to be completed		Capital Works Officer	30/06/2009
1.2.4.63 Montrose Ave - Drainage	Not Started	0%	Oct 08: Not yet started		Capital Works Coordinator	30/06/2009
1.2.4.64 Costin Street - Drainage	Not Started	0%	Oct 08: Not yet Started		Capital Works Coordinator	30/06/2009

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan						
1.2.4.65 Cressy Township Drainage Improvements	Not Started	0%	Oct 08: Stage 2 of those works commenced last year. Scope of works complete. Cosworks anticipate undertaking works in Apr/May 2009.		Capital Works Coordinator	30/06/2009
1.2.4.66 Birregurra Footpath	Not Started	0%	Oct 08: Not yet started		Capital Works Coordinator	30/06/2009
1.2.4.67 Old Beechy Line Rail Trail	In Progress	5%	Oct 08: Yet to be formally advised about declaration of a piece of Crown land as a road. Awaiting results of Cultural Heritage Management Plan and environmental assessment.		Capital Works Coordinator	30/06/2009

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan						
1.2.4.7 Unsealed Roads - Capital. Report monthly on progress.	In Progress	100%	Annual Resheeting program is on target with works been completed in Carlisle, Beech Forest, Kawarren, Alvie, Eurack Yeodene , Forrest, and Hordern Vale areas. Birregurra areas planned prior to New Year. 20.12.06 Angelsea gravel to be completed March 07 Rest of works completed by June 07. 4.5 07 5.10.07 Annual Resheet Program is on target with annual Program \$365,000 spent. 10.11.07 \$400,000 spent. July 08 Report and Works Completed. Sep 08 Works ahead of schedule Expenditure \$420,000		Manager Cosworks	30/06/2009
1.2.4.8 Drainage - Capital. Report monthly on progress.	In Progress	100%	Works planned to coincide Annual Resheet program. 4.5 07 5.10.07. MDW is on target with Works Program. \$65,000 spent. 10.11.07 \$70,000 spent. July 08 Report and Works Completed. Sep 08 Works just started expect increase in expenditure as weather improves Expenditure \$25,000.		Manager Cosworks	30/06/2009

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan						
1.2.4.9 Footpath - Capital. Report monthly on progress.	In Progress	100%	Works to restart in March 07 Completion by June 07. 4.5.07 5.10.07 Works has started \$20,000 spent.10.11.07 \$20,000 spent. July 08 Report and Works completed . Sep 08 Works started Expenditure \$15,000		Manager Cosworks	30/06/2009
1.2.4.10 Sealed Roads - Rehab. Report monthly on Progress.	In Progress	100%	Asphalt at lake corangamite rd completed in Mar awaiting accounts 4.5.07. 5.10.07 Works about to start in Oct 07.10.11.07 \$60,000 spent. July 08 Works completed . Sep 08 Reseal prep works started 8.9.08		Manager Cosworks	30/06/2009
1.2.4.12 Sealed Roads Aggregate Capital - Supply & Delivery of aggregate for Capital Road Reseal program Report monthly on Progress.	In Progress	100%	Works completed 4.3..07. 5.10.07 Works to start in Oct 07. 10.11.07 Works 90% complete \$84,000 spent. July 08 Completed. Sep 08 Works started 6.9.08		Manager Cosworks	30/06/2009

Capital Works Progress Report

Council Plan **2 Planning and Development**
Priority:

Council Plan **2.1 Sustainable development of the Colac Otway Municipality**
Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 2.1.1 Develop and implement a Sustainability Action Plan for the organisation and community						
2.1.1.1 Complete the Office Accommodation Review for the municipal technical and administration offices within Colac and manage the communication and consultation process including Council, community and staff to ensure a smooth decision making and implementation process.	In Progress	50%	Office Accommodation review is progressing with progress report provided to Council at the September Council Meeting. Dec 07: limited progress made on identifying accommodation long term solutions, along with limited opportunities for interim solutions. Progress reports provided to Council have been regularly provided to Council on this issue.		General Manager Infrastructure and Services	30/06/2009

Capital Works Progress Report

Council Plan 2.1 Sustainable development of the Colac Otway Municipality

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 2.1.2 Implement the Lake Colac Master Plan and Management Plan						
2.1.2.1 Implemetation of Lake Colac Management Plan and Foreshore Master Plan: Lake Colac Fishing Platform Lake Colac Stodart Street Pathway Colac Secondary College Leadership Project Lake Colac Pathway Interpretive Signage Botanic Gardens & Family Recreation Area Meredith Park Upgrade Lake Colac Environmental Projects Cultural Heritage Management Plan	Deferred	10%	Sep 08: Works deferred until the Cultural Heritage Management Plan is produced. Site inspections and research for this have been completed, with a draft report expected mid October. Once this is complete and agreed upon by Aboriginal Affairs Victoria, works will commence.		Economic Development Officer	30/06/2009

Council Plan 2.2 Well planned and developed municipality

Objective:

Capital Works Progress Report

Council Plan 2.2 Well planned and developed municipality

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 2.2.1 Continue development of the Colac Botanic Gardens						
2.2.1.2 Complete upgrades of the Botanic Gardens.	In Progress	100%	Ongoing improvements in conjunction with friends of botanic gardens.20.12.06 Tree planting to start in June 07. 4.5.07 5.10.07 Ongoing improvements in conjunction with friends of Botanic Gardens.No change 10.11.07. July 08 Tree climbing works completed. Sep 08 Ongoing Improvements in conjunction friends of Botanic Gardens		Manager Cosworks	30/06/2009

Capital Works Progress Report

Council Plan 2.2 Well planned and developed municipality

Objective:

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 2.2.5 Improve the Eastern entrance to Colac						

Capital Works Progress Report

Council Plan 2.2 Well planned and developed municipality

Objective:

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 2.2.5 Improve the Eastern entrance to Colac						
2.2.5.1 Develop and implement Colac Entrance Improvements Design project	In Progress	10%	<p>Oct 2006: This proposal is part of the draft structure plan which is incomplete.</p> <p>Dec 2006: Community consultation undertaken and submissions forwarded to consultants for consideration. Workshop conducted with Council November 22, 2006. Further meetings with relevant Authorities conducted. Consultants currently redrafting plan. Programmed for Council workshop in February 2007 to consider final draft.</p> <p>Feb 2007: The Colac Structure Plan was adopted by Council on February 28, 2007. While this plan addresses the issue of Colac entrances in Section 6 under the Heading Urban Design Framework, it does not and was never intended to, provide a detailed Design Framework for the Colac Entrances. This needs to be undertaken through a separate Design Project and the brief now needs to be prepared and consultants engaged to complete this aspect of the project.</p>		General Manager - Sustainable Planning and Development	30/06/2009

Capital Works Progress Report

Council Plan 2.2 Well planned and developed municipality

Objective:

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 2.2.5 Improve the Eastern entrance to Colac						
			<p>April 2007: Initial discussion with consultant undertaken. Further meeting between consultant, GM's Infrastructure and Sustainable Planning and Development to be scheduled.</p> <p>June 2007: Consultants, Planning by Design, have been engaged to review the history of the project, including the 2000 Colac City Entrance Strategy and a subsequent proposal put to Council in 2004 which was not supported by certain elements in the community and subsequently was not implemented by Council. The consultants brief is to:</p> <ul style="list-style-type: none"> - prepare a brief to take the project forward; - prepare an information report for Council; - research opportunities for funding the project; and, - develop a consultation process for the project and implement the initial stages of this process. <p>An initial meeting was held on June 29, 2007, with community representatives with a prior involvement in the project. The</p>			

Capital Works Progress Report

Council Plan 2.2 Well planned and developed municipality

Objective:

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 2.2.5 Improve the Eastern entrance to Colac						
			<p>meeting was also attended by Crs Stuart Hart, Geoff Higgins, Chris Smith, Peter Mercer and the Mayor, Cr Warren Riches. A process was established for seeking expressions of interest for the Committee, identified key elements of the project to be driven by the Committee and identified elements for inclusion in Terms of Reference for the committee and the appropriate committee structure/representation. It was resolved to conduct a workshop with Council to consider the outcomes of this meeting and determine the future directions for this project. The consultant is to prepare a scoping document for the project</p> <p>September 30, 2007: Meeting scheduled for Tuesday October 8 with Planning by Design to refocus project.</p> <p>December 2007: Meeting conducted with consultant to refocus project. Further meeting held with Jack Barclay (CRF) to discuss level of interest in participating in project. Issues remain around best</p>			

Capital Works Progress Report

Council Plan 2.2 Well planned and developed municipality

Objective:

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 2.2.5 Improve the Eastern entrance to Colac						
			<p>process to progress project and provide a positive outcome given different perceptions and expectations of community against the reality of the need to ensure proper good design principles are utilised to provide long term benefits to the community. Lack of available funding opportunities are also a serious limiting factor for this project proposal to be effectively implemented. As an example the seven leafs project on the Princes Highway at Werribee cost around \$250,000 which was fully funded by that Council. Little progress to date - will re-examine early in 2008 as a priority with a view to either advance or abandon the project at this time.</p> <p>April 2008: Project to be reviewed and considered as part of Community Planning proposal in 2008/09 budget process.</p> <p>June 2008: Project to be reviewed and considered as part of Community Planning proposal in 2008/09.</p>			

Capital Works Progress Report

Council Plan **3 Financial Sustainability**
Priority:

Council Plan **3.1 Financial sustainability of the Colac Otway Shire Council**
Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 3.1.4 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 Visitor Information Centres						
3.1.4.9 Implement and review the Council Community Grants Program	Completed	100%	Oct 08: New timelines and guidelines developed for the 2009/2010 have been developed in consultation across the organisation. These will be presented to Council for consideration by the new Recreation and Events Coordinator.		Recreation and Arts Coordinator	31/12/2009
3.1.4.10 Project development, management and implementation for the Country Football Netball Program	In Progress	95%	Oct 08: Gellibrand Football Netball Club application has been resubmitted. West Oval Netball Court redevelopment is currently being acquitted.		Recreation and Arts Coordinator	30/09/2009

Capital Works Progress Report

Council Plan Priority: 4 Health, Recreation and Community Services

Council Plan Objective: 4.1 Quality health and community services that promote community wellbeing

Capital Works Progress Report

Council Plan Objective: 4.1 Quality health and community services that promote community wellbeing

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 4.1.2 Ensure that health and wellbeing programs are available and accessible to all residents						

Capital Works Progress Report

Council Plan 4.1 Quality health and community services that promote community wellbeing

Plan

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 4.1.2 Ensure that health and wellbeing programs are available and accessible to all residents						
4.1.2.4 HACC Minor Works Program to continue with the extension to the Kanyana building and a potential store room for the Apollo Bay Senior Citizen Centre.	In Progress	15%	<p>11/10/2008 Planning application for the extension to be determined by Planning Committee on 14/10/08. Builders EOI's have been put on hold until Council decision.</p> <p>18/12/2007 Quotes have been obtained from Westvic Kitchens for the replacement of kitchen cabinets and stove. Discussions with user's of Kanyana have required changes. These have been discussed with cabinet maker. Works to commence in new year.</p> <p>Plan for extension to Kanyana have been discussed with user's. Problem with sewerage pipes from neighbouring property. After discussions with Barwon Water our plans will need to allow for access to these pipes as they cannot be re-laid due to concrete floor. Amended plans sent to Toronga Drafting for redesign.</p> <p>28/09/2007 Met with user's on site to discuss extension for a store and office. meeting with draftsperson early</p>		Manager Health and Community Services	30/06/2009

Capital Works Progress Report

Council Plan Objective: 4.1 Quality health and community services that promote community wellbeing

Plan

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 4.1.2 Ensure that health and wellbeing programs are available and accessible to all residents						
			October to discuss drawing of plans. 05/07/2007 Discussions commenced with user's of Kanyana with the intent to form a Steering Committee to oversee the project. Kanyana Club, U3A and The Meeting Place are to be partners on the Steering Committee.			

Council Plan Objective: 4.2 Recreation facilities that support community participation and wellbeing

Plan

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 4.2.2 Investigate strategies to fund and develop Central Reserve and Bluewater Fitness Centre Precinct						
4.2.2.2 Project Manage the Beechy Centre development project.	In Progress	75%	Oct 08: MOU completed and endorsed. Currently working through final stages of the Development and Joint Use Agreement.		Manager Recreation, Arts and Culture	30/06/2009

Capital Works Progress Report

Council Plan 4.2 Recreation facilities that support community participation and wellbeing

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 4.2.3 Develop, implement and review Council's recreation Strategy						
4.2.3.1 Implement the 3 Year Tennis Facilities Program	Completed	100%	Oct 08: Review of the Tennis Audit and consideration of a new audit to be considered in the new year.		Manager Recreation, Arts and Culture	30/06/2009
4.2.3.4 Promote and administer the Country Football Netball Program	In Progress	75%	Sept 07: Working towards Forrest Netball Court redevelopment for the October 07 intake. Gained funding for Western Oval, club and Council to meet after final series to determine project works and timelines. Dec 07: Forrest indicated they were not prepared for a funding submission in October as proposed. Possible submission for Forrest in February 2008. October 2008 Gellibrand resubmitted, West Oval Netball Court development to be acquitted.		Recreation and Arts Coordinator	30/06/2009

Capital Works Progress Report

Council Plan 5 Economic Development
Priority:

Council Plan 5.1 Regeneration of our small towns
Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 5.1.2 Continue to implement the Small Town Improvement Program in partnership with community groups						
5.1.2.1 Install Small Town Entry Signage - Swan Marsh, Carlisle River.	In Progress	90%	Sep 08: No budget for Small Town Entry Signage was allocated for this financial year.		Economic Development Officer	30/06/2009
5.1.2.2 Coordinate the Small Towns Improvement Program in partnership with the Economic Development and Grants Officer	Ongoing	0%	Sep 08: Applications are now open for the 2008/09 Small Towns Improvement Program. These close in November.		Economic Development Officer	30/06/2009
5.1.2.3 Implement small town visitor information signage boards - Forrest, Beeac, Cressy.	Ongoing	0%	Sept 08 All signs have been temporarily removed to be framed. These will be reinstalled as soon as possible. Signs being developed for Kennett River. Signs to be developed for Birregurra, Barwon Downs and Beeac as part of park upgrades within each township		Economic Development Officer	30/06/2009

Capital Works Progress Report

Council Plan **6 Environmental Sustainability**
Priority:

Council Plan **6.1 Best practice environmental management**
Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 6.1.1 Establish environmental best practice as a benchmark for managing natural resources in relation to Council assets (including storm water management, energy use and water use)						
6.1.1.1 Continue to implement the Kennett River Water Quality and Drainage Study recommendations.	Ongoing	0%	Sep 08: The Environment Unit is working with infrastructure to address concerns of local residents about the operating effectiveness of the wetland system. The levels are being checked to determine whether the system is operating with original design parameters.		Environmental Planner	30/12/2008

Council Plan **6.2 Local communities addressing local environment priorities**
Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 6.2.4 Determine a location for the development of an Apollo Bay Transfer Station						
6.2.4.1 Prepare an MOU to facilitate the land purchase of property for the development of the transfer station	In Progress	40%	Sep 08: A land purchase contract agreement is being developed by the solicitors, to be completed by December 08.		Manager Major Contracts	31/12/2008

Capital Works Progress Report

Council Plan Priority: 7 Strong Leadership

Council Plan Objective: 7.1 Strong community leadership, governance and advocacy

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 7.1.2 Continue the Best Value business planning process of organisational review: <ul style="list-style-type: none"> - Annually identify potential savings and efficiencies that can be directed to by Council to higher priorities - Work towards improved Community Satisfaction Survey results - Assess the impact of Council's reliance on grants - Assess the level of community demand for services - Undertake a review of the development and implementation of Council's major project processes 						
7.1.2.2 Road Furniture upgrades - Report monthly on progress.	Not Started	0%			Manager Health and Community Services	30/06/2009
7.1.2.3 Capital Works - Measure Tender attempt vs success rate	In Progress	100%	5.10.07 Tendered for 1 Project and was Successful. Rate 100% No change 10.11.07. July 08 Same As Above. Sep 08 Works program now sufficient and are not requiring to tendere this year.		Manager Cosworks	30/06/2009

Council Plan Objective: 7.2 Well structured internal and external services support the organisation in meeting community needs.

Capital Works Progress Report

Council Plan Objective: 7.2 Well structured internal and external services support the organisation in meeting community needs.

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 7.2.1 Provide Internal and External services to support the organisation in meeting the community's needs						
7.2.1.2 Develop and monthly update the progress report spread sheet for all ongoing contracts.	In Progress	25%	Completed spreadsheet for current works and back to 2004 & 2005 Sept 08: End of the financial year report for 07/08 completed, indicating the status of all contracts. Tender have been called for approx 50% of the contract projects. Ongoing reporting and update of project status.		Contracts Coordinator	30/06/2009
7.2.1.7 School Bus Routes. Annual budget allocation to assist in providing improvements along existing school bus routes (ie signage instalation, localised shoulder improvements etc). (Budget \$20,000)	In Progress	25%	Oct 08: Upgrades to existing scholl bus stops undertaken as required in conjunction with Department of Transport		Asset Management Officer	30/06/2009
7.2.1.15 Memorial Square - Shrine Works. Replace missing stones, repoint existing stone work. (budget \$14,000)	In Progress	75%	Oct 08: All stonework completed. Lighting on order and will be installed upon delivery		Buildings Officer	30/06/2009
7.2.1.19 Air Conditioning Unit Replacement. Major repairs to existing package units and replacement of duct work. (budget \$20,000)	In Progress	15%	Oct 08: Scope of works has changed due to failure of package unit. Replacement unit on order and will be installed when delivered. Revised budget \$45,000		Buildings Officer	30/06/2009

Capital Works Progress Report

Council Plan Objective: 7.2 Well structured internal and external services support the organisation in meeting community needs.

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 7.2.1 Provide Internal and External services to support the organisation in meeting the community's needs						
7.2.1.20 Bluewater - Roof Access. Install roof access system to allow contractors to safely access and traverse roof. (budget \$25,000)	In Progress	25%	Oct 08: Quotations accepted. Works to commence November 2008		Buildings Officer	30/06/2009
7.2.1.21 Council Building Assets Renewal Program - Rae Street Roof Access. Install safety rail around perimeter of first floor. (budget \$10,000)	In Progress	25%	Oct 08: Quotations accepted. Works to commence November 2008		Buildings Officer	30/06/2009
7.2.1.1 Manage the Large Plant Replacement to maximise plant utilisation and timely changeovers within the Plant Replacement Program	In Progress	40%	Further Investigation required into Jetpatcher - costs benefits etc. Streetsweeper, A Bay grader and Flocon to be changed this year. 20.12.06 Plant replacement to begin in Mar 07. 4.5.07 5.10.07 Completed as before. Sep 08 Plant replacement program completed. Start to changeover plant in Nov - Dec 08.		Manager Cosworks	30/06/2009

Capital Works Progress Report

Council 7.2 Well structured internal and external services support the organisation in meeting community needs.

Plan

Objective:

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	REMEDIAL ACTION REQUIRED	RESP. OFFICER	COMP DATE
Strategy: 7.2.1 Provide Internal and External services to support the organisation in meeting the community's needs						
7.2.1.2 Memorial Square Improvements. Report monthly on progress.	Ongoing	0%	Tree removal programmed for Nov/Dec06. Completed. 20.12.06 Tree planting by June 07 . Report being conducted on Elm trees by Wayne Knight. 4.5.07. 5.10.07 Further Tree Works planned in drier months. 4 trees need to be removed as per report. 10.11.07. July 08 2 Trees removed June 08. 2 tree removed in 08/09. Sep 08 Replace seating and tree removal planned for may 09.		Manager Cosworks	30/06/2009
7.2.1.3 Tree Planting Program. Report monthly on progress.	Not Started	0%	Programmed to start April/May07 20.12.06. No change to last comment 4.5.07. 5.10.07 Works programmed to start April/May 08. No change 10.11.07. July 08 Completed Sep 08 No budget for tree planting in 2008/09.		Manager Cosworks	30/06/2009
7.2.1.6 Governance - Purchase Furniture and Equipment as required	Not Started	0%			Manager Finance & Customer Service	30/06/2009

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE</u></p> <p><u>OM082810-11 SPECIAL CHARGE SCHEME - SLATER STREET, ELLIMINYT</u></p> <p>Department: Infrastructure & Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council –</i></p> <ol style="list-style-type: none"> <i>1. Adopt the final costs for the construction of the unsealed section of Slater Street, Elliminyt, as set out in this report; and</i> <i>2. Notify effected property owners of the final costs levied against the properties within the scheme boundary.</i> 		
<p><u>OM082810-12 CONTRACT APPROVAL CONTRACT 0801 – BINNS ROAD BRIDGE</u></p> <p>Department: Infrastructure & Services</p> <p><u>Recommendation</u></p> <p><i>That Council awards Contract 0801 for Binns Road Bridge Design & Construction to Van Ek Contracting Pty Ltd at the Lump Sum tender price of \$353,800.00 (excluding GST).</i></p>		

**OM082810-13 AMENDMENT OF UNUSED ROAD LICENCE
NO. 0511057 – HINDS ROAD, BIRREGURRA**

Department: Infrastructure & Services

Recommendation(s)

That Council -

- 1. Amend the unused road licence (Ref No. 0511057) by the extent specified in the attached Agreement;***
- 2. Instruct the Department of Sustainability and Environment to amend the current licence accordingly;***
- 3. Inform the Licensee, the operator, and other objectors of Council's resolution in writing; and***
- 4. Inform the Applicant in writing of Council's resolution including their requirement to satisfy the following:***
 - That all clauses of the Agreement drafted by the Applicant and dated 5 May 2008 are observed;***
 - The extent of the unused road licence to be amended shall be restricted to that length stated in Clause 3 of the Agreement;***
 - That all statutory planning approvals associated with construction of the proposed road are determined and obtained by the Applicant;***
 - That due consideration is given to any requirements under both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2007 to prepare a Cultural Heritage Management Plan;***
 - That the new roads design and its subsequent construction observe the requirements of Council's Roadside Vegetation Management Plan;***
 - Minimisation of any impacts to existing underground services which may exist within the works area;***
 - That the design and construction of the extension of Hinds Road consider land stability issues, road side drainage and discharge, road geometry, alignment, location of existing underground services, environmental impacts, etc.;***
 - That the new section of road is designed and constructed in order to satisfy Council's minimum specifications;***

<ul style="list-style-type: none"> - <i>That road design details/plans are forwarded to Council for approval; and</i> - <i>Consent to works being received from Colac Otway Shire prior to any works being undertaken.</i> 		
<p><u>OM082810-14 MINCHINTON ROAD CATTLE GRID AGREEMENT</u></p> <p>Department: Infrastructure & Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council resolve to sign and seal two (2) copies of the Agreement documents for the ongoing operation of the cattle grids located on Minchinton Road, Weeaprounah.</i></p>		

Recommendation

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

MOVED

SECONDED

OM082810-11 SPECIAL CHARGE SCHEME - SLATER STREET, ELLIMINYT

AUTHOR: Paula Gardiner
DEPARTMENT: Infrastructure

ENDORSED: Ross Goyne
FILE REF: Slater Street / Roads

Purpose

At the 30 January 2007 Council Meeting, Council declared a Special Charge Scheme for the construction of the unsealed section of Slater Street, Elliminyt.

This report outlines the final costs associated with the Special Charge Scheme project that relate to the unsealed section of Slater Street, Elliminyt.

Background

The Special Charge Scheme construction works included –

- Construction of a 6.0m under pavement;
- 6.0m wide two coat bitumen wearing coarse; and
- Associated works (eg linemarking, signage).

The project was tendered and awarded in December 2007. The contract was awarded to R Slater & Sons Pty Ltd.

Overall, the project consisted of three separate components with the works carried out within the one contract. The three components consisted of –

1. Construction of a 6m road;
 - Funded by the Special Charge Scheme.
2. Construction of 1m wide bicycle lanes on both sides of the road;
 - Funded by Council as a separate project in the 2007/08 Capital Works Program.
3. Construction of a car parking area adjacent the Elliminyt Primary School.
 - Funded by Education Department.

All works were completed by R Slater & Sons, with the intent of bundling the projects together to allow better co-ordination and minimise the overall costs associated with the construction of each project.

Corporate Plan/Other Strategies/Policy

The Special Charge Scheme was undertaken in accordance with Council's Special Charge Scheme Policy and the relevant requirements of the *Local Government Act 1989*.

Issues/Options

The works associated with the Special Charge Scheme were completed with a cost saving of 1.01%, or \$933.58, below the project estimate. While it is encouraging that a project budget saving has been made, there were a number of issues encountered during the construction of the road and ancillary bicycle lanes. The main issues related to the existing road pavement, whilst a pavement design was completed during the project planning phase, during construction it was found that the pavement design provided was not optimal. This resulted in a more detailed pavement investigation and a modification to the pavement design. These particular alterations had significant impacts on the project costing, and added approximately \$30,500 to the actual project costs.

Proposal

The proposal is to apportion the actual project cost among the properties included in the Special Charge Scheme.

Financial and other Resource Implications

As there is a wider benefit to the community, Council was required to contribute to the cost of the construction of the 6m road. Also located within the scheme boundary is the Elliminyt Primary School, which is a non rateable property. As the school is non rateable, a charge was not allocated to the school property within the scheme process, however the Education Department committed \$15,500 towards the school 'contribution' as part of their Good Neighbour Policy.

The community benefit was calculated using traffic count data to represent the traffic generated by non residents. It was calculated that 55% of the users of Slater Street were non residents, and as such the community benefit was 55% of the project. As the 'school traffic' was considered part of the non resident traffic, the contribution made by the Education Department has been used to offset some of the costs incurred by Council.

The project has reached practical completion with the final construction costs as follows;

Contract Price		\$ 156,601.40
Provisional Items (not spent)		-\$ 11,200.00
Deductions		-\$ 3,930.00
Variations		\$ 47,697.90
Final Contract Price		\$ 189,169.30
Final Seal Cost		\$ 13,464.00
Total Construction costs (all projects)		\$ 202,633.30
Works excluded from Scheme costs	(Primary School Parking)	\$ 51,185.80
	(Bike Lanes)	\$ 45,099.25
Project Cost to Scheme Participants		\$ 106,348.25
Design Costs (10%)		\$ 10,634.82
Contract Administration (2.5%)		\$ 2,658.71
Scheme Administration (3%)		\$ 3,190.45
Scheme Costs (legal fees)		\$ 6,234.19
Total Scheme Costs		\$ 129,066.42
Cost apportioned to Property Owners (45%)		\$ 58,079.89
Cost apportioned to Council (55%)		\$ 70,986.59
Estimated Scheme Cost		\$ 130,000.00
Estimated Cost apportioned to Property Owners (45%)		\$ 58,500.00
Estimated Cost to Council (55%)		\$ 71,500.00
Variation		\$ 933.58
(as a %)		1.01%

Cost per property (8 benefit units)	\$ 7,259.99
Estimated Cost per property	\$ 7,312.50
Net Benefit Unit Decrease	\$ 52.51

Excluded Costs

The works excluded from the Special Charge Scheme project included the costs associated with the construction of the parking area adjoining the primary school and the construction of the bike lanes along the length of Slater Street.

The costs associated with the construction of on street car parking along the school boundary were completed at the full cost of the Education Department, as the improvement works provided a direct benefit to the school.

The costs associated with the construction of the bicycle lanes along the length of Slater Street that was unsealed, were funded as part of Council's Capital Works Program. The costs were not included in the Special Charge Scheme. It was considered the benefits associated with the construction of bike lanes would provide improved safety to the wider community using Slater Street as opposed to the residents abutting the unsealed section. As the construction of the bike lanes added minimal benefit (either access or amenity) to the residents it was not included in the Special Charge Scheme, and therefore fully funded by Council.

Scheme Costs

The cost of the works associated with the Special Charge Scheme was \$129,066.42 which is 1.01% less than the estimated costs of construction. Therefore, the overall Benefit Unit cost has decreased by \$52.51. The cost apportioned to each property has decreased from an estimated \$7,312.50 to an actual cost of \$7,259.99.

In addition to the cost of construction for the bike lanes, Council is also required to contribute to the cost of constructing the 6m wide road due to the community benefit received from the works. The community benefit for the construction of the bike lanes was calculated at 55% of the total project costs, or \$70,986.59. The scheme cost apportioned to the Property Owners is therefore \$58,079.89.

Council Costs

As the community benefit incorporated a direct benefit received by the Primary School, the Education Department, as part of the Good Neighbour Policy, committed to contributing \$15,500 towards offsetting some of the overall costs to the community.

Therefore the actual cost to Council for the construction of a 6m road along Slater Street is \$55,486.59. This represents a budget saving of \$513.47.

Risk Management & Compliance Issues

The proposal was implemented in accordance with Council's Special Charge Scheme Policy and the relevant requirements of the *Local Government Act 1989*.

Environmental Considerations

No environmental issues arose during the course of construction. Work practices by the contractor were implemented to minimise any environmental impacts associated with the construction works.

Communication Strategy/Consultation

Correspondence will be issued to scheme participants advising of the final costs associated with the Special Charge Scheme.

Implementation

The Second Notice (scheme finalisation notice) will be sent to all property owners which will detail the amount payable, due date for payment and payment options.

Conclusion

The construction of Slater Street, including the additional works undertaken to construct the ancillary bicycle lanes and parking area, have improved the access, amenity and safety of residents and general road users.

The construction of the 6m wide sealed road, constructed via a Special Charge Scheme has been delivered under budget while still achieving the required outcomes of both the effected property owners and Council.

Attachments

Nil

Recommendation(s)***That Council –***

- 1. Adopt the final costs for the construction of the unsealed section of Slater Street, Elliminyt, as set out in this report; and***
- 2. Notify effected property owners of the final costs levied against the properties within the scheme boundary.***

~~~~~\ ~~~~~



**Corporate Plan/Other Strategies/Policy**

Tenders were evaluated in accordance with Council's *Tendering and Contracts Policy*.

This project is contained within Council's 2008/09 Capital Works Program and is consistent with Council's current emphasis on renewing ageing infrastructure.

**Issues/Options**

Options are to:

1. Proceed with the awarding of the contract; or
2. Not award the contract and arrange an alternative course of action.

It is considered necessary to award the contract and proceed with the replacement of the bridge in a timely manner to ensure the preservation of an efficient and effective road network and to ensure that timber extraction from the Aire Valley Plantation area is not subject to prolonged restriction.

**Proposal**

It is proposed to accept a tender and engage the contractor to complete the bridge replacement project. Works to be undertaken are valued less than the budgeted amount.

**Financial Implications**

The following budget amounts are available to complete the contract:

|                         |                  |
|-------------------------|------------------|
| VicRoads                | \$450,000        |
| <u>Council</u>          | <u>\$ 75,000</u> |
| Total Budget Allocation | \$525,000        |

The allocated budgets for both Council funded works and for works externally funded from VicRoads are above the preferred tender price and its component prices. There have been and will be some further ancillary costs for items such as the geotechnical investigation report, feature survey plans, concrete testing, consultant's and supervision fees, etc which will need to be added to the contract amount to form the total project cost.

It is difficult to accurately estimate the cost of ancillary works at this stage however it is expected that the total cost of works (tendered amount plus ancillary items) will be below the available budget to complete this project.

**Risk Management & Compliance Issues**

The preferred tenderer, Van Ek Contracting, has a good track record of management of risks and completion of contracts to specification and on time. Council should be confident that contracting with Van Ek Contracting will minimise exposure to occupational health and safety issues and non-compliance with the contract.

All statutory approvals have been obtained for the proposed works. Whilst a 'Works on Waterways' Permit is not required for this project, the Corangamite Catchment Management Authority have requested that the draft plans for the new bridge are provided to them for comment prior to proceeding further. Van Ek Contracting have indicated that they are able to meet these and other planning permit requirements fully.

A preliminary desktop analysis was made using the online Aboriginal Heritage Planning Tool available on the Aboriginal Affairs website to determine the need for a Cultural Heritage Management Plan. As the area which will be subject to excavation has previously been disturbed when the existing bridge was constructed the outcome of this initial assessment was that Council is not required to prepare a mandatory Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Regulations 2007*.



**Environmental Considerations**

Contractors are required under the contract to provide suitable approved environmental plans and to actively prevent issues occurring. Referee checks have confirmed that Van Ek Contracting has managed environmental concerns thoroughly and adequately in previous contracts.

A number of conditions on the planning permit obtained for this project relate to the environmental management of the work site. This includes the establishment of designated work zones, protection of native vegetation, and protection of stormwater and waterway quality. Van Ek Contracting have indicated that they have undertaken many projects within similar environs and are able to meet all environmental outcomes as required.

**Communication Strategy/Consultation**

The tender was advertised in the Colac Herald on 1 August, 2008, and the Geelong Advertiser, Ballarat Courier and The Age on 1 August, 2008. The tender was also advertised on the Colac Otway Shire website.

During the construction of the new bridge it is proposed to close Binns Road to all through traffic. Prior to the commencement of the project public notices will be placed in the local print media in order to advise the community of pending works and of the road closure following consultation with the timber industry and other key stakeholders.

**Implementation**

Upon Council's approval, the Contract will be awarded and works will be programmed to commence. Van Ek Contracting has indicated a commencement date of November 2008 with design expected to be completed by December 2008. Demolition and construction works are expected to begin around February/March 2009 with completion expected in June 2009.

**Conclusion**

A recommendation is made to award the contract to Van Ek Contracting Pty Ltd to complete the design and construction of the Binns Road Bridge. The tendered sum and its component prices are lower than the budgets allocated.

**Attachments**

Nil

**Recommendation**

***That Council awards Contract 0801 for Binns Road Bridge Design & Construction to Van Ek Contracting Pty Ltd at the Lump Sum tender price of \$353,800.00 (excluding GST).***

~~~~~\) ~~~~~

OM082810-13 AMENDMENT OF UNUSED ROAD LICENCE NO. 0511057 – HINDS ROAD, BIRREGURRA

AUTHOR: Adam Lehmann
DEPARTMENT: Infrastructure & Services
ENDORSED: Ross Goyne
FILE REF: GEN00016 – Unused Roads

Purpose

This report is presented in response to a request to have Hopkins Street - Unused Road Licence No. 0511047 cancelled or altered to provide primary access to 35 Hinds Road, Birregurra.

Background

Council Officers have received correspondence from the owner of 35 Hinds Road, Birregurra, requesting it to consider the cancellation or amendment of the Unused Road Licence (Ref No. 0511057) at the southern end of Hinds Road to afford a legal point of access to their property (refer Attachment 1).

The Unused Road licence is currently held by the owner of 575 Colac Lorne Road. The term of the licence is 99-years and was first issued in 1990. The unused road licence was issued by the Department of Sustainability and Environment (DSE) in accordance with Section 130 of the *Land Act 1958* (the 'Act') and is for the exclusive purpose of grazing.

Under Section 407(1) of the Act, Council, should it consider it desirable in the public interest that a licence issued in respect to any unused road be cancelled or amended may do so by informing DSE in writing.

Where a licence has been cancelled, the land to which that licence related shall cease to be an unused road and reverts back to the management of Council.

At present, part of 35 Hinds Road is covered by a private softwood plantation which is due for harvesting in the foreseeable future. It is expected that Midway Pty Ltd will undertake harvesting operations on behalf of the owners of this property. Access is primarily being sought to support the extraction of timber from this block in the short term, however there is an ongoing issue in providing both a legal and practical point of access to this property.

A legal point of access is also available to 35 Hinds Road via the extension of Birregurra Yeodene Road to the south (refer attached locality plan) however this route may not afford practical year round access to this property.

Council received objections from the owners of the properties at 20 Hinds Road, 25 Hinds Road and 575 Colac Lorne Road with the respect to the request to cancel or amend the existing unused road licence. The objectors cited issues such as amenity impacts during timber harvesting operations, the ability of the landscape to support the construction of a 'new' access road, the extent of amendment to the licence, responsibility for the ongoing maintenance of the new road and road safety during timber cartage, as being of major concern.

In response to these concerns Council officers attempted to mediate a mutually agreeable resolution to this matter between each of the interested parties.

Based on the discussions held during this process, a number of issues were raised that were subject to further negotiation with a view to establishing an outcome that satisfied the expectations of the applicant seeking amendment to the existing unused road licence (the

'Applicant'), the licence holder (the 'Licensee'), and the operator of the land which is subject to the unused road licence (the 'Operator').

Prior to any further consideration being given to the amendment of the existing unused road licence the following matters were to be negotiated and resolved to the satisfaction of the Applicant, the Licensee, and the Operator.

- The extent as to which the unused road licence (Ref no. 0511057) was to be amended to permit a legal point of access along the northern section of Hinds Road to the property at 35 Hinds Road;
- Agreement to the standard of fencing and the distribution of those costs involved in fencing the 'new' road at its western and southern boundaries. This included the provision of gate access. It was suggested that the Applicant should bear these costs; and
- Establishment of an alternative route to transport timber from 35 Hinds Road to avoid the need for trucks to use the northern section of Hinds Road. The Applicant was to discuss the feasibility of a number of different options which were presented during discussions with their harvesting contractor.

Following a further meeting between the Applicant, the Licensee, and the Operator to discuss these matters the attached agreement was drafted. *(Note, names have been deleted for the purpose of this report.)* No further progress has been able to be made between each of the parties since and now requires Council intervention to resolve this matter.

Corporate Plan/Other Strategies/Policy

No policy considerations are applicable.

Issues/Options

There are a number of options available in providing a resolution to this matter. These options are:

1. Maintaining the status quo

Council may resolve to not cancel or amend the existing Unused Road Licence and require the Applicant to use the extension of Birregurra Yeodene Road as their primary point of access to the south. This route may not provide practical access to 35 Hinds Road as it will require the construction of 400 metres of roadway and the upgrade of an existing stream crossing. Council would ultimately become responsible for the management and maintenance of the new length of road.

2. Cancel the Unused Road Licence

This would provide unrestricted access from the north to the full frontage of 35 Hinds Road; however, the licensee would no longer have rights to the quiet enjoyment or grazing of the subject land. Cancellation of the licence would also have implications for Council in that it would be then responsible for the care and management of the full extent of the formerly licensed area.

3. Amend the Unused Road Licence

Discussions with DSE officers have indicated that the existing licence may be amended in such a way so as to afford unrestricted access to 35 Hinds Road whilst also allowing the licensee to graze at least part of the existing licensed area. The Applicant would be required to construct access over the section of unused road acquired through amendment of the licence. Council would then become responsible for this new but shorter, length of Hinds Road.

Proposal

In terms of equity it is considered that option 3 as discussed above provides optimum benefit to each the Applicant, the Licensee, and the Operator. Access via Hinds Road will result in the provision of a legal and practical point of access to 35 Hinds Road whilst allowing the Licensee and the Operator the opportunity to continue to use exclusively part of the unused road although reduced minimally in area.

Any amendment to the existing unused road licence would be conditional upon the following:

- Formal Council approval and agreement with DSE on amendments to the unused road licence;
- That all clauses of the Agreement drafted by the Applicant and dated 5 May 2008 being observed;
- The extent of the unused road licence to be amended shall be restricted to that length stated in Clause 3 of the Agreement;
- That all statutory planning approvals associated with construction of the proposed road are determined and obtained by the Applicant;
- That due consideration is given to any requirements under both the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2007* to prepare a Cultural Heritage Management Plan;
- That the new section of road is designed and constructed in order to satisfy Council's minimum specifications;
- That the new roads design and its subsequent construction observe the requirements of Council's Roadside Vegetation Management Plan;
- Any impacts to existing underground services which may exist within the works area are minimised; and
- Colac Otway Shire providing consent to works.

The design and construction of the extension of Hinds Road will need to consider a number of factors including land stability issues, drainage, road geometry, alignment, location of existing underground services, environmental impacts, etc.

Financial Implications

It is intended that Council remain 'cost neutral' with respect to this matter. All costs associated with road construction and the removal, reinstatement, or fencing of any property boundaries are to be borne by the Applicant.

There will be no immediate financial impact to Council. However, amending the licensed area to accommodate a point of access to 35 Hinds Road will add approximately 120metres to the road network currently maintained by Council.

Risk Management Implications

In the event that the licensed area is amended, Council Officers will need to ensure that the additional length of Hinds Road is included on the Municipal Road Register to ensure that it is managed in accordance with Council's Road Management Plan and the *Road Management Act 2004*.

Environmental Considerations

A number of environmental issues will need to be considered by the Applicant through both the processes of road design and construction. It is considered that adherence to the requirements of Council's Roadside Vegetation Management Plan and any planning permit conditions, if applicable, will minimise likely impacts to the surrounding environment.

Timber harvesting operations are to be conducted in accordance with the Code of Practice for Timber Production 2007. This document provides guidance to operators to deliver sound performance when undertaking commercial timber growing and harvesting operations

Communication Strategy/Consultation

Should Council resolve to amend the existing unused road licence (Ref No. 0511057) it is proposed to:

- Inform the Licensee, the operator, and other objectors of Council's resolution in writing;
- Inform the Applicant in writing of Council's resolution including all associated conditions and requirements;
- Request in writing that DSE amend the unused road licence. The extent of amendment shall be in accordance with Clause 3 of the Agreement previously mentioned.

Implementation

All actions will be implemented upon resolution of Council.

Conclusion

It is considered that a section of the unused road being licensed is reasonably required for public purposes in that it will provide both a legal and practical point of access to 35 Hinds Road.

Amendment to this licence will provide the best possible outcome to the Applicant, the Licensee, and the Operator. This course of action will result in the adequate property access whilst also allowing part of the unused road to be continued to be used for grazing purposes. This option will also minimise the additional extent of new road network which Council will be responsible for managing on an ongoing basis.

Attachments

1. Locality Plan
2. Proposed Amended Licence Area

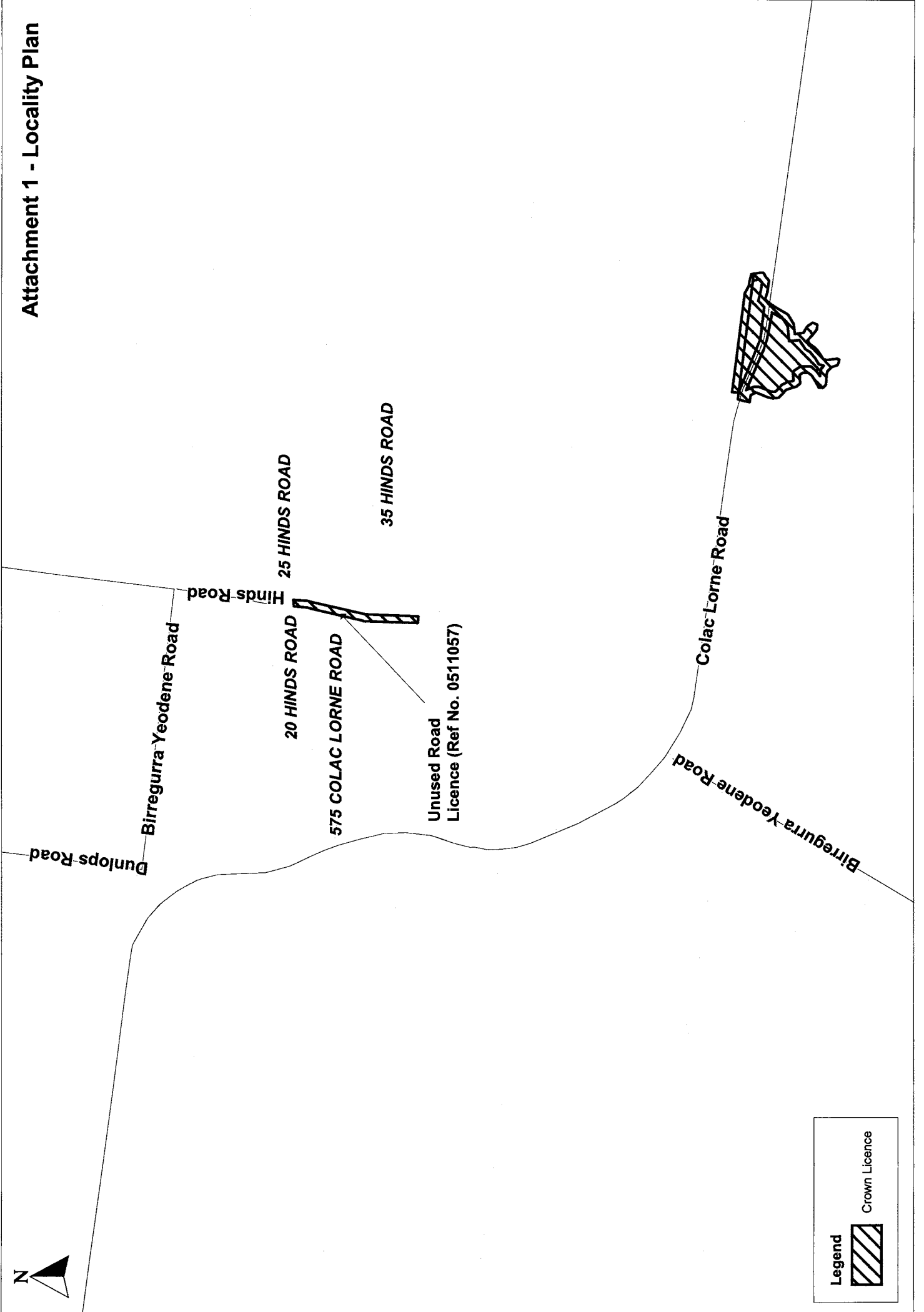
Recommendation(s)**That Council -**

- 1. Amend the unused road licence (Ref No. 0511057) by the extent specified in the attached Agreement;**
- 2. Instruct the Department of Sustainability and Environment to amend the current licence accordingly;**
- 3. Inform the Licensee, the operator, and other objectors of Council's resolution in writing; and**
- 4. Inform the Applicant in writing of Council's resolution including their requirement to satisfy the following:**
 - That all clauses of the Agreement drafted by the Applicant and dated 5 May 2008 are observed;**
 - The extent of the unused road licence to be amended shall be restricted to that length stated in Clause 3 of the Agreement;**
 - That all statutory planning approvals associated with construction of the proposed road are determined and obtained by the Applicant;**
 - That due consideration is given to any requirements under both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2007 to prepare a Cultural Heritage Management Plan;**
 - That the new roads design and its subsequent construction observe the requirements of Council's Roadside Vegetation Management Plan;**
 - Minimisation of any impacts to existing underground services which may exist within the works area;**
 - That the design and construction of the extension of Hinds Road consider land stability issues, road side drainage and discharge, road geometry, alignment, location of existing underground services, environmental impacts, etc.;**
 - That the new section of road is designed and constructed in order to satisfy Council's minimum specifications;**
 - That road design details/plans are forwarded to Council for approval; and**
 - Consent to works being received from Colac Otway Shire prior to any works being undertaken.**


~~~~~\ ~~~~~



# Attachment 1 - Locality Plan



**Legend**



Crown Licence



**Attachment 2 - Proposed Amended Licensed Area**

**Birregurra Yeodene Road**

**Hinds Road**

**25 HINDS ROAD**

**20 HINDS ROAD**

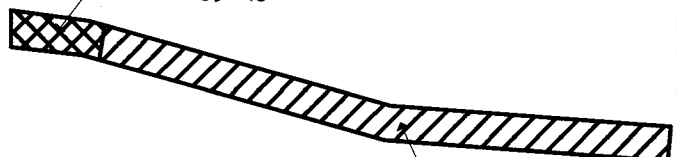
**575 COLAC LORNE ROAD**

**35 HINDS ROAD**



**Section to be Reopened  
as Public Road**

**Amended Unused Road  
Licensed Area**





**OM082810-14 MINCHINTON ROAD CATTLE GRID AGREEMENT**

AUTHOR: Adam Lehmann  
DEPARTMENT: Infrastructure

ENDORSED: Ross Goyne  
FILE REF: Minchinton Road,  
Weeaproinah - Roads

**Purpose**

The following report is presented to Council for it to consider signing an Agreement to allow the ongoing operation of two (2) remaining cattle grids located on Minchinton Road, Weeaproinah.

**Background**

In December 2007 Council received requests from a number of property owners and regular users of Minchinton Road to remove the three (3) cattle grids located along the length of the road. The basis of these requests was that the grids were poorly maintained and had deteriorated to a condition such that they presented a hazard to road users, particularly heavy traffic.

In response, Council officers engaged engineering consultants to undertake 'in situ' structural testing on the three (3) cattle grids to validate the concerns received.

The results of this testing indicated that the first two cattle grids along Minchinton Road had a carrying capacity of 15 tonnes. It was also recommended that a 10 tonne load limit be applied to the third cattle grid.

Subsequent to these recommendations being received, and for the purposes of public safety, it was arranged to erect appropriate signage in order to apply a 10 tonne load limit along the full length of Minchinton Road.

In response to Council's intention to load limit the road; further representation was made to Council by those persons whom had originally expressed concern as to the safety of the cattle grids indicating that a restriction of this nature would severely impact on their farming operations.

As a result, Council Officers arranged to meet with the property owner who derived direct benefit from the cattle grids (the 'User') to discuss the issue and ascertain the future requirement for the ongoing use of the three cattle grids. The outcomes of this discussion were that the Users farming operations did not rely on the third (last) cattle grid being retained and it was agreed that it could be removed. However, it was indicated that it would be desirable to retain the first two (2) cattle grids along the road to allow stock to be safely moved across the road.

Whilst Council accepted the Users position, Council indicated that the condition, and hence capacity, of the two (2) remaining grids, should they be retained, would significantly impact on the ability of other property owners along the road to conduct their farming operations. It was explained that if the grids were to be retained they would need to be repaired to enable unrestricted access to heavy vehicles along Minchinton Road and that the User may be required to contribute to the costs of bringing the condition of these two (2) cattle grids to an acceptable condition.

Based on the outcomes of these discussions with the User, Council agreed to; remove the third cattle grid and reinstate the roadway; and determine costings to repair the two (2) remaining cattle grids and provide this information to the User for further consideration. The third cattle grid was removed within a week of the above meeting.

In a letter dated 25 August 2008, Council wrote to the User advising that the necessary repairs to the remaining cattle grids would cost \$5,000. This costing was based on a quotation received from Council's internal works unit, Cosworks. In relation to prior discussions regarding a possible contribution from Council towards this cost, it was considered that as there was no direct community benefit associated with the retention of the grids, Council was not in a position to contribute to the cost of the repairs.

In response to this letter the User initiated the examination of other options which may be available to allow him to safely move his cattle across Minchinton Road. These options include the installation of a cattle underpass; the installation of a gated crossing system; or retention of the cattle grids as originally discussed. Council indicated to the User that the operation of a gated crossing would not be permitted as there were a number of inherent and undesirable issues associated with the operation of such a system. The User concluded that the retention and repair of the two (2) remaining cattle grids provided the most benefit at least cost and agreed 'in principle' to pay the quoted sum to repair the existing cattle grids. Council officers supported this arrangement as originally proposed.

In order to facilitate the ongoing operation of the cattle grids it was decided to formalise an Agreement. This Agreement covers aspects such as maintenance and inspections of the upgraded cattle grids to an agreed standard. It also apportions various responsibilities for both Council and the User. The Agreement has been developed and drafted in close consultation with the User.

#### **Corporate Plan/Other Strategies/Policy**

The draft cattle grid agreement has been prepared in order to consider the standards of Council's Road Management Plan and the requirements of Victorian Occupational Health & Safety legislation, the *Road Safety Act 1986*, the *Road Management Act 2004*, and applicable Australian Standards.

#### **Issues/Options**

Through the course of reaching an acceptable resolution to this matter a number of differing options were examined to enable the safe crossing of stock across Minchinton Road. These options included:

- The installation of a cattle underpass;
- The installation of a gated crossing system; or
- The retention and repair of the two (2) remaining cattle grids as proposed by Council officers.

It was indicated to the User that the operation of a gated crossing would not be supported as there were a number of inherent issues associated with the ongoing operation of such a system.

The User concluded that the retention and repair of the two (2) remaining cattle grids provided the most benefit at least cost. Council officers supported this arrangement as it achieves the primary aim of facilitating the safe crossing of stock across Minchinton Road whilst providing unrestricted access to heavy vehicles.

### **Proposal**

The following actions are proposed to conclude this matter:

- Each party to sign the Agreement;
- Arrange for the two (2) remaining cattle grids to be repaired prior to signing of the Agreement to ensure that continued progress is made. The User has since agreed to this in writing;
- An invoice to be forwarded to the User for the cost of repairs to the cattle grids upon completion; and
- The outcomes to be communicated to all interested parties via written correspondence.

### **Financial Implications**

There are no direct costs to Council for the repair of the cattle grids on Minchinton Road. The User has agreed to pay the \$5,000 quoted to undertake all necessary repairs. There has been some Council Officer time involved during the process of developing the draft Agreement.

### **Risk Management Implications**

The draft Agreement has been prepared in order to consider the standards of Council's Road Management Plan. Other statutory requirements have also been considered including those in relation to Victorian Occupational Health & Safety legislation, the *Road Safety Act 1986*, and the *Road Management Act 2004*. Reference has also been made to all applicable Australian Standards.

The Agreement also requires the User to maintain public liability insurance for the sum of \$10 million indemnifying Council against any claims for damages brought against it by any party in respect of the existence and/or use of the cattle grids.

Council also received legal opinion with respect to the draft Agreement. A number of changes were suggested to ensure that the agreement adequately defines the roles and responsibilities of each party, to ensure consistency with the outcomes of Council's Road Management Plan and the requirements of the *Road Management Act 2004*; and minimises Council's exposure in terms of public liability.

The alterations have been considered and incorporated into the agreement.

### **Environmental Considerations**

No environmental considerations are applicable in this instance.

### **Communication Strategy/Consultation**

Council officers have endeavoured to include the User in the lengthy process of drafting the Agreement to allow the continued operation of the cattle grids located on Minchinton Road. The Agreement is at a point where it is supported by both parties.

Council's resolution will be communicated to all interested parties via written correspondence.

### **Implementation**

It is intended to initiate all necessary repairs to the cattle grids prior to formalising the Agreement to ensure that access to heavy vehicles associated with agricultural activities

along Minchinton Road are not subject to prolonged restriction. The Agreement will take effect once it has been signed by each of the relevant parties.

### **Conclusion**

Council has an obligation to support the activities of primary producers along Minchinton Road within the constraints of its statutory powers and resource limitations. Any lengthy restriction placed on this road through load limiting has the potential to significantly impact on other farming operations in the area. Council officers have worked closely with the User in order to reach an acceptable long term solution by both having the two (2) remaining cattle grids repaired to an adequate standard

### **Attachments**

1. Locality Plan

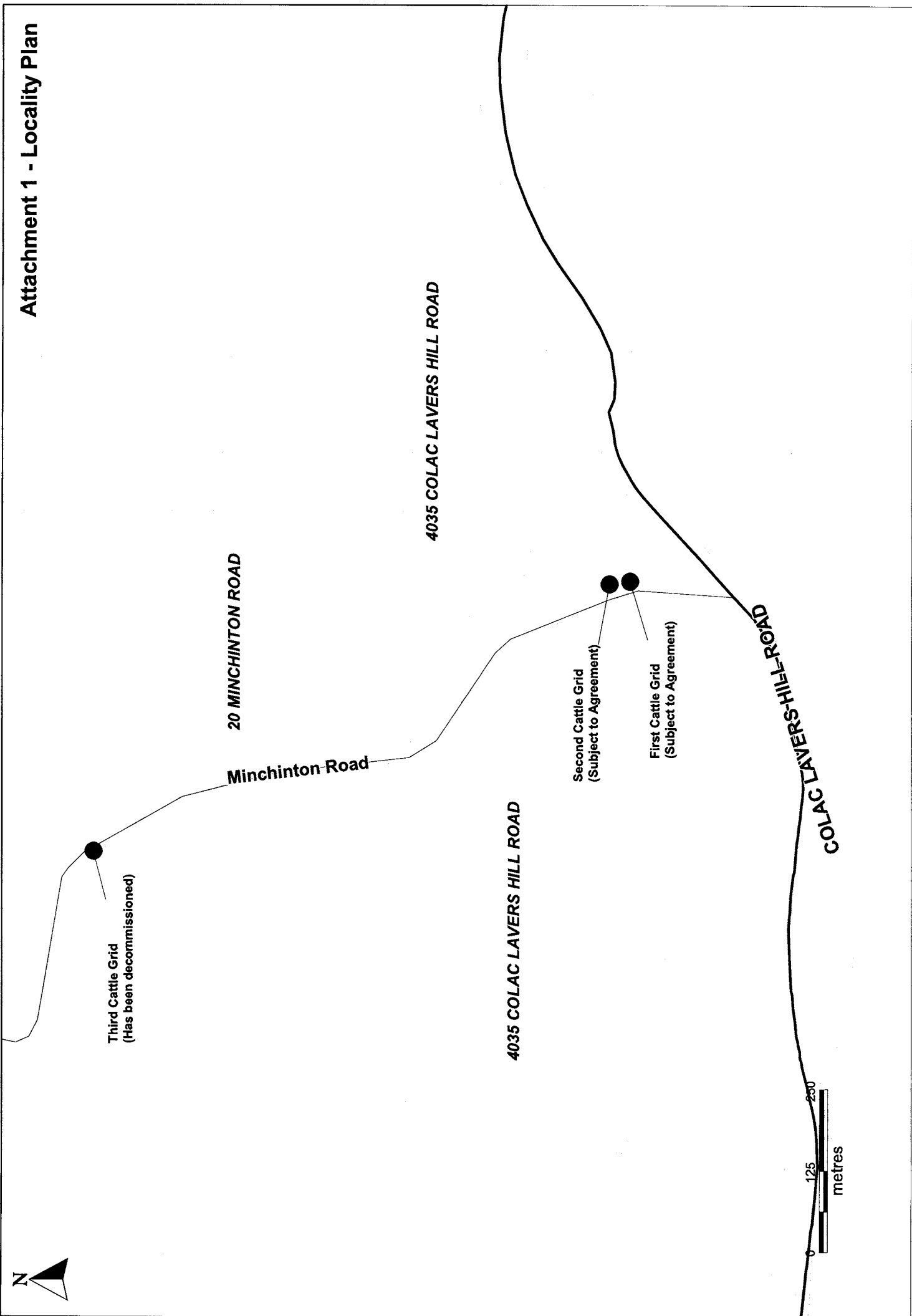
### **Recommendation(s)**

***That Council resolve to sign and seal two (2) copies of the Agreement documents for the ongoing operation of the cattle grids located on Minchinton Road, Weeaprounah.***

-----u-----



# Attachment 1 - Locality Plan



## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | D | W |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p> <p><b><u>OM082810-15 PLANNING SCHEME AMENDMENT C55 -<br/>CONSIDERATION OF PANEL<br/>RECOMMENDATIONS AND PROPOSED<br/>ADOPTION OF AMENDMENT</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That having considered the Panel report for Amendment C55 and having considered all submissions made, it is recommended that Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Notes and acknowledges the congratulations of the Panel, and the significant contribution made by Councillors, Council staff and the community to Amendment C55 and all of the lead-up strategic work that has been incorporated into the amendment.</i></b></li> <li><b><i>2. Adopts Amendment C55 as exhibited subject to the following changes:</i></b></li> </ol> <p><b><u>Maps - Zones</u></b></p> <p><b><i>Panel Recommendation 38</i></b></p> <ul style="list-style-type: none"> <li><b><i>• Delete lots known as 122 Main Street from the Business 3 Zone.</i></b></li> <li><b><i>• Delete the Business 1 Zone from land in Elliminyt not currently used or developed for commercial activities.</i></b></li> <li><b><i>• Delete the proposed Industrial 1 and 3 zoning on the east side of Forrest Street south of Hearn Road.</i></b></li> <li><b><i>• Align the northern boundary of the Business 4 Zone in West Colac with the northern boundary of lots 378 and 412 Princes Highway.</i></b></li> </ul> |   |   |

**Maps - Overlays****Panel Recommendation 37**

- *Delete ESO1 from the urban area of Colac, including the industrial areas to the east of Colac.*
- *Subject to Amendment C29 being approved by the Planning Minister, on the SLO3 map delete the overlay from the Great Ocean Green land between Apollo Bay and Marengo.*

**Municipal Strategic Statement****Panel Recommendation 1**

*In Clauses 21.02 – 21.05 review the overview, strategies and objectives to identify material that is more appropriately presented as Policy guidance or Rezoning guidance.*

**Panel Recommendation 2**

*In Clauses 21.02 – 21.05 ensure that Strategy references to all plans and maps clearly refer to the plans and maps in the Clause, rather than to the external documents from which they are sourced.*

**Panel Recommendation 3**

*In Clauses 21.02 – 21.05 in the recommended ‘Specific implementation’ section include the following headings and guidance worded as follows:*

**Policy guidance**

*Request [specify proposals] provide the following information as appropriate:*

- *[List of specific information to be supplied].*
- *Assess proposals [specify proposals] against the following criteria:*
- *[This list should comprise of ‘standards’, that is statements using the verb ‘should’ (or in some cases ‘may’)].*
- *When deciding on applications [specify proposals] consider, as appropriate:*
- *[This list should comprise a list of policy neutral issues].*

**Rezoning guidance**

*Support the [nominated zones] on land [area identified] to provide for [identified uses] provided [other requirements].*

**Panel Recommendation 4**

*In Clauses 21.02 – 21.05 include a section ‘Specific implementation’ after Objectives and Strategies where there is a need to include the material identified as policy guidelines, and statements that provide guidance on future rezoning.*

**Panel Recommendation 5**

*In Clauses 21.02 – 21.05 review and edit the Strategies to remove any reference to the Rural Land Strategy, Colac Structure Plan, and Apollo Bay Structure Plan.*

**Panel Recommendation 6**

*In Clause 21.02-3 in the Overview and Strategies recognise the need for a heavy vehicle by-pass of the Murray Street retail centre.*

**Panel Recommendation 7**

*In Clause 21.03-2, modify strategies advocating urban consolidation to ensure that infill housing proposals need to demonstrate that they are designed in a manner that is compatible and appropriate for the prevailing character of the precinct.*

**Panel Recommendation 10**

*In Clause 21.04-8 (Overview) delete the reference to ‘Western Coastal Cliffs’.*

**Panel Recommendation 11**

*In Clause 21.04-8:*

- *Insert a new dot point in the overview that states: “The need to protect the scenic landscape values of ridgelines and landforms from inappropriate built form and removal of vegetation.”*
- *Insert a new objective that states: “To protect ridgelines from inappropriate development and vegetation removal.”*
- *Insert a new strategy that states: “Ensure new development and removal of vegetation is discouraged from ridgelines and hill tops where it is a significant scale to impact the landscape character of the area.”*



**Panel Recommendation 12**

***In Clause 21.05-1 introduce a new 'Policy guideline' as follows:***

- ***Request applications for an additional dwelling in the Farming Zone provide the following information as appropriate:***
  - ***A statement that describes the nature of the agricultural use, the extent of its operation, its current and proposed staffing levels, the need for on site management and how an additional dwelling meets the requirements of the planning scheme.***

**Panel Recommendation 13**

***In Clause 21.05-2 insert a new strategy to discourage timber plantations from land identified for its scenic and landscape qualities in the Great Ocean Road region as defined by the Rural Conservation Zone.***

**Panel Recommendation 14**

***In Clause 21.05-4 (Overview) distinguish between the potential of farming and nature based tourism ventures in the Rural Activity Zone (RAZ).***

**Panel Recommendation 15**

***In Clause 21.05-4 amend the last two objective statements to read:***

- ***To provide for a preferred mix of uses in the Rural Activity Zone to the west of Apollo Bay.***
- ***To provide for a preferred mix of uses in the Otway Ranges.***

**Panel Recommendation 16**

***In Clause 21.05-4 add 'Rezoning guidance' in a new section following strategies as follows:***

***Rezoning guidance***

- ***Support the Rural Activity Zone on land west of Apollo Bay and in the Otway Ranges to provide for a mix of uses including: agriculture, tourist and recreational activities, group accommodation with tourist or recreational activities (including backpacker accommodation, camping and caravan park, cabins etc.), and restaurant in association with a tourist activity or recreational activity.***

**Panel Recommendation 17**

***In Clause 21.05-4 delete 12th to 16th dot points under 'Strategies' and replace with 'Policy guidance' in a new section following strategies as follows:***

***Policy guidance***

- ***Assess proposals for use and development in any Rural Activity Zone west of Apollo Bay or in the Otway Ranges against the following criteria:***
  - ***Use and development for Equestrian supplies, Helipad, Hotel, Landscape gardening supplies, Motor racing track, Tavern, and other similar uses should be avoided.***
  - ***The scale of development and use should relate to the land size and surrounding uses.***
  - ***Development should be subservient to the landscape and not detract from the landscape quality.***
  - ***Development should be of high design quality and the style should respect surrounding development.***
  - ***Development should provide net environmental gain.***
  - ***Development should be self sufficient in, or meet all the relevant costs of, infrastructure provision.***

**Panel Recommendation 18**

***In Clause 21.06 rename the Clause 'General implementation' and revise the content to provide a general overview of how Zones and Overlays are applied in the Scheme.***

**Panel Recommendation 19**

***In Clause 21.07 before the list of reference documents include the words:***

- ***'The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme and decision makers should use these documents for background research only. Material in these documents that potentially provides guidance on decision making but is not specifically referenced by the Scheme should not be given any weight.'***

**Framework Plans****Panel Recommendation 8**

**In Clause 21.03-2 amend the Colac Framework plan to:**

- **Remove notations that will be redundant if the Amendment is approved and include relevant strategic notations.**
- **Remove notations for infill development from areas included in a Heritage Overlay.**
- **Identify Heritage Areas.**
- **Designate the land on the south side of Princes Highway, generally east of Deans Creek Road as part of the long term supply of urban residential land.**
- **Give strategic recognition of the need to expand the Elliminyt neighbourhood centre to support a growing community.**
- **Delete the notation and area designated as Potential future (long term) south of proposed Industrial 1 Zone area.**
- **Identify the area between proposed Industrial 1 Zone and Pound Road as 'Potential Industrial Area'.**

**Panel Recommendation 9**

**In Clause 21.03-3 modify the Apollo Bay 'Framework' Plan to:**

- **Delete the water storage facility on the Great Ocean Green site.**
- **Delete any reference to growth scenarios or staging.**
- **Identify land to the west of the town as an 'Urban Development Investigation Area'.**
- **Identify the C17 site by way of an outline as being a 'potential residential development site'.**
- **Identify the C29 site by way of an outline as being a 'potential residential development site' generally in accordance with the adopted C29 Framework Plan.**
- **Include environmental outcomes on the Great Ocean Green land including river, floodplain and the like.**
- **Include a notation about the green break between the road and the river.**
- **Add the words 'non urban' to the legend as it affects Wild Dog Creek.**
- **Add reference to the actual heights instead of terms such as 'high density'.**

**Zone Schedules****Panel Recommendation 20**

***In the Schedule to Clause 35.07 insert under 'minimum setback from a road (metres)':***

***The following for roads with a 100m setback:***

***"A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1, including:***

- ***Beech Forest Mt Sabine Road, Ferguson to Turtons Track***
- ***Birregurra-Forrest Road***
- ***Colac-Ballarat Road***
- ***Corangamite Lake Road***
- ***Forrest-Apollo Bay Road***
- ***Great Ocean Road***
- ***Lavers Hill-Cobden Road***
- ***Lavers Hill-Colac Road***
- ***Lighthouse Road***
- ***Princes Highway***
- ***Skenes Creek Road***
- ***Turtons Track"***

***The following for roads with a 20m setback:***

***"Any other road, including:***

- ***Barham Valley Road***
- ***Binns Road***
- ***Blue Johanna Road***
- ***Busty Road***
- ***Carlisle-Gellibrand Road***
- ***Hordern Vale Road***
- ***Killala Road***
- ***Mariners Lookout Road***
- ***Melba Gully Road***
- ***Phillips Track***
- ***Red Johanna Road***
- ***Sunnyside Road***
- ***Tuxion Road***
- ***Upper Gellibrand Road***
- ***Wild Dog Road"***

**Overlay Schedules****Panel Recommendation 21**

***In Clause 42.03-1 (SLO1) at 'Permit Requirements' insert the following statement:***

***"A permit is required to remove, destroy or lop any native vegetation."***

**Panel Recommendation 22**

***In Clause 42.03-3 (SLO3) and 42.03-4 (SLO4) introduce the same permit exemptions as specified in Clause 42.03-1 (SLO1).***

**Panel Recommendation 23**

***In Clause 42.03-3 amend the second dot point to Clause 6 to state:***

- ***"The 'Apollo Bay Coastal Valley and Hills Precinct Development Principles Incorporated Plan' from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81."***

**Panel Recommendation 24**

***In Clause 42.03-4 amend the second dot point to Clause 6 to state:***

- ***"The 'Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles Incorporated Plan' from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81."***

**Panel Recommendation 25**

***In Clause 43.02 amend DDO 3 to provide the set back from the proposed road widening.***

**Panel Recommendation 26**

***In Clause 43.02 Schedule 5 replace the first objective with:***

- ***"To protect the existing low scale coastal character and identity of Apollo Bay.***
- ***To ensure that new development in Apollo Bay is consistent with and acts to consolidate the character of Apollo Bay as a coastal town."***

**Panel Recommendation 27**

***In Clause 43.02 Schedules 5, 6, and 7 delete the objective 'To ensure that Urban Design principles expressed in the Apollo Bay Structure Plan are incorporated into new developments'.***

**Panel Recommendation 28**

***In Clauses 43.02 Schedule 5, 6, 7 delete the objective 'To ensure that Environmentally Sustainable Development practices expressed in the Apollo Bay Structure Plan are incorporated into new developments'.***

**Panel Recommendation 30**

***In Clauses 43.02 Schedule 5, 6, 7 move the decision guidelines relating to urban design to 'Buildings and works' and express them as 'standards' using the verb 'should'.***

**Panel Recommendation 31**

***In Clause 43.02 Schedule 5 specifically list the exempt works.***

**Panel Recommendation 32**

***In Clause 43.02 Schedules 6 and 7 replace the first objective with:***

- ***To protect the existing low scale coastal character and identity of Apollo Bay.***

**Panel Recommendation 33**

***In Clauses 43.02 Schedule 5, 6 and 7 delete the 'Decision Guidelines' relating to Environmentally Sustainable Design (ESD).***

**Panel Recommendation 34**

***In Clause 43.04 consolidate exhibited DPOs into one schedule for Future Residential Areas, and that the Schedule limit the matters to be addressed to:***

- ***Internal road network.***
- ***Public open space.***
- ***Connectivity to other residential land and public open space.***
- ***Diversity of lot sizes and proposed lot density.***
- ***Provision of community facilities.***
- ***Impact of development on flora, fauna and cultural heritage.***

***The Schedule to the 'Future Residential' DPO allow for permits for subdivision to be granted prior to the completion of the DPO provided that any permit does not compromise the orderly planning and development of the area.***

**Specific Provisions*****Panel Recommendation 35***

***In Clause 52.01 delete the requirement for 10 per cent open space.***

**Incorporated Documents*****Panel Recommendation 36***

***In Clause 81, introduce two new incorporated documents titled 'Apollo Bay Coastal Valley and Hills Precinct Development Principles' and 'Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles'.***

**Other Council suggestions supported by the Panel.**

- ***Change ESO6 to ESO7 to acknowledge the correct numbering sequence.***
- ***In the schedule to SLO5, delete reference to land around the Barham River.***
- ***Add the objective to ESO3 concerning protection of public health as requested by Wannon Water.***
- ***Convert the 'excision' related strategy at Clause 21.05-1 into a policy guidelines.***
- ***Convert the 'siting and design' strategy at Clause 21.03-8 into a policy guideline.***
- ***Delete the word 'residential' from DPO11.***
- ***Include the title details of CP173638 in the RAZ schedule.***
- ***Consider including reference to localized infrastructure problems in Clause 21.01-5 in accordance with the CORRA submission.***
- ***In accordance with the submission of CORRA remove DPO8 from part of the small residential area it covers in Colac as it is public land.***
- ***In accordance with the Fankhanel submission, include reference to pre-European heritage.***

**Changes recommended by Officers:**

- ***Delete the last dot point of Clause 21.03-9 that supports applications for dwellings in the Rural Conservation Zone (RCZ)***
- ***Include permit exemptions in the ESO1 and ESO3 for trimming of vegetation***
- ***Include permit exemptions in the ESO2 for removal/lopping of non-native vegetation.***

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <ul style="list-style-type: none"> <li>• <i>Include permit exemptions in the ESO6 for removal/trimming of all vegetation, and for buildings and works not associated with a sensitive land use such as a dwelling.</i></li> <li>• <i>Modify the wording of SLO1, 3, 4 and 5 to include additional application requirements relating to demonstrating visual impacts of development, and in SLO1 delete the reference to water contamination. Give greater clarity to the landscape character outcomes to be achieved.</i></li> <li>• <i>Modify DDO6 and DDO7 to include additional Application Requirements relating to demonstration that an application meets the Urban Design Principles.</i></li> <li>• <i>Modify the DDO7 to include a requirement for an upper level setback of 3m for parts of a building exceeding 8m in height to make it consistent with the DDO6.</i></li> </ul> <p><b>3. Forward Amendment C55 to the Minister for Planning for approval.</b></p> <p><b>4. Seek authorisation from the Minister of Planning to prepare and exhibit a further planning scheme amendment to implement the following 'follow on' suggestions identified in the Amendment C55 Panel report:</b></p> <ul style="list-style-type: none"> <li>• <i>Extend the Rural Activity Zone to the west of Apollo Bay to the south to include existing tourism ventures and adjoining land.</i></li> <li>• <i>Rezone 10 Flaxmill Road to the Rural Activity Zone.</i></li> <li>• <i>Rezone the Colac Caravan Park to the Rural Activity Zone.</i></li> <li>• <i>Rezone land to the east of the Scanlon land and abutting the Beechy rail trail to Residential 1 Zone.</i></li> <li>• <i>Rezone commercially used land in Main Street adjacent to the proposed Business 3 Zone also to Business 3.</i></li> <li>• <i>Extend the application of the Design and Development Overlay (DDO6) in Apollo Bay north to Cawood Street.</i></li> <li>• <i>Rezone the title of the existing tea rooms operation in Lavers Hill to Township Zone.</i></li> <li>• <i>Split the schedule of the Farming Zone into schedules to identify the Farmland of Strategic Significance (FSS) as well as the subdivision and lot size controls.</i></li> </ul> <p><b>5. Acknowledge that the following strategic work will need to be done arising from the recommendations</b></p> |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|



***of the Amendment C55 Panel Report, and that it be considered as part of future budgetary processes:***

***Residential***

- ***Undertake a more realistic estimate of the land supply in Colac.***
- ***Consider inclusion of land to the south and west of the Scanlon land for rezoning to Residential 1 Zone subject to the completion of a Precinct Plan that demonstrates the integrated development of all the land.***

***Business***

- ***Consider rezoning larger industrial lots within the Colac retail precinct to the Business 1 Zone.***
- ***Council consider the expansion of the Colac retail precinct by including some of the larger sites in a Business 1 Zone rather than the existing Business 2 Zone.***

***Elliminyt***

- ***Consider the preparation of a precinct structure plan for Elliminyt.***
- ***Council prepare a precinct plan for the East Colac area.***

***Rural Living***

- ***Council investigate applying a new Development Plan Overlay to maintain options for further subdivision in Colac.***
- ***Council review the option of including smaller minimum lot sizes in the 'rural living' areas in the south-east and south-west of Colac on the basis of consideration of any updated forecast of the residential land market, management of wastewaters and the potential need to preserve some areas for longer term conversion to conventional residential development.***
- ***Council review the suitability of the land to the east of Forest Street, between Woodrowvale Road and Barry's Road for Rural Living as part of a reassessment of the demand for and preferred locations for such development around Colac and as part of the preparation of a Structure Plan for Elliminyt.***
- ***Council refer submissions that requested rural living around Lavers Hill to the Rural Living Study.***
- ***Council refer the consideration of the balance of the land owned by the Bayes and***

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p><b><i>Riches to the proposed Rural Living Study to determine its appropriate zone.</i></b></p> <p><b>Overlays</b></p> <ul style="list-style-type: none"> <li>• <b><i>Council review the application of Environmental Significance Overlay (ESO1) to the east Colac and west Colac precincts.</i></b></li> </ul> <p><b>Operational</b></p> <ul style="list-style-type: none"> <li>• <b><i>Council, as part of its next review of the planning scheme, remove all other external references.</i></b></li> </ul>                                                                                                                                                                                                                                   |  |  |
| <p><b><u>OM082810-16 WEED MANAGEMENT</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> <ol style="list-style-type: none"> <li>1. <b><i>Support the Environment Unit's current strategic approach to allocating resources for weed management.</i></b></li> <li>2. <b><i>Support an update of the current land asset database.</i></b></li> <li>3. <b><i>Support the development of a budget request to engage a botanist to undertake vegetation surveys on specific land parcels in 2009/10.</i></b></li> <li>4. <b><i>Support the submission of a grant application to support weed control works on high conservation roadsides.</i></b></li> </ol> |  |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p><b><u>OM082810-17 FINAL APOLLO BAY HARBOUR PRECINCT MASTER PLAN</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> <ol style="list-style-type: none"> <li><b><i>1. Acknowledge the outcomes of the ‘Enquiry by Design’ consultation process that have led to development of a revised Harbour Master Plan.</i></b></li> <li><b><i>2. Adopt the revised Apollo Bay Harbour Master Plan based on Option 2 which includes 2A the golf course remaining and 2B the golf course relocated.</i></b></li> <li><b><i>3 Subject to receipt of external funding, Council proceed to develop a more Detailed Master Plan for incorporation into the Planning Scheme,</i></b></li> <li><b><i>4. Consider an officer’s report presenting the draft planning scheme amendment and Detailed Master Plan prior to exhibition of the amendment.</i></b></li> <li><b><i>5. Note that the Planning Scheme Amendment process provides the community with a further and comprehensive opportunity for input to the plan and once incorporated into the Planning Scheme would limit development to that described in the plan and any additional development would only occur if there was a further planning scheme amendment process.</i></b></li> </ol> |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

**OM082810-15 PLANNING SCHEME AMENDMENT C55 - CONSIDERATION OF PANEL RECOMMENDATIONS AND PROPOSED ADOPTION OF AMENDMENT**

AUTHOR: Doug McNeill  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green  
FILE REF: GEN00451

**Purpose**

The purpose of the report is to provide Council with a summary of the Panel Report into Amendment C55 and to propose adoption of the amendment with changes in accordance with the Panel's recommendations. The report also outlines a proposed "follow-up amendment" and identified further strategic work to be undertaken as an outcome of the Amendment C55 process.

**Background**

Amendment C55 was prepared in the context of a considerable amount of strategic work undertaken by Colac Otway Shire Council over recent years, some of which arose out of the initial "Three Year Review" of the Colac Otway Planning Scheme in 2005.

The current new format Planning Scheme was introduced in 1999 and is now ten years old, with little modification since. It is therefore out of date and no longer presents a relevant set of strategic policy objectives for the Council to use in its decision making. Whilst Council sought to replace its Municipal Strategic Statement as part of Amendment C20 in 2002, it failed to receive Panel support and was later abandoned. Council subsequently dedicated significant resources to undertaking a "Three Year Review" of its Planning Scheme which indicated a series of ways in which the Scheme could be modified to improve its relevance and effectiveness (this was adopted in 2005), as well as to undertaking structure plans for Apollo Bay and Colac, and a Rural land Strategy which were all adopted in 2007. These documents provide significant policy direction which Council is now seeking to incorporate into a revised Planning Scheme.

What Amendment C55 Proposes

Amendment C55 is a comprehensive amendment that proposes the following:

***Local Planning Policy Framework (LPPF) Changes***

A completely new Municipal Strategic Statement (MSS) to reflect the directions and recommendations of the adopted strategic documents. Notably, no local planning policies are proposed. The policy content has been incorporated into the revised MSS format.

***Zoning Changes***

Rezoning of land to implement the outcomes of the Colac Structure Plan (CSP) and the Rural Land Strategy (RLS).

***Overlay Changes***

Inclusion of land in various overlays to implement the outcomes of the Colac Structure Plan (CSP), the Apollo Bay Structure Plan (ABSP), the Rural Land Strategy (RLS), the Great Ocean Road Region Landscape Assessment Study (GORRLAS), and the "Three Year Review Report".

***Schedule Changes***

Insertion of some modified schedules and a number of new schedules that reflect the outcomes of the "Three Year Review Report" and the adopted strategies. The

Schedules are more streamlined and contain a greater number of exemptions from planning permits.

### Exhibition of Amendment

Notice of Amendment for Amendment C55 was given early in December, 2007 by way of notices in the local newspapers, letters to land owners and a notice in the Victorian Government Gazette on Thursday 6 December 2007. In acknowledgement of the Christmas holiday season, the closing date for submissions was extended beyond the minimum one month period to close on 31 January 2008, enabling exhibition for a period of 8 weeks. Whilst there was some criticism of Council for exhibiting the amendment at this time, the benefit of this timing was that it enabled a greater number of non-permanent residents in the Shire to view the amendment.

In order to further facilitate community understanding of the Amendment, five information sessions were held on the 11 and 13 December 2007 at Gellibrand, Colac, Beeac, Forrest and Apollo Bay.

Council's website provided a link to the web site of the Department of Planning and Community Development (DPCD), which provided electronic access to the exhibition documents. Hardcopies of Amendment C55 were made available at the Colac and Apollo Bay Customer Service Centres, Beeac, Gellibrand and Forrest general stores, Colac Library and were sent to all relevant community groups.

### Submissions

A total of 253 submissions were originally received to the amendment. Two late submissions were also received. The Council considered these submissions at its February 2008 meeting, and resolved to refer all submissions to an independent panel in accordance with the *Planning and Environment Act 1987*.

As a result of a direction from the Panel, all submitters to the earlier strategic work (Rural Land Strategy, Colac Structure Plan and Apollo Bay Structure Plan) were advised of the pending Panel hearing and this prompted further submissions. These submissions have not been separately assessed by Council in the context of Amendment C55 but were considered (and reported on) as an addendum to the respective strategic reports when they were adopted by Council over the course of 2007.

The submissions fell into a number of identifiable categories:

#### **Process**

- The consultation period for C55 was inadequate and should be extended and the Amendment documents were difficult to access.
- Requested wording changes to the exhibited MSS.

#### **Colac**

- Back zoning of industrial land to Farming Zone (FZ) in Colac.
- Rezoning of Farming Zone land at Forest Street to Industrial.
- Site specific rezoning requests.
- Support for the rezoning of land to Rural Living Zone (RLZ) in Colac and for it to occur in other areas of the Shire.

**Apollo Bay**

- Amendment C55 should be considered before Amendment C29
- The future settlement boundary for Apollo Bay should not include the Barham River floodplain.

**Timber plantations**

- Council's policy on timber plantations is not supportive of the timber industry.
- Permit controls should be applied to timber plantations

**Rural issues**

- Dwellings should be allowed on parcels less than 40ha within the Farming Zone and Rural Conservation Zone.

All of the submissions were analysed in detail in the Council report to the Panel and every submitter was provided with an opportunity to appear before this Panel so as to amplify their respective submission.

**Panel Hearing**

Following Council consideration of submissions in February, an independent Panel was appointed by the Minister for Planning to hear submissions. The Panel was chaired by the same Chair as had considered Amendment C29 relating to the Great Ocean Green proposal in Apollo Bay. The Panel held a Directions Hearing on 12 May 2008, and the full hearing was held between 16<sup>th</sup> and 26<sup>th</sup> June 2008 in both Colac and Apollo Bay.

**Panel Report**

The Panel report was received at Council on 19 September 2008 and made available to the public after the Council meeting on the 23 September 2008. The report congratulates the Council on the way that it has undertaken a significant amount of strategic work, and brought it together into an amendment that results in a significantly more streamlined and effective Planning Scheme. The Panel said:

*“Amendment C55 is a complex amendment that introduces a new Local Planning Policy Framework (together with a range of zoning and overlay changes). The Amendment is related to other current amendments notably Amendments C17 and C29 in Apollo Bay.*

*The Amendment is the culmination of a large amount of strategic planning effort and Council is to be congratulated for bringing together a range of diverse issues into a streamlined and updated MSS and statutory framework. Inevitably with large Amendments there is a range of issues raised in submissions, and a range of matters that need to be refined that emerge during the hearing process.*

*We recognise that there are diverse opinions on a number of key issues confronting the Shire. We thank Council officers and submitters for their work and thoughtful submissions in explaining their views.*

*We believe that the revised planning scheme will help the Shire achieve its vision:*

*“Colac Otway Shire is naturally progressive and strives to achieve the best possible social, economic and environmental outcomes to create a vibrant, liveable community.”*

***We recommend adoption of the Amendment*** subject to a number of specific changes. *We do not recommend any further strategic work before adoption and the changes we recommend do not, we believe, require further notification. Changes that we think are warranted, but would require further notification are recommended for inclusion in a ‘follow on’ amendment.”*

### **Corporate Plan/Other Strategies/Policy**

As noted above, Amendment C55 gives effect to the following recently adopted reports of Council:

- Colac Structure Plan (CSP)
- Apollo Bay Structure Plan (ABSP)
- Rural Land Strategy (RLS)

It also implements the key outcomes of the Great Ocean Road Region Landscape Assessment Study (GORRLAS).

The Amendment also implements the findings of the “Three Year Review” report, which reviewed the effectiveness of Colac Otway Shire’s Planning Scheme as required by the *Planning and Environment Act*.

### **Issues/Options**

The amendment addressed issues in relation to the strategic and statutory framework of the Colac Otway Planning Scheme based on the outcomes of the above adopted reports. The issues isolated for discussion in the Panel report (page 7) are:

- Municipal Strategic Statement
- Rural Issues
- Significant Landscape Overlay
- Colac
- Apollo Bay
- Lavers Hill
- Other Areas

### **Panel Recommendations**

As noted above, the Panel has comprehensively supported Amendment C55, recommending that it be adopted subject to changes. The Panel’s detailed recommendations were that:

- Immediate modifications be made to the exhibited C55 amendment prior to its gazettal;
- Further strategic work needs to be done (especially in Colac); and

- A 'follow on' amendment should be prepared and exhibited by Council as soon as possible which includes all of the site specific matters raised in Amendment C55 which the Panel supported but which technically cannot be gazetted at this time as they were not exhibited.

The following sections of this report separate the Panel's recommendations into the above three categories (with reference to the recommendation number) and a comment is provided on each recommendation.

### **IMMEDIATE CHANGES TO THE AMENDMENT**

#### **Maps - Zones**

##### **Panel Recommendation 38**

- Delete lots known as 122 Main Street from the Business 3 Zone.
- Delete the Business 1 Zone from land in Elliminyt not currently used or developed for commercial activities.
- Delete the proposed Industrial 1 and 3 zoning on the east side of Forrest Street south of Hearn Road.
- Align the northern boundary of the Business 4 Zone in West Colac with the northern boundary of lots 378 and 412 Princes Highway.

##### **Comment:**

All of these zone modifications were raised in the submissions and were considered in detail by the Panel after inspections. All of the modifications are supported. The deletion of Industrial zoning south of Hearn Street will still leave a substantial new area of Industrial 1 Zone north of Hearn Street up to the Barongarook Creek to accommodate demand for industrial land in the short to medium term. The need for further industrial land south of Hearn Street can be reviewed in the future as required according to demand.

#### **Maps - Overlays**

##### **Panel Recommendation 37**

- Delete ESO1 from the urban area of Colac, including the industrial areas to the east of Colac.
- On the SLO3 map delete the overlay from the Great Ocean Green land between Apollo Bay and Marengo.

##### **Comment:**

All of these modifications were raised in the Council submission to the Panel and were considered in detail by the Panel. While the modifications are supported, DPCD has advised that it is appropriate to retain the SLO3 over the Great Ocean Green site in the short term pending the outcome of the Minister's decision on Amendment C29. In the event that Amendment C29 is approved then it will be appropriate to remove SLO3 from this site.



**Municipal Strategic Statement****Panel Recommendation 1**

In Clauses 21.02 – 21.05 review the overview, strategies and objectives to identify material that is more appropriately presented as Policy guidance or Rezoning guidance.

**Comment:**

This 'structural' issue arose during the hearing at the suggestion of Council and was offered with a view to simplifying the structure of the MSS. The recommendation is supported and will involve some 're-positioning' of objectives and strategies.

**Panel Recommendation 2**

In Clauses 21.02 – 21.05 ensure that Strategy references to all plans and maps clearly refer to the plans and maps in the Clause, rather than to the external documents from which they are sourced.

**Comment:**

It was always intended that the MSS references to plans and maps were those contained in the scheme (not outside the scheme) and this was clarified during the hearing and is supported.

**Panel Recommendation 3**

In Clauses 21.02 – 21.05 in the recommended 'Specific implementation' section include the following headings and guidance worded as follows:

*Policy guidance*

Request [specify proposals] provide the following information as appropriate:

- [List of specific information to be supplied].
- Assess proposals [specify proposals] against the following criteria:
- [This list should comprise of 'standards', that is statements using the verb 'should' (or in some cases 'may')].
- When deciding on applications [specify proposals] consider, as appropriate:
- [This list should comprise a list of policy neutral issues].

*Rezoning guidance*

Support the [nominated zones] on land [area identified] to provide for [identified uses] provided [other requirements].

**Comment:**

As with Panel Recommendation 1, this 'structural' issue arose during the hearing at the suggestion of Council and was offered with a view to simplifying the structure of the MSS. The recommendation is supported and will involve some 're-positioning' of objectives and strategies.

**Panel Recommendation 4**

In Clauses 21.02 – 21.05 include a section 'Specific implementation' after Objectives and Strategies where there is a need to include the material identified as policy guidelines, and statements that provide guidance on future rezoning.

**Comment:**

In the exhibited version of the amendment, Council had bundled up all of the 'implementation' measures (identifications of zones, overlays etc) into the one clause in the MSS. During the hearing Council invited the Panel to comment on this approach especially as to whether it was best to leave the 'implementation' package in the respective clauses. In the end, the Panel prefers both approaches leaving 'specific implementation' to the actual clause while retaining 'general implementation' measures in a stand alone clause. The recommendation is acknowledged and supported.

**Panel Recommendation 5**

In Clauses 21.02 – 21.05 review and edit the Strategies to remove any reference to the Rural Land Strategy, Colac Structure Plan, and Apollo Bay Structure Plan.

**Comment:**

The Panel did not want there to be confusion as to whether all of the fine detail in the Structure Plans and Strategies were 'hooked on' to the scheme or whether it was just the matters which had been extracted from them (such as zones, overlays, specific strategies and the like). To avoid confusion, the Panel wants generic references to the strategies deleted so that it is clear that it is only the matters contained within the planning scheme which are to be considered.

**Panel Recommendation 6**

In Clause 21.02-3 in the Overview and Strategies recognise the need for a heavy vehicle by-pass of the Murray Street retail centre.

**Comment:**

While this insertion is supported in principle it is noted (at pages 96 and 97 of the report) that the Panel engaged in a discussion on the by-pass issue notwithstanding that there were no direct submissions on it. The Panel even identified a preference for '*rerouting the heavy vehicles along Rae and Miller Streets*' which was not raised in any submissions nor in Council's report to the Panel. While the generic reference to a need for a by-pass can be supported in the MSS, it is clear that Council does not have a set position on a preferred route and that the MSS will not identify any such preference.

**Panel Recommendation 7**

In Clause 21.03-2, modify strategies advocating urban consolidation to ensure that infill housing proposals need to demonstrate that they are designed in a manner that is compatible and appropriate for the prevailing character of the precinct.

**Comment:**

This is an appropriate strategy that seeks to balance 'development' with 'character' considerations and is supported.

**Panel Recommendation 10**

In Clause 21.04-8 (Overview) delete the reference to 'Western Coastal Cliffs'.

**Comment:**

This modification was suggested by Council during the hearing as it was apparent that the Western Coastal Cliffs did not extend into the area which was to be included in a Significant Landscape Overlay.

**Panel Recommendation 11**

In Clause 21.04-8:

- Insert a new dot point in the overview that states: “The need to protect the scenic landscape values of ridgelines and landforms from inappropriate built form and removal of vegetation.”
- Insert a new objective that states: “To protect ridgelines from inappropriate development and vegetation removal.”
- Insert a new strategy that states: “Ensure new development and removal of vegetation is discouraged from ridgelines and hill tops where it is a significant scale to impact the landscape character of the area.”

**Comment:**

This modification was also suggested by Council arising from the **Fanhankel** submission to further improve the breadth of considerations to address landscape issues. The recommendation is supported.

**Panel Recommendation 12**

In Clause 21.05-1 introduce a new ‘Policy guideline’ as follows:

- Request applications for an additional dwelling in the Farming Zone provide the following information as appropriate:
  - A statement that describes the nature of the agricultural use, the extent of its operation, its current and proposed staffing levels, the need for on site management and how an additional dwelling meets the requirements of the planning scheme.

**Comment:**

This is effectively a re-wording and a re-structuring of the exhibited position of Council and is supported.

**Panel Recommendation 13**

In Clause 21.05-2 insert a new strategy to discourage timber plantations from land identified for its scenic and landscape qualities in the Great Ocean Road region as defined by the Rural Conservation Zone.

**Comment:**

The Panel supported Council’s ‘in principle’ position on timber production and felt that the MSS could be improved with more direction on its approach to timber plantations in the RCZ where a permit trigger applies (unlike the Farming Zone). The recommendation is consistent with GORLASS and with Council’s position and is supported.

**Panel Recommendation 14**

In Clause 21.05-4 (Overview) distinguish between the potential of farming and nature based tourism ventures in the Rural Activity Zone (RAZ).

**Comment:**

The Panel felt that Council’s criteria for applying the RAZ was overly restrictive (even though it was based on clear direction from the State Government). The Panel felt that there was considerably more scope to apply the RAZ and this view is welcomed and the recommendation is supported.

**Panel Recommendation 15**

In Clause 21.05-4 amend the last two objective statements to read:

- To provide for a preferred mix of uses in the Rural Activity Zone to the west of Apollo Bay.
- To provide for a preferred mix of uses in the Otway Ranges.

**Comment:**

This is a structural issue that was suggested by Council during the hearing and is supported.

**Panel Recommendation 16**

In Clause 21.05-4 add 'Rezoning guidance' in a new section following strategies as follows:

*Rezoning guidance*

- Support the Rural Activity Zone on land west of Apollo Bay and in the Otway Ranges to provide for a mix of uses including: agriculture, tourist and recreational activities, group accommodation with tourist or recreational activities (including backpacker accommodation, camping and caravan park, cabins etc.), and restaurant in association with a tourist activity or recreational activity.

**Comment:**

As with Panel Recommendations 1 and 3, this 'structural' issue arose during the hearing at the suggestion of Council and was offered with a view to simplifying the structure of the MSS. The recommendation is supported and will involve some 're-positioning' of objectives and strategies.

**Panel Recommendation 17**

In Clause 21.05-4 delete 12th to 16th dot points under 'Strategies' and replace with 'Policy guidance' in a new section following strategies as follows:

*Policy guidance*

- Assess proposals for use and development in any Rural Activity Zone west of Apollo Bay or in the Otway Ranges against the following criteria:
  - Use and development for Equestrian supplies, Helipad, Hotel, Landscape gardening supplies, Motor racing track, Tavern, and other similar uses should be avoided.
  - The scale of development and use should relate to the land size and surrounding uses.
  - Development should be subservient to the landscape and not detract from the landscape quality.
  - Development should be of high design quality and the style should respect surrounding development.
  - Development should provide net environmental gain.
  - Development should be self sufficient in, or meet all the relevant costs of, infrastructure provision.

**Comment:**

This is another structural issue that was suggested by Council during the hearing and is supported.

**Panel Recommendation 18**

In Clause 21.06 rename the Clause 'General implementation' and revise the content to provide a general overview of how Zones and Overlays are applied in the Scheme.

**Comment:**

As noted in Panel Recommendation 4, in the exhibited amendment Council had bundled up all of the 'implementation' measures (identifications of zones, overlays etc) into the one clause in the MSS. During the hearing Council invited the Panel to comment on this approach especially as to whether it was best to leave the 'implementation' package in the respective clauses. In the end, the Panel prefers both approaches leaving 'specific implementation' to the actual clause while retaining 'general implementation' measures in a stand alone clause. The recommendation is acknowledged and supported.

**Panel Recommendation 19**

In Clause 21.07 before the list of reference documents include the words:

- 'The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme and decision makers should use these documents for background research only. Material in these documents that potentially provides guidance on decision making but is not specifically referenced by the Scheme should not be given any weight.'

**Comment:**

As noted in Panel Recommendation 5, the Panel did not want there to be confusion as to whether all of the fine detail in the Structure Plans and Strategies were 'hooked on' to the scheme or whether it was just the matters which had been extracted from them (such as zones, overlays, specific strategies etc). To avoid confusion, the Panel wants generic references to the strategies deleted so that it is clear that it is only the matters contained within the planning scheme which are to be considered. As an example, the Panel does not want the situation to emerge where there is reliance placed on (say) the staging scenario in the ABSP (pages 55-59) when no such staging program is ever referenced in the MSS or zones and overlays. The Panel want it to be clear that it is only the elements of the Structure Plan which have made their way into the Planning Scheme which can be relied upon. The suggested preface to Clause 21.07 is supported.

**Framework Plans****Panel Recommendation 8**

In Clause 21.03-2 amend the Colac Framework plan to:

- Remove notations that will be redundant if the Amendment is approved and include relevant strategic notations.
- Remove notations for infill development from areas included in a Heritage Overlay.
- Identify Heritage Areas.
- Designate the land on the south side of Princes Highway, generally east of Deans Creek Road as part of the long term supply of urban residential land.
- Give strategic recognition of the need to expand the Elliminyt neighbourhood centre to support a growing community.
- Delete the notation and area designated as Potential future (long term) south of proposed Industrial 1 Zone area.
- Identify the area between proposed Industrial 1 Zone and Pound Road as 'Potential Industrial Area'.

**Comment:**

This recommendation is in line with the submission made by Council to the Panel and the recommended modifications to the Framework Plan are supported.

**Panel Recommendation 9**

In Clause 21.03-3 modify the Apollo Bay 'Framework' Plan to:

- Delete the water storage facility on the Great Ocean Green site.
- Delete any reference to growth scenarios or staging.
- Identify land to the west of the town as an 'Urban Development Investigation Area'.
- Identify the C17 site by way of an outline as being a 'potential residential development site'.
- Identify the C29 site by way of an outline as being a 'potential residential development site' generally in accordance with the adopted C29 Framework Plan.
- Include environmental outcomes on the Great Ocean Green land including river, floodplain and the like.
- Include a notation about the green break between the road and the river.
- Add the words 'non urban' to the legend as it affects Wild Dog Creek.
- Add reference to the actual heights instead of terms such as 'high density'.

**Comment:**

This recommendation is generally in line with the submission made by Council to the Panel, except that Council opposed the deletion of the staging and water storage issues. The recommendation is consistent with Council's adopted positions on Amendments C29 and C17. The recommended modifications to the Framework Plan are therefore supported.

**Zone Schedules****Panel Recommendation 20**

In the Schedule to Clause 35.07 insert under 'minimum setback from a road (metres)':

The following for roads with a 100m setback:

"A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1, including:

- Beech Forest Mt Sabine Road, Ferguson to Turtons Track
- Birregurra-Forrest Road
- Colac-Ballarat Road
- Corangamite Lake Road
- Forrest-Apollo Bay Road
- Great Ocean Road
- Lavers Hill-Cobden Road
- Lavers Hill-Colac Road
- Lighthouse Road
- Princes Highway
- Skenes Creek Road
- Turtons Track"

The following for roads with a 20m setback:

“Any other road, including:

- Barham Valley Road
- Binns Road
- Blue Johanna Road
- Busty Road
- Carlisle-Gellibrand Road
- Hordern Vale Road
- Killala Road
- Mariners Lookout Road
- Melba Gully Road
- Phillips Track
- Red Johanna Road
- Sunnyside Road
- Tuxion Road
- Upper Gellibrand Road
- Wild Dog Road”

**Comment:**

All of these roads are identified in the existing local policy at Clause 22.01 and it is considered more transparent to list these roads in the Schedule to the Farming Zone rather than in the MSS or local policies. It is noted that the permit trigger only applies to land within the Farming Zone and to no other land fronting these roads and it only applies to ‘buildings and works’.

**Overlay Schedules**

**Panel Recommendation 21**

In Clause 42.03-1 (SLO1) at ‘Permit Requirements’ insert the following statement:

“A permit is required to remove, destroy or lop any native vegetation.”

**Comment:**

The Panel considered that the omission of a permit trigger in SLO1 was an oversight that needed to be clarified. The recommendation is supported.

**Panel Recommendation 22**

In Clause 42.03-3 (SLO3) and 42.03-4 (SLO4) introduce the same permit exemptions as specified in Clause 42.03-1 (SLO1).

**Comment:**

The Panel felt that minor buildings and works matters should not attract the need for a permit and noted that the SLO1 already contained sensible exemptions which should be extended to SLO3 and SLO4. The recommendation is supported.

**Panel Recommendation 23**

In Clause 42.03-3 amend the second dot point to Clause 6 to state:

- “The ‘Apollo Bay Coastal Valley and Hills Precinct Development Principles Incorporated Plan’ from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81.”

**Comment:**

This is a structural issue that arose in discussions at the hearing and is supported (and is to be considered in conjunction with Panel Recommendation 36).

**Panel Recommendation 24**

In Clause 42.03-4 amend the second dot point to Clause 6 to state:

- “The ‘Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles Incorporated Plan’ from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81.”

**Comment:**

This is another structural issue that arose in discussions at the hearing and is supported (and is also to be considered in conjunction with Panel Recommendation 36).

**Panel Recommendation 25**

In Clause 43.02 amend DDO 3 to provide the set back from the proposed road widening.

**Comment:**

This issue arose in relation to the **Wilson** submission (Nos. 223) and is based on a VicRoads request that its 20m building setback along the Princes Highway apply on top of any road widening that is identified on the property. It is noted that the recommendation does not suggest that the DDO be extended to the submitter’s land. The recommendation is supported and will involve a minor change to DDO3.

**Panel Recommendation 26**

In Clause 43.02 Schedule 5 replace the first objective with:

- “To protect the existing low scale coastal character and identity of Apollo Bay.
- To ensure that new development in Apollo Bay is consistent with and acts to consolidate the character of Apollo Bay as a coastal town.”

**Comment:**

This is another structural issue that was suggested by Council during the hearing and is supported.

**Panel Recommendation 27**

In Clause 43.02 Schedules 5, 6, and 7 delete the objective ‘To ensure that Urban Design principles expressed in the Apollo Bay Structure Plan are incorporated into new developments’.

**Comment:**

This is more of a structural issue that was discussed during the hearing and is based on including the “Urban Design” principles in the ABSP as ‘decision guidelines’ for all applications. The recommendation is supported.



**Panel Recommendation 28**

In Clauses 43.02 Schedule 5, 6, 7 delete the objective 'To ensure that Environmentally Sustainable Development practices expressed in the Apollo Bay Structure Plan are incorporated into new developments'.

**Comment:**

While this objective was clearly supported in principle by the Panel they were concerned that it applied in Apollo Bay and nowhere else. The Panel felt that the provisions as exhibited are inequitable and suggested that Council undertake a broader assessment of sustainability issues in the Shire. This observation and recommendation are supported.

**Panel Recommendation 30**

In Clauses 43.02 Schedule 5, 6, 7 move the decision guidelines relating to urban design to 'Buildings and works' and express them as 'standards' using the verb 'should'.

**Comment:**

As with panel Recommendation 27, this is more of a structural issue that was discussed during the hearing and is based on including the "Urban Design" principles in the ABSP as 'decision guidelines' for all applications. The recommendation is supported.

**Panel Recommendation 31**

In Clause 43.02 Schedule 5 specifically list the exempt works.

**Comment:**

For reasons of clarity, the Panel want permit exemptions identified in the schedule so that an applicant (and staff) do not have to refer to other clauses of the scheme. The recommendation improves the transparency of the schedule and is supported.

**Panel Recommendation 32**

In Clause 43.02 Schedules 6 and 7 replace the first objective with:

- To protect the existing low scale coastal character and identity of Apollo Bay.

**Comment:**

This issue was also suggested by Council during the hearing so as to more clearly identify what was to be achieved and it is supported.

**Panel Recommendation 33**

In Clauses 43.02 Schedule 5, 6 and 7 delete the 'Decision Guidelines' relating to Environmentally Sustainable Design (ESD).

**Comment:**

As with Panel Recommendation 28, the Panel was concerned that 'ESD' type requirements were proposed to be applied in Apollo Bay and nowhere else, and only in limited circumstances. The Panel felt that the provisions as exhibited are inequitable and suggested that Council undertake a broader assessment of sustainability issues in the Shire. This observation and recommendation are supported.

**Panel Recommendation 34**

In Clause 43.04 consolidate exhibited DPOs into one schedule for Future Residential Areas, and that the Schedule limit the matters to be addressed to:

- Internal road network.
- Public open space.
- Connectivity to other residential land and public open space.
- Diversity of lot sizes and proposed lot density.
- Provision of community facilities.
- Impact of development on flora, fauna and cultural heritage.

The Schedule to the 'Future Residential' DPO allow for permits for subdivision to be granted prior to the completion of the DPO provided that any permit does not compromise the orderly planning and development of the area.

**Comment:**

As exhibited (and in accordance with State Government advice) Council proposed ten overlays for the ten undeveloped areas of residential land in Colac. All the overlays were exactly the same. Council suggested during the hearing that the schedules could easily be rationalised and the Panel supports this approach. The Panel has suggested a simplified (as well as rationalised) schedule and has also recommended that there be an 'exemption' type clause included which is acknowledged and supported.

**Specific Provisions****Panel Recommendation 35**

In Clause 52.01 delete the requirement for 10 per cent open space.

**Comment:**

While the Panel supports the use of the principle of the public open space requirement for new subdivision, it has noted that Council needs more justification for the 'across the board' contribution of 10% which will need to be addressed as part of its Open Space Strategy. The recommendation is acknowledged and supported.

**Incorporated Documents****Panel Recommendation 36**

In Clause 81, introduce two new incorporated documents titled 'Apollo Bay Coastal Valley and Hills Precinct Development Principles' and 'Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles'.

**Comment:**

This is another structural issue that arose in discussions at the hearing and is supported (and is to be considered in conjunction with Panel Recommendations 23 and 24).

**Other Council suggestions supported by the Panel.**

In addition to the above specific recommendations, the Panel supported a number of suggestions of Council as follows:

- Change ESO6 to ESO7 to acknowledge the correct numbering sequence.

- In the schedule to SLO5, delete reference to land around the Barham River.
- Add the objective to ESO3 concerning protection of public health as requested by Wannan Water.
- Convert the 'excision' related strategy at Clause 21.05-1 into a policy guidelines.
- Convert the 'siting and design' strategy at Clause 21.03-8 into a policy guideline.
- Delete the word 'residential' from DPO11.
- Include the title details of CP173638 in the RAZ schedule.
- Consider including reference to localized infrastructure problems in Clause 21.01-5 in accordance with the **CORRA** submission.
- In accordance with the submission of **CORRA** remove DPO8 from part of the small residential area it covers in Colac as it is public land.
- In accordance with the **Fankhanel** submission, include reference to pre-European heritage.

**Comment:**

While all of the above modifications were suggested by Council in its closing submission, it is noted that a consequence of the DPCD response to Recommendation 37 (SLO3 on the Great Ocean Green site), the modifications to ESO6 and SLO5 will not be implemented until such time as there is a decision on Amendment C29. All other modifications are improvements to the amendment based on submissions received. All of the suggestions are supported.

Under the Planning and Environment Act, Council can choose to either:

1. Adopt the amendment without changes.
2. Adopt the amendment with changes.
3. Abandon the amendment (or parts thereof).

This report recommends that the Panel's recommendations be adopted in their entirety, given that most of the suggested changes represent improvements to the exhibited amendment, many of which were suggested by Council as part of its submission to the Panel.

**FOLLOW ON AMENDMENT**

On the basis of its site specific considerations, the Panel clearly felt that there was merit in a number of the submissions. Instead of just commenting favourably on them and leaving them to 'another day', the Panel urged Council to quickly prepare a 'follow up' amendment to address these submissions. The Panel noted that its hands were tied on not being able to make changes as part of Amendment C55 but added:

*".....it seems to us that a number of changes to the planning scheme are justified and should proceed sooner rather than later. In this regard we make a broad recommendation that Council exhibit a 'follow on' amendment, or series of amendments, as soon as practicable to address the specific changes we identify in this report."*

The specific recommendations as part of the 'follow-on' amendment were:

**Panel Recommendation C1.1:**

Split the schedule of the Farming Zone into schedules to identify the Farmland of Strategic Significance (FSS) as well as the subdivision and lot size controls.

**Comment:**

This recommendation is supported and will make for a more transparent identification of subdivision and housing issues in the Farming Zone based on the Rural Land Use Strategy rather than by reference to roads.

**Panel Recommendation C1.2:**

Extend the RAZ to the west of Apollo Bay to the south to include existing tourism ventures and adjoining land.

**Comment:**

This recommendation arose from submitters (**Alamidis and Kangeiser**) who requested that the RAZ west of Apollo Bay be extended to their land especially in light of their 'tourist' use of the land. The recommendation is supported.

**Panel Recommendation C1.3:**

Rezone land to the east of the Scanlon land and abutting the Beechy rail trail to Residential 1 Zone.

**Comment:**

The **Scanlons** were represented at the Panel hearing and noted that despite the CSP saying that there was a sufficient land supply, much of this land was constrained by flooding and environmental factors. The Panel saw merit in extending the residential land supply into unaffected areas especially where community benefits such as connection to the rail trail could be achieved. This recommendation is supported.

**Panel Recommendation C1.4:**

Rezone commercially used land in Main Street adjacent to the proposed Business 3 Zone also to Business 3.

**Comment:**

This recommendation is supported as it more accurately reflects the 'on-ground' situation in Elliminyt.

**Panel Recommendation C1.5:**

Rezone the Colac Caravan Park to the Rural Activity Zone.

**Comment:**

This recommendation arose from the submission of **Seran** and is also supported as it more accurately reflects the 'on-ground' situation of the caravan park at the western entrance of Colac.

**Panel Recommendation C1.6:**

Extend the application of DDO6 in Apollo Bay north to Cawood Street.

**Comment:**

This recommendation was based on a submission from **Fanning** requesting that DDO6 (Medium Density Areas) be extended to Cawood Street to reflect the manner in which the area has developed (or is developing). The recommendation is supported.

**Panel Recommendation C1.7:**

Rezone the title of an existing commercial operation in Lavers Hill to Township.

**Comment:**

This submitter (**Bayes**) was represented at the hearing and the recommendation is supported and will ensure that the on-going use of the land as a 'tea rooms' is reflected by a more appropriate zoning.

**Panel Recommendation C1.8:**

Rezone land in Christies Lane (sic) from Low Density Residential to Farming Zone.

**Comment:**

This recommendation arose from a submitter (not being the landowner) who complained that this land was well outside the town boundary and had never attracted any attention for development. While the recommendation may have merit its ultimate outcome needs to be determined taking into account the views and aspirations of the landowner as well as broader strategic planning considerations. In the context of the Panel's other recommendations (C3, C8 and C12) regarding the need for a review of rural living issues south of Colac, this recommendation is **NOT** supported in the short term.

**Panel Recommendation C1.9:**

Rezone 10 Flaxmill Road to the Rural Activity Zone.

**Comment:**

This recommendation concerns land owned by the **Uniting Church** and concern was expressed by the Church that the proposed Farming Zone would inhibit the opportunity to conduct regular services from the property. The RAZ is supported and will allow the church to make a permit application for on-going use of the land for church related activities.

**Panel Recommendation C9**

Council investigate applying the LDRZ with a Schedule that sets the minimum lot size at 1.2 hectares in place of the RLZ in the southeast and southwest of Colac, as part of the 'follow up' amendment.

**Comment:**

Amendment C55 as exhibited rezoned a considerable amount of land southeast and southwest of Colac from Farming to Rural Living with a minimum lot size of 1.2ha to reflect the 'on-ground' position. While it appears from the report that the Panel prefers that some of the land be rezoned to Low Density Residential, the Panel has confirmed that in the short term the land should be included in the Rural Living Zone as exhibited. Any consideration of Low Density Residential would be contingent on the outcomes of the review contained in recommendations C3, C8 and C12.

**FURTHER STRATEGIC WORK**

The Panel made a number of recommendations arising from its considerations about the need for further work to be done by Council in the next review period. This is a normal part of the amendment process and it assists Council in developing its work program into the future. Some of the following recommendations of the Panel have been grouped together into themes as they deal with similar issues.

**Further Strategic Work - Colac*****Residential*****Panel Recommendation C3**

Council undertake a more realistic estimate of the land supply in Colac.

**Panel Recommendation C5**

Council consider inclusion of land to the south and west of the Scanlon land for rezoning to Residential 1 Zone subject to the completion of a Precinct Plan that demonstrates the integrated development of all the land.

**Comment:**

Both of these recommendations flow from the Panel's concerns about the robustness of the residential supply/demand figures for Colac. This is a **high priority** issue for Council and the recommendations are supported.

***Business*****Panel Recommendation C6**

Council consider rezoning larger industrial lots within the Colac CBD to the Business 1 Zone.

**Panel Recommendation C7**

Council consider the expansion of the Colac retail precinct by including some of the larger sites in a Business 1 Zone rather than the existing Business 2 Zone.

**Comment:**

These recommendations are derived from observations of the Panel about the appropriate zoning regime in central Colac. This is a medium priority issue for Council and the recommendations are supported. A review of the central retail precinct is required to ensure that it is sufficiently providing for retail and office needs, and this can include consideration of zoning as recommended by the Panel.

***Elliminyt*****Panel Recommendation C8**

Council consider the preparation of a precinct structure plan for Elliminyt as part of its further works program.

**Panel Recommendation C10**

Council prepare a precinct plan for the East Colac area.

**Comment:**

A number of submitters commented on the lack of justification for some of the residential, business and industrial zonings around Elliminyt. Submitters suggested to the Panel that the Elliminyt precinct needed further investigation as a 'sub market' of Colac and the Panel has supported this view. This is another **high priority** issue for Council and the recommendations are supported.

***Rural Living*****Panel Recommendation C4**

Council investigate applying a new DPO to maintain options for further subdivision in Colac.

**Panel Recommendation C12**

Council review the option of including smaller minimum lot sizes in the 'rural living' areas in the southeast and southwest of Colac on the basis of consideration of an updated forecast of the residential land market, management of wastewaters and the potential need to preserve some areas for longer term conversion to conventional residential development.

**Panel Recommendation C13**

Council review the suitability of the land to the east of Forest Street, between Woodrowvale Road and Barry's Road for Rural Living as part of a reassessment of the demand for and preferred locations for such development around Colac and as part of the preparation of a Structure Plan for Elliminyt.

**Comment:**

Clearly the Panel supported a more accurate zoning of the 'rural lifestyle' land south-east and south-west of Colac. On this basis the Panel has supported the rezoning from Farming to Rural Living with a 1.2ha (3 acre) minimum lot size to reflect the current settlement pattern. The Panel believes that with more investigation it may be that some parts can be subdivided below this figure. This is not a high priority issue for Council given the 'better' zoning of the land to Rural Living. Having said that, the recommendations are still supported.

**Overlays****Panel Recommendation C11**

Council review the application of ESO1 to the east Colac and west Colac precincts.

**Comment:**

The recommendation is supported and it is noted that ESO1 has already been removed from all land in the Colac area other than land zoned for Farming in accordance with Recommendation 37.

**Further Strategic Work - Rural Living Strategy****Panel Recommendation C14**

Council refer submissions that requested rural living around Lavers Hill to the Rural Living Study.

**Comment:**

The recommendation refers to the submissions of **Bayes, Watt, Riches** and others in and around Lavers Hill. The recommendation is noted and supported.

**Panel Recommendation C15**

Council refer the consideration of the balance of the land owned by the **Bayes** and **Riches** to the proposed Rural Living Study to determine its appropriate zone.

**Comment:**

This relates to Recommendation C1.7 and affects the land immediately surrounding the tea rooms in Lavers Hill. The recommendation is noted and supported.

**Further Strategic Work - Operational****Panel Recommendation C2**

Council, as part of its next review of the planning scheme, remove all other external references.

**Comment:**

This is a structural issue and is to be read in conjunction with Recommendations 5 and 19 about the role and status of Reference Documents.

**FURTHER STAFF SUGGESTIONS**

Aside from these Panel recommendations, staff have now had the opportunity to conduct a detailed review of some of the specific provisions and suggest the following minor modifications prior to adoption:

| <b>Proposed Change</b>                                                                                                                                                                                                                                                           | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Delete the last dot point of Clause 21.03-9 that supports applications for dwellings in the Rural Conservation Zone (RCZ)                                                                                                                                                        | This clause was inserted into the amendment by officers prior to exhibition to give greater guidance to decisions in the RCZ, but on reflection does not allow appropriate consideration of applications on their merits. It was not an outcome of the Rural Land Strategy. It is proposed that this issue be considered as part of a broader housing policy in the Rural Living Study. |
| Include permit exemptions in the ESO1 and ESO3 for trimming of vegetation                                                                                                                                                                                                        | These schedules relate to ground water and water catchment protection, and it is considered unnecessary to require permits for tree trimming.                                                                                                                                                                                                                                           |
| Include permit exemptions in the ESO2 for removal/lopping of non-native vegetation.                                                                                                                                                                                              | The ESO2 relates to waterways and lakes, and it is considered unnecessary to control removal of exotic vegetation such as willows.                                                                                                                                                                                                                                                      |
| Include permit exemptions in the ESO6 for removal/trimming of all vegetation, and for buildings and works not associated with a sensitive land use such as a dwelling.                                                                                                           | This schedule seeks to protect the 300m buffer between the Colac Waste Water Reclamation Plant and any dwellings on adjoining land. It is unnecessary to capture permits for all buildings unrelated to dwellings or for vegetation removal.                                                                                                                                            |
| Modify the wording of SLO1, 3, 4 and 5 to include additional application requirements relating to demonstrating visual impacts of development, and in SLO1 delete the reference to water contamination. Give greater clarity to the landscape character outcomes to be achieved. | Except for SLO1, the SLO Schedules were derived from the Great Ocean Road Landscape Assessment Study and the Apollo Bay Structure Plan. The changes are minor, and aim to clarify the provisions without changing the intent of them.                                                                                                                                                   |
| Modify DDO6 and DDO7 to include additional Application Requirements relating to demonstration that an application meets the Urban Design Principles.                                                                                                                             | This change will ensure that applicants address the key issues triggered by the overlay.                                                                                                                                                                                                                                                                                                |
| Modify the DDO7 to include a requirement for an upper level setback of 3m for parts of a building exceeding 8m in height to make it consistent with the DDO6.                                                                                                                    | This change makes the provisions for residential development in the two precincts consistent. It is unclear why the setback requirement applies in one precinct but not the other.                                                                                                                                                                                                      |

The above changes are not significant, and aim to improve the workability of the provisions.



**Financial and other Resource Implications**

The costs associated with processing Amendment C55 have been included in the 2008/09 budget.

The amendment introduces some new planning controls that will trigger additional permit requirements that currently do not exist, however attempts have been made to include exemptions from permit requirements where possible to avoid unnecessary costs and delays to land owners for minor developments. The amendment also seeks to modify current overlay controls to introduce exemptions for minor buildings and works, which should have the effect of reducing current permit requirements. Given the breadth of the amendment, its net effect on permit numbers is difficult to estimate, but it is clear that the revised Planning Scheme will be far more streamlined and efficient than the one it will replace. The next review of the Planning Scheme due in 2009/10 will provide an opportunity for the effectiveness of the new controls to be reviewed.

**Risk Management & Compliance Issues**

The adoption of Amendment C55, and the replacement of the current Planning Scheme with an updated version, will fulfil Council's obligations under the *Planning and Environment Act* which requires Council's to review their Planning Scheme every four years. The amendment has been processed in accordance with the requirements of the Act.

If Council chooses not to follow the Panel's recommendations, it would need to justify its reasons why, and may not gain support from the Planning Minister. The risk of abandoning all or part of the amendment would be that much of the strategic work undertaken by the Council and supported by the community in recent years would be lost, and Council would be left with an inferior and less effective Planning Scheme. It is important for future decision making by the Council that the Planning Scheme be updated and streamlined as proposed.

**Environmental Considerations**

The explanatory report for Amendment C55 noted that a clear focus of the new MSS was to ensure that the planning and development of the Colac Otway Shire takes a fair and balanced account of social, environmental and economic effects. In particular many of the changes made to the LPPF, zones and overlays that will guide future urban and rural development, highlight these considerations and the opportunity to provide positive impacts through well planned development.

**Communication Strategy/Consultation**

All submitters to the Panel have been provided a copy of the Panel's report, and will be notified of Council's decision in relation to the amendment. Given that Amendment C55 is a high profile amendment and has significance for the whole of the Colac Otway community, it will be important to give wide publicity to its changes at such time as the amendment is approved and gazetted by the Planning Minister.

**Implementation**

Should Council adopt Amendment C55 with or without changes, it will be forwarded to the Planning Minister for approval. When approved, it will be gazetted, and that time would officially replace the current Planning Scheme provisions.

A request for authorisation will be sought from the Planning Minister to undertake the 'follow-on' amendment to implement the changes supported by the Panel but not possible under C55. This amendment would not be exhibited until early in 2009.

Further strategic work recommended by the Panel and identified in this report will be considered as part of the preparation of the new Council Plan for the next four years, as well

as in the preparation of the Planning and Building Unit's annual Business Plan. Such work will be undertaken as budgetary processes allow.

### **Conclusion**

Amendment C55 implements a considerable amount of strategic work undertaken by Colac Otway Shire Council over recent years some of which arose out of the initial 'Three Year Review' of the Colac Otway Planning Scheme in 2005 including the:

- Colac Structure Plan (CSP)
- Apollo Bay Structure Plan (ABSP)
- Rural Land Strategy (RLS)
- Great Ocean Road Region Landscape Assessment Study (GORRLAS)

The amendment was exhibited in late 2007 and it attracted over 250 submissions. The Panel that considered the amendment has broadly supported Council's strategic approach as represented by the amendment and concluded that:

*The Amendment is the culmination of a large amount of strategic planning effort and Council is to be congratulated for bringing together a range of diverse issues into a streamlined and updated MSS and statutory framework.*

***We recommend adoption of the Amendment** subject to a number of specific changes. We do not recommend any further strategic work before adoption and the changes we recommend do not, we believe, require further notification. Changes that we think are warranted, but would require further notification are recommended for inclusion in a 'follow on' amendment.*

The breadth of change proposed by this amendment is considerable and cannot be underestimated. The Panel report overwhelmingly supports the work that Council has done, and the community will benefit significantly when the changes are approved and take effect.

### **Attachments**

Colac Otway Planning Scheme Amendment C55 Planning Scheme Review Panel Report September 2008

### **Recommendation(s)**

***That having considered the Panel report for Amendment C55 and having considered all submissions made, it is recommended that Council:***

- 1. Notes and acknowledges the congratulations of the Panel, and the significant contribution made by Councillors, Council staff and the community to Amendment C55 and all of the lead-up strategic work that has been incorporated into the amendment.***
- 2. Adopts Amendment C55 as exhibited subject to the following changes:***

### **Maps - Zones**

#### **Panel Recommendation 38**

- ***Delete lots known as 122 Main Street from the Business 3 Zone.***

- *Delete the Business 1 Zone from land in Elliminyt not currently used or developed for commercial activities.*
- *Delete the proposed Industrial 1 and 3 zoning on the east side of Forrest Street south of Hearn Road.*
- *Align the northern boundary of the Business 4 Zone in West Colac with the northern boundary of lots 378 and 412 Princes Highway.*

### **Maps - Overlays**

#### **Panel Recommendation 37**

- *Delete ESO1 from the urban area of Colac, including the industrial areas to the east of Colac.*
- *Subject to Amendment C29 being approved by the Planning Minister, on the SLO3 map delete the overlay from the Great Ocean Green land between Apollo Bay and Marengo.*

### **Municipal Strategic Statement**

#### **Panel Recommendation 1**

*In Clauses 21.02 – 21.05 review the overview, strategies and objectives to identify material that is more appropriately presented as Policy guidance or Rezoning guidance.*

#### **Panel Recommendation 2**

*In Clauses 21.02 – 21.05 ensure that Strategy references to all plans and maps clearly refer to the plans and maps in the Clause, rather than to the external documents from which they are sourced.*

#### **Panel Recommendation 3**

*In Clauses 21.02 – 21.05 in the recommended ‘Specific implementation’ section include the following headings and guidance worded as follows:*

#### **Policy guidance**

*Request [specify proposals] provide the following information as appropriate:*

- *[List of specific information to be supplied].*
- *Assess proposals [specify proposals] against the following criteria:*
- *[This list should comprise of ‘standards’, that is statements using the verb ‘should’ (or in some cases ‘may’)].*
- *When deciding on applications [specify proposals] consider, as appropriate:*
- *[This list should comprise a list of policy neutral issues].*

#### **Rezoning guidance**

*Support the [nominated zones] on land [area identified] to provide for [identified uses] provided [other requirements].*

**Panel Recommendation 4**

***In Clauses 21.02 – 21.05 include a section ‘Specific implementation’ after Objectives and Strategies where there is a need to include the material identified as policy guidelines, and statements that provide guidance on future rezoning.***

**Panel Recommendation 5**

***In Clauses 21.02 – 21.05 review and edit the Strategies to remove any reference to the Rural Land Strategy, Colac Structure Plan, and Apollo Bay Structure Plan.***

**Panel Recommendation 6**

***In Clause 21.02-3 in the Overview and Strategies recognise the need for a heavy vehicle by-pass of the Murray Street retail centre.***

**Panel Recommendation 7**

***In Clause 21.03-2, modify strategies advocating urban consolidation to ensure that infill housing proposals need to demonstrate that they are designed in a manner that is compatible and appropriate for the prevailing character of the precinct.***

**Panel Recommendation 10**

***In Clause 21.04-8 (Overview) delete the reference to ‘Western Coastal Cliffs’.***

**Panel Recommendation 11**

***In Clause 21.04-8:***

- ***Insert a new dot point in the overview that states: “The need to protect the scenic landscape values of ridgelines and landforms from inappropriate built form and removal of vegetation.”***
- ***Insert a new objective that states: “To protect ridgelines from inappropriate development and vegetation removal.”***
- ***Insert a new strategy that states: “Ensure new development and removal of vegetation is discouraged from ridgelines and hill tops where it is a significant scale to impact the landscape character of the area.”***

**Panel Recommendation 12**

***In Clause 21.05-1 introduce a new ‘Policy guideline’ as follows:***

- ***Request applications for an additional dwelling in the Farming Zone provide the following information as appropriate:***
  - ***A statement that describes the nature of the agricultural use, the extent of its operation, its current and proposed staffing levels, the need for on site management and how an additional dwelling meets the requirements of the planning scheme.***

**Panel Recommendation 13**

***In Clause 21.05-2 insert a new strategy to discourage timber plantations from land identified for its scenic and landscape qualities in the Great Ocean Road region as defined by the Rural Conservation Zone.***

**Panel Recommendation 14**

***In Clause 21.05-4 (Overview) distinguish between the potential of farming and nature based tourism ventures in the Rural Activity Zone (RAZ).***

**Panel Recommendation 15**

***In Clause 21.05-4 amend the last two objective statements to read:***

- ***To provide for a preferred mix of uses in the Rural Activity Zone to the west of Apollo Bay.***
- ***To provide for a preferred mix of uses in the Otway Ranges.***

**Panel Recommendation 16**

***In Clause 21.05-4 add 'Rezoning guidance' in a new section following strategies as follows:***

***Rezoning guidance***

- ***Support the Rural Activity Zone on land west of Apollo Bay and in the Otway Ranges to provide for a mix of uses including: agriculture, tourist and recreational activities, group accommodation with tourist or recreational activities (including backpacker accommodation, camping and caravan park, cabins etc.), and restaurant in association with a tourist activity or recreational activity.***

**Panel Recommendation 17**

***In Clause 21.05-4 delete 12th to 16th dot points under 'Strategies' and replace with 'Policy guidance' in a new section following strategies as follows:***

***Policy guidance***

- ***Assess proposals for use and development in any Rural Activity Zone west of Apollo Bay or in the Otway Ranges against the following criteria:***
  - ***Use and development for Equestrian supplies, Helipad, Hotel, Landscape gardening supplies, Motor racing track, Tavern, and other similar uses should be avoided.***
  - ***The scale of development and use should relate to the land size and surrounding uses.***
  - ***Development should be subservient to the landscape and not detract from the landscape quality.***
  - ***Development should be of high design quality and the style should respect surrounding development.***
  - ***Development should provide net environmental gain.***
  - ***Development should be self sufficient in, or meet all the relevant costs of, infrastructure provision.***

**Panel Recommendation 18**

***In Clause 21.06 rename the Clause 'General implementation' and revise the content to provide a general overview of how Zones and Overlays are applied in the Scheme.***

**Panel Recommendation 19**

***In Clause 21.07 before the list of reference documents include the words:***

- ***'The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme and decision makers should use these documents for background research only. Material in these documents that potentially provides guidance on decision making but is not specifically referenced by the Scheme should not be given any weight.'***

**Framework Plans****Panel Recommendation 8**

***In Clause 21.03-2 amend the Colac Framework plan to:***

- ***Remove notations that will be redundant if the Amendment is approved and include relevant strategic notations.***
- ***Remove notations for infill development from areas included in a Heritage Overlay.***
- ***Identify Heritage Areas.***
- ***Designate the land on the south side of Princes Highway, generally east of Deans Creek Road as part of the long term supply of urban residential land.***
- ***Give strategic recognition of the need to expand the Elliminyt neighbourhood centre to support a growing community.***
- ***Delete the notation and area designated as Potential future (long term) south of proposed Industrial 1 Zone area.***
- ***Identify the area between proposed Industrial 1 Zone and Pound Road as 'Potential Industrial Area'.***

**Panel Recommendation 9**

***In Clause 21.03-3 modify the Apollo Bay 'Framework' Plan to:***

- ***Delete the water storage facility on the Great Ocean Green site.***
- ***Delete any reference to growth scenarios or staging.***
- ***Identify land to the west of the town as an 'Urban Development Investigation Area'.***
- ***Identify the C17 site by way of an outline as being a 'potential residential development site'.***
- ***Identify the C29 site by way of an outline as being a 'potential residential development site' generally in accordance with the adopted C29 Framework Plan.***
- ***Include environmental outcomes on the Great Ocean Green land including river, floodplain and the like.***
- ***Include a notation about the green break between the road and the river.***
- ***Add the words 'non urban' to the legend as it affects Wild Dog Creek.***
- ***Add reference to the actual heights instead of terms such as 'high density'.***

**Zone Schedules****Panel Recommendation 20**

***In the Schedule to Clause 35.07 insert under ‘minimum setback from a road (metres)’:***

***The following for roads with a 100m setback:***

***“A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1, including:***

- ***Beech Forest Mt Sabine Road, Ferguson to Turtons Track***
- ***Birregurra-Forrest Road***
- ***Colac-Ballarat Road***
- ***Corangamite Lake Road***
- ***Forrest-Apollo Bay Road***
- ***Great Ocean Road***
- ***Lavers Hill-Cobden Road***
- ***Lavers Hill-Colac Road***
- ***Lighthouse Road***
- ***Princes Highway***
- ***Skenes Creek Road***
- ***Turtons Track”***

***The following for roads with a 20m setback:***

***“Any other road, including:***

- ***Barham Valley Road***
- ***Binns Road***
- ***Blue Johanna Road***
- ***Busty Road***
- ***Carlisle-Gellibrand Road***
- ***Hordern Vale Road***
- ***Killala Road***
- ***Mariners Lookout Road***
- ***Melba Gully Road***
- ***Phillips Track***
- ***Red Johanna Road***
- ***Sunnyside Road***
- ***Tuxion Road***
- ***Upper Gellibrand Road***
- ***Wild Dog Road”***

**Overlay Schedules****Panel Recommendation 21**

***In Clause 42.03-1 (SLO1) at 'Permit Requirements' insert the following statement:***

***"A permit is required to remove, destroy or lop any native vegetation."***

**Panel Recommendation 22**

***In Clause 42.03-3 (SLO3) and 42.03-4 (SLO4) introduce the same permit exemptions as specified in Clause 42.03-1 (SLO1).***

**Panel Recommendation 23**

***In Clause 42.03-3 amend the second dot point to Clause 6 to state:***

- ***"The 'Apollo Bay Coastal Valley and Hills Precinct Development Principles Incorporated Plan' from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81."***

**Panel Recommendation 24**

***In Clause 42.03-4 amend the second dot point to Clause 6 to state:***

- ***"The 'Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles Incorporated Plan' from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81."***

**Panel Recommendation 25**

***In Clause 43.02 amend DDO 3 to provide the set back from the proposed road widening.***

**Panel Recommendation 26**

***In Clause 43.02 Schedule 5 replace the first objective with:***

- ***"To protect the existing low scale coastal character and identity of Apollo Bay.***
- ***To ensure that new development in Apollo Bay is consistent with and acts to consolidate the character of Apollo Bay as a coastal town."***

**Panel Recommendation 27**

***In Clause 43.02 Schedules 5, 6, and 7 delete the objective 'To ensure that Urban Design principles expressed in the Apollo Bay Structure Plan are incorporated into new developments'.***

**Panel Recommendation 28**

***In Clauses 43.02 Schedule 5, 6, 7 delete the objective 'To ensure that Environmentally Sustainable Development practices expressed in the Apollo Bay Structure Plan are incorporated into new developments'.***

**Panel Recommendation 30**

***In Clauses 43.02 Schedule 5, 6, 7 move the decision guidelines relating to urban design to 'Buildings and works' and express them as 'standards' using the verb 'should'.***



**Panel Recommendation 31**

***In Clause 43.02 Schedule 5 specifically list the exempt works.***

**Panel Recommendation 32**

***In Clause 43.02 Schedules 6 and 7 replace the first objective with:***

- ***To protect the existing low scale coastal character and identity of Apollo Bay.***

**Panel Recommendation 33**

***In Clauses 43.02 Schedule 5, 6 and 7 delete the 'Decision Guidelines' relating to Environmentally Sustainable Design (ESD).***

**Panel Recommendation 34**

***In Clause 43.04 consolidate exhibited DPOs into one schedule for Future Residential Areas, and that the Schedule limit the matters to be addressed to:***

- ***Internal road network.***
- ***Public open space.***
- ***Connectivity to other residential land and public open space.***
- ***Diversity of lot sizes and proposed lot density.***
- ***Provision of community facilities.***
- ***Impact of development on flora, fauna and cultural heritage.***

***The Schedule to the 'Future Residential' DPO allow for permits for subdivision to be granted prior to the completion of the DPO provided that any permit does not compromise the orderly planning and development of the area.***

**Specific Provisions****Panel Recommendation 35**

***In Clause 52.01 delete the requirement for 10 per cent open space.***

**Incorporated Documents****Panel Recommendation 36**

***In Clause 81, introduce two new incorporated documents titled 'Apollo Bay Coastal Valley and Hills Precinct Development Principles' and 'Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles'.***

**Other Council suggestions supported by the Panel.**

- ***Change ESO6 to ESO7 to acknowledge the correct numbering sequence.***
- ***In the schedule to SLO5, delete reference to land around the Barham River.***
- ***Add the objective to ESO3 concerning protection of public health as requested by Wannon Water.***
- ***Convert the 'excision' related strategy at Clause 21.05-1 into a policy guidelines.***
- ***Convert the 'siting and design' strategy at Clause 21.03-8 into a policy guideline.***
- ***Delete the word 'residential' from DPO11.***

- ***Include the title details of CP173638 in the RAZ schedule.***
- ***Consider including reference to localized infrastructure problems in Clause 21.01-5 in accordance with the CORRA submission.***
- ***In accordance with the submission of CORRA remove DPO8 from part of the small residential area it covers in Colac as it is public land.***
- ***In accordance with the Fankhanel submission, include reference to pre-European heritage.***

**Changes recommended by Officers:**

- ***Delete the last dot point of Clause 21.03-9 that supports applications for dwellings in the Rural Conservation Zone (RCZ)***
  - ***Include permit exemptions in the ESO1 and ESO3 for trimming of vegetation***
  - ***Include permit exemptions in the ESO2 for removal/lopping of non-native vegetation.***
  - ***Include permit exemptions in the ESO6 for removal/trimming of all vegetation, and for buildings and works not associated with a sensitive land use such as a dwelling.***
  - ***Modify the wording of SLO1, 3, 4 and 5 to include additional application requirements relating to demonstrating visual impacts of development, and in SLO1 delete the reference to water contamination. Give greater clarity to the landscape character outcomes to be achieved.***
  - ***Modify DDO6 and DDO7 to include additional Application Requirements relating to demonstration that an application meets the Urban Design Principles.***
  - ***Modify the DDO7 to include a requirement for an upper level setback of 3m for parts of a building exceeding 8m in height to make it consistent with the DDO6.***
- 3. Forward Amendment C55 to the Minister for Planning for approval.**
- 4. Seek authorisation from the Minister of Planning to prepare and exhibit a further planning scheme amendment to implement the following 'follow on' suggestions identified in the Amendment C55 Panel report:**
- ***Extend the Rural Activity Zone to the west of Apollo Bay to the south to include existing tourism ventures and adjoining land.***
  - ***Rezone 10 Flaxmill Road to the Rural Activity Zone.***
  - ***Rezone the Colac Caravan Park to the Rural Activity Zone.***
  - ***Rezone land to the east of the Scanlon land and abutting the Beechy rail trail to Residential 1 Zone.***
  - ***Rezone commercially used land in Main Street adjacent to the proposed Business 3 Zone also to Business 3.***
  - ***Extend the application of the Design and Development Overlay (DDO6) in Apollo Bay north to Cawood Street.***
  - ***Rezone the title of the existing tea rooms operation in Lavers Hill to Township Zone.***
  - ***Split the schedule of the Farming Zone into schedules to identify the Farmland of Strategic Significance (FSS) as well as the subdivision and lot size controls.***

5. **Acknowledge that the following strategic work will need to be done arising from the recommendations of the Amendment C55 Panel Report, and that it be considered as part of future budgetary processes:**

**Residential**

- **Undertake a more realistic estimate of the land supply in Colac.**
- **Consider inclusion of land to the south and west of the Scanlon land for rezoning to Residential 1 Zone subject to the completion of a Precinct Plan that demonstrates the integrated development of all the land.**

**Business**

- **Consider rezoning larger industrial lots within the Colac retail precinct to the Business 1 Zone.**
- **Council consider the expansion of the Colac retail precinct by including some of the larger sites in a Business 1 Zone rather than the existing Business 2 Zone.**

**Elliminyt**

- **Consider the preparation of a precinct structure plan for Elliminyt.**
- **Council prepare a precinct plan for the East Colac area.**

**Rural Living**

- **Council investigate applying a new Development Plan Overlay to maintain options for further subdivision in Colac.**
- **Council review the option of including smaller minimum lot sizes in the 'rural living' areas in the south-east and south-west of Colac on the basis of consideration of any updated forecast of the residential land market, management of wastewaters and the potential need to preserve some areas for longer term conversion to conventional residential development.**
- **Council review the suitability of the land to the east of Forest Street, between Woodrowvale Road and Barry's Road for Rural Living as part of a reassessment of the demand for and preferred locations for such development around Colac and as part of the preparation of a Structure Plan for Elliminyt.**
- **Council refer submissions that requested rural living around Lavers Hill to the Rural Living Study.**
- **Council refer the consideration of the balance of the land owned by the Bayes and Riches to the proposed Rural Living Study to determine its appropriate zone.**

**Overlays**

- **Council review the application of Environmental Significance Overlay (ESO1) to the east Colac and west Colac precincts.**

**Operational**

- **Council, as part of its next review of the planning scheme, remove all other external references.**



**COLAC OTWAY PLANNING SCHEME  
AMENDMENT C55  
PLANNING SCHEME REVIEW**

**PANEL REPORT**

**SEPTEMBER 2008**

**COLAC OTWAY PLANNING SCHEME  
AMENDMENT C55  
PLANNING SCHEME REVIEW**

**PANEL REPORT**



.....  
**Lester Townsend, Chair**



.....  
**David Merrett, Member**



.....  
**Geoff Rundell, Member**

**SEPTEMBER 2008**

---

# Contents

---

|                                                                                  |           |
|----------------------------------------------------------------------------------|-----------|
| <b>1. OVERVIEW.....</b>                                                          | <b>1</b>  |
| <b>2. BACKGROUND.....</b>                                                        | <b>2</b>  |
| 2.1 The Amendment .....                                                          | 2         |
| 2.2 The Planning Authority and Panel.....                                        | 2         |
| <b>3. IDENTIFICATION OF ISSUES .....</b>                                         | <b>5</b>  |
| 3.1 Issues .....                                                                 | 5         |
| 3.2 Transforming the Amendment .....                                             | 6         |
| 3.3 Issues dealt with in this Report.....                                        | 7         |
| <b>4. MUNICIPAL STRATEGIC STATEMENT .....</b>                                    | <b>8</b>  |
| 4.1 Introduction.....                                                            | 8         |
| 4.2 Completeness of MSS policy basis .....                                       | 9         |
| 4.3 Deletion of Local Policies and consolidation of Implementation sections..... | 10        |
| 4.4 What should be included in 'Specific implementation' section?.....           | 14        |
| 4.5 Structure Plan Maps .....                                                    | 21        |
| 4.6 The Use of Reference Documents .....                                         | 23        |
| <b>5. RURAL ISSUES.....</b>                                                      | <b>27</b> |
| 5.1 Introduction.....                                                            | 27        |
| 5.2 The Rural Land Strategy .....                                                | 28        |
| 5.3 Farmland of Strategic Significance (FSS) .....                               | 34        |
| 5.4 Timber plantations.....                                                      | 38        |
| 5.5 Subdivision and housing .....                                                | 41        |
| 5.6 Rural living .....                                                           | 43        |
| 5.7 Rural Activity Zone .....                                                    | 45        |
| 5.8 Water catchments .....                                                       | 50        |
| <b>6. SIGNIFICANT LANDSCAPE OVERLAYS (SLO) .....</b>                             | <b>52</b> |
| 6.1 Introduction.....                                                            | 52        |
| 6.2 Changes to the MSS and Policies .....                                        | 52        |
| 6.3 Exemptions within the SLO .....                                              | 55        |
| 6.4 The criteria for and application of the SLO.....                             | 57        |
| 6.5 The referencing of the GORRLAS in the SLO .....                              | 58        |
| <b>7. COLAC .....</b>                                                            | <b>60</b> |
| 7.1 Introduction.....                                                            | 60        |
| 7.2 What the structure plan shows .....                                          | 62        |
| 7.3 Residential strategy .....                                                   | 64        |
| 7.4 Specific residential rezonings and rezoning requests.....                    | 68        |
| 7.5 Business zones.....                                                          | 77        |
| 7.6 Identification of a new industrial areas .....                               | 82        |
| 7.7 East Colac precinct.....                                                     | 85        |
| 7.8 West Colac precinct .....                                                    | 89        |
| 7.9 Other Matters .....                                                          | 94        |
| <b>8. APOLLO BAY .....</b>                                                       | <b>98</b> |
| 8.1 Introduction.....                                                            | 98        |
| 8.2 Overall approach of the <i>Apollo Bay Structure Plan</i> .....               | 101       |
| 8.3 Water supply and storage.....                                                | 102       |
| 8.4 Development between Apollo Bay and Marengo .....                             | 105       |

---

|            |                                                      |            |
|------------|------------------------------------------------------|------------|
| 8.5        | Relationship to Amendment C29 and Amendment C17..... | 106        |
| 8.6        | Staging.....                                         | 110        |
| 8.7        | Harbour development.....                             | 118        |
| 8.8        | Design and Development Overlays .....                | 119        |
| 8.9        | Mandatory or discretionary controls .....            | 127        |
| 8.10       | Extending DDOs.....                                  | 129        |
| <b>9.</b>  | <b>LAVERS HILL.....</b>                              | <b>131</b> |
| 9.1        | Introduction.....                                    | 131        |
| 9.2        | Township Zone .....                                  | 131        |
| 9.3        | Rural Living opportunities.....                      | 132        |
| <b>10.</b> | <b>OTHER ISSUES AND SITES .....</b>                  | <b>134</b> |
| 10.1       | Introduction.....                                    | 134        |
| 10.2       | Open Space requirements.....                         | 134        |
| 10.3       | ESO 1 mapping .....                                  | 136        |
| 10.4       | Moonlight Head.....                                  | 136        |
| 10.5       | Other issues .....                                   | 138        |
| <b>11.</b> | <b>RECOMMENDATIONS.....</b>                          | <b>139</b> |

## Appendices

---

|            |                                             |     |
|------------|---------------------------------------------|-----|
| APPENDIX A | TABLES OF APPEARANCES AND SUBMISSIONS ..... | 149 |
|------------|---------------------------------------------|-----|

## List of Figures

---

|                                                    |     |
|----------------------------------------------------|-----|
| Figure 1: Farmland of Strategic Significance ..... | 35  |
| Figure 2: Apollo Bay Framework Plan .....          | 100 |

---

## Abbreviations

---

|                              |                                                                                                                        |
|------------------------------|------------------------------------------------------------------------------------------------------------------------|
| <b>ABSP</b>                  | The <i>Apollo Bay Structure Plan</i>                                                                                   |
| <b>CSP</b>                   | Colac Structure Plan                                                                                                   |
| <b>DDO</b>                   | Design and Development Overlay                                                                                         |
| <b>DPCD</b>                  | Department of Planning and Community Development                                                                       |
| <b>DPO</b>                   | Development Plan Overlay                                                                                               |
| <b>ESO</b>                   | Environmental Significance Overlay                                                                                     |
| <b>FSS</b>                   | Farmland of Strategic Significance                                                                                     |
| <b>FZ</b>                    | Farming Zone                                                                                                           |
| <b>GOG</b>                   | Great Ocean Green development proposed in Amendment C29                                                                |
| <b>GORRLAS</b>               | Great Ocean Road Region Landscape Assessment Study                                                                     |
| <b>LPP</b>                   | Local Planning Policy                                                                                                  |
| <b>LPPF</b>                  | Local Planning Policy Framework (consisting of the MSS and Local Planning Policies)                                    |
| <b>MSS</b>                   | Municipal Strategic Statement                                                                                          |
| <b>R1Z</b>                   | Residential 1 Zone                                                                                                     |
| <b>RCZ</b>                   | Rural Conservation Zone                                                                                                |
| <b>RLS</b>                   | Rural Land Strategy                                                                                                    |
| <b>RLZ</b>                   | Rural Living Zone                                                                                                      |
| <b>Section 173 agreement</b> | Agreement made pursuant to Section 173 of the <i>Planning and Environment Act</i> that runs with the title of the land |
| <b>SLO</b>                   | Significant Landscape Overlay                                                                                          |
| <b>SPPF</b>                  | State Planning Policy Framework                                                                                        |



---

# 1. Overview

---

Amendment C55 is a complex amendment that introduces a new Local Planning Policy Framework (together with a range of zoning and overlay changes). The Amendment is related to other current amendments notably Amendments C17 and C29 in Apollo Bay.

The Amendment is the culmination of a large amount of strategic planning effort and Council is to be congratulated for bringing together a range of diverse issues into a streamlined and updated MSS and statutory framework.

Inevitably with large Amendments there is a range of issues raised in submissions, and a range of matters that need to be refined that emerge during the hearing process.

We recognise that there are diverse opinions on a number of key issues confronting the Shire. We thank Council officers and submitters for their work and thoughtful submissions in explaining their views.

We believe that the revised planning scheme will help the Shire achieve its vision:

*Colac Otway Shire is naturally progressive and strives to achieve the best possible social, economic and environmental outcomes to create a vibrant, liveable community.*

We recommend adoption of the Amendment subject to a number of specific changes. We do not recommend any further strategic work before adoption, and the changes we recommend do not, we believe, require further notification. Changes that we think are warranted, but would require further notification are recommended for inclusion in a 'follow on' amendment.

---

## 2. Background

---

### 2.1 The Amendment

Amendment C55 ('the Amendment') introduces a new Local Planning Policy Framework (consisting only of an MSS) together with a range of zoning and overlay changes. The Amendment has been referred to as a 'Planning Scheme Review'.

The Amendment implements the recommendations of Council's recently completed *Three Year Planning Scheme Review*, and a number of strategic planning projects undertaken and adopted by Council (as well as one State Government initiative) being:

- The *Colac Structure Plan* (CSP).
- The *Apollo Bay Structure Plan* (ABSP).
- The *Rural Land Strategy* (RLS).
- The *Great Ocean Road Region Landscape Assessment Study* (GORRLAS).

A completely new MSS is proposed to reflect the directions and recommendations of the adopted strategic documents. Notably, no local planning policies are proposed.

The Amendment also includes:

- Rezoning of land to implement the outcomes of the *Colac Structure Plan* and the *Rural Land Strategy*.
- Introduction of and modification to various overlays to implement the outcomes of the *Colac Structure Plan*, the *Apollo Bay Structure Plan*, the *Rural Land Strategy*, the *Great Ocean Road Region Landscape Assessment Study* and the *Three Year Review Report*.
- Variation to open space requirements in the Schedule to Clause 52.01.

### 2.2 The Planning Authority and Panel

#### Planning Authority and notice

The planning authority and proponent is the Shire of Colac Otway.

Notice of Amendment for the Amendment appeared in the Victorian Government Gazette on Thursday 6 December 2007. The closing date for submissions was Thursday 31 January 2008 giving an exhibition period of 8 weeks. A number of late submissions were also referred to the Panel

### **The Panel**

This Panel was appointed under delegation on 18 April 2008 pursuant to Sections 153 and 155 of the *Planning and Environment Act 1987* to hear and consider submissions in respect of the Amendment.

The Panel consisted of:

- Chairperson: Lester Townsend,
- Member: David Merrett, and
- Member: Geoff Rundell.

### **Hearings and inspections**

A Directions Hearing was held on 13 May 2008 at the Colac CFA. The Panel Hearings were held: 16 to 20 June at Colac; and 23 to 26 June at Apollo Bay.

We inspected the various sites and surrounding areas raised in submissions, making unaccompanied visits on a number of occasions including 13 June 2008, and an accompanied inspection of Colac and Elliminyt on 19 June 2008.

### **Submissions**

We have considered all written and oral submissions and all material presented to us in connection with this matter.

We heard the parties listed in Table 1 at Appendix A. A list of submitters is also included in Table 3 at Appendix A.

### **Procedural issues**

Prior to the Directions Hearing on 13 May 2008 requests were received that Mr Townsend disqualify himself from this Panel. Submissions on this issue were also made at the Directions Hearing and again during the Hearings. Council did not support the request for the disqualification of Mr Townsend.

The Panel has determined to deny the request the Mr Townsend disqualify himself. Reasons were provided to all parties on 22 May 2008.

The Amendment introduces provisions into the planning scheme based on the *Colac Structure Plan*, *Apollo Bay Structure Plan*, and *Rural Land Strategy*. It was submitted that some people expected that their submission to the draft strategies would automatically be forwarded to the Panel considering the

Amendment. We agree that some people formed this view and directed further notice to these submitters. A further 30 submissions were received as part of this process and were considered by us.

---

## 3. Identification of issues

---

### 3.1 Issues

Submissions to the Amendment raised a wide range of issues. These are addressed in the relevant sections of this report.

We have also considered issues that flow from:

- Ministerial Directions made under Section 12(2)(a) and Section 7(5) of the *Planning and Environment Act*,
- Practice Notes prepared by the Department of Planning and Community Development relevant to the consideration of this Amendment,
- issues identified in the Hearing, and
- *Using Victoria's Planning System, Chapter 9: Plain English* which provides advice on form and content.

We have also considered the response to the Strategic Assessment Guidelines included in the exhibited Explanatory Report for the Amendment, together with submissions on the Guidelines from Council.

In considering the proposal to delete LPPs we have considered the *Making Local Policy Stronger* report.

In a number of cases submissions sought changes to, or queried elements of the Amendment and that we have not directly addressed these specifically in this report. In these cases we feel that Council's response to submissions provided to us adequately resolves or explains the matter.

#### **Authorisation**

Council initially intended that timber plantations over 40 hectares in a Farming Zone would require a permit. They are currently as of right subject to certain conditions. In authorizing the Amendment the Minister stated:

*... I do not authorise Council to amend the schedule to the Farming Zone, to introduce a permit trigger for timber production on land over 40 hectares.*

A number of strategies remain in the MSS that relate to timber plantations. The issue of Timber plantations is discussed in Section 5.4.

## 3.2 Transforming the Amendment

A number of submissions made requests that might be considered to 'transform' the Amendment. Transforming an amendment is changing it in a fundamental way so that, in effect, it becomes a different amendment.

The general principle applied in panel hearings is that modifications to amendments are acceptable so long as they do not result in a transformation of the proposal.

Panels are guided by the general objective to achieve good outcomes without unnecessary delay or protraction of process. To do this, panels need to be prepared to facilitate the decision making process. Therefore, if modifying a proposal will achieve a good outcome, which overcomes legitimate and reasonable concerns, it is considered better to do so as part of the process of considering the matter than to reject it and require the process to be recommenced. This can mean that this Panel could legitimately consider changes to the Amendment that are quite significant, so long as they do not transform the Amendment into something else.

What constitutes a transformation must be judged according to its own circumstances, but it would need to be something quite different to that originally proposed.

We think that the introduction of new zonings where the new zones would pave the way for new development or lead to a new or more intensive use of the land would be a transformation of the Amendment.

It is only possible to consider changes to an amendment or proposal, especially significant changes, if the rules of natural justice are adhered to.

The particular rule of natural justice, which must be satisfied, is the requirement that all matters upon which a decision will be based are revealed to all parties and they are given an opportunity to be heard.

The transformation of an amendment or proposal will normally require re-exhibition. We do not think that is appropriate or practical in the case of this Amendment.

For these reasons we cannot recommend the rezoning of land that would have the effect of transforming the Amendment. However, it seems to us that a number of changes to the planning scheme are justified and should proceed sooner rather than later. In this regard we make a broad recommendation that Council exhibit a 'follow on' amendment, or series of amendments, as soon as practicable to address the specific changes we identify in this report.

---

### 3.3 Issues dealt with in this Report

We have considered all written submissions, as well as submissions presented to us during the Hearing. In addressing the issues raised in those submissions, we have been assisted by the information provided to us as well as our own observations from inspections of specific sites.

This Report deals with the issues under the following headings:

- Municipal Strategic Statement,
- Rural Issues,
- Significant Landscape Overlays,
- Colac,
- Apollo Bay,
- Lavers Hill,
- Other Issues, and
- Other Areas and Sites.

---

## 4. Municipal Strategic Statement

---

### 4.1 Introduction

This section of the report discusses the Municipal Strategic Statement (MSS) at Clause 21.

#### **What does the Amendment propose?**

The Amendment replaces the Complete MSS and LPPs with a new MSS (without any LPPs)

#### **What is the strategic basis for this part of the Amendment?**

The strategic basis for this part of the Amendment includes:

- The *Three Year Review Report*.
- The *Colac Structure Plan (CSP)*.
- The *Apollo Bay Structure Plan (ABSP)*.
- The *Rural Land Strategy (RLS)*.
- The *Great Ocean Road Region Landscape Assessment Study (GORRLAS)*.

#### **What are the issues?**

Issues were raised in relation to:

- Completeness of MSS policy basis,
- Deletion of Local Policies and consolidation of Implementation sections,
- What should be included in 'Specific implementation' section?
- Structure Plan Maps, and
- The Use of Reference Documents.

Our findings and recommendations relating to the MSS should be read in conjunction with the thematic and site specific recommendations that are provided in subsequent sections of this report.



## 4.2 Completeness of MSS policy basis

### 4.2.1 What is the issue?

The issue is whether, if introduced, the proposed scheme would provide a policy base consistent with the zones, overlays and requirements of the scheme.

### 4.2.2 Evidence and submissions

This is not the first attempt by Council at a complete review of its scheme. Amendment C20 proposed to replace the whole of the Municipal Strategic Statement (MSS) with a completely new MSS (Clauses 21.01 to 21.04 inclusive). The amendment included (among other things) new Town Structure Plans for Colac and Apollo Bay.

The Panel for Amendment C20 conducted hearings in 2003 and concluded:

*... that amendment C20 if approved as exhibited would result in a planning scheme that would be unclear and would not demonstrate acceptable linkages between stated strategies and implementation measures. In many cases there would be a wealth of new strategies under separate objectives with no associated implementation measures.*

The Panel for Amendment C20 ultimately recommended two alternatives as follows:

*Abandon amendment C20 until such time as a new amendment can be prepared which incorporates the thrust of amendment C20 with appropriate implementation measures in the form of new zones, overlays and local policies.*

*Substantially alter amendment C20 as exhibited so that the identified issues are attended to. This approach is likely to result in a significant reduction in the objectives and strategies contained in the exhibited version.*

Amendment C20 was ultimately abandoned meaning that the current LPPF is more or less as it was when first gazetted in 1999.

In respect of Amendment C55 Council submitted:

*Amendment C55 is a significant strategic and statutory amendment that replaces an outdated LPPF and will provide the 'template' into which further strategic work will be inserted.*

*Amendment C55 represents the principal outcome of the first major review of the Colac Otway Planning Scheme. It has arisen as a*

*consequence of Council's comprehensive Planning Scheme Review in mid 2005 and the related strategic work which flowed from that review.*

*Amendment C55 has developed an entirely new Local Planning Policy Framework.*

*Amendment C55 is also focused on the statutory implementation of a number of major strategic reports by way of consequential zonings, overlays and schedules.*

*Amendment C55 includes some new structure plans within Clause 21 of the scheme (Colac and Apollo Bay). In addition to these, existing Structure Plans for some of Colac Otway's smaller townships have been identified as requiring further work.*

*Council submits that Amendment C55 is urgently needed in some form as it is untenable to rely on the original 1999 MSS which is based on material up to fifteen years old.*

#### **4.2.3 Discussion**

We agree with Council that there is a need to update the LPPF and are broadly satisfied that the proposed MSS together with the other changes are a coherent package of changes that will generally improve the usability and currency of the Colac Otway Planning Scheme.

#### **4.2.4 Conclusion**

We conclude:

**The introduction of a new MSS is warranted, and the proposed MSS and zone changes are broadly appropriate (subject to the detailed recommendations of this report).**

### **4.3 Deletion of Local Policies and consolidation of Implementation sections**

#### **4.3.1 What is the issue?**

Whether deletion of LPPs and the consolidation of the Implementation sections into one Clause assists usability.

#### **4.3.2 Discussion**

The Amendment removes all Local Planning Policies and includes some of this material in strategies in the MSS. This is an innovative approach and it is

appropriate that we assess the merits of this approach for the Colac Otway Planning Scheme in the light of the Practice Note *Format of Municipal Strategic Statements (February 1999)* ('MSS Practice Note') and various best practice approaches.

The *Making Local Policy Stronger* report of the Ministerial Working Group on Local Planning Policy (June 2007) recommended that a pilot review of Clauses 21 and 22 of planning schemes be undertaken to produce a single simplified section that combines the MSS and LPPs, and that where direction is required to guide the exercise of discretion under a planning control, the direction be termed a 'policy guideline' in the revised structure.

These pilot reviews have been carried out and we have reviewed this material to better understand the issues in adopting a streamlined MSS.

The exhibited MSS does not include LPPs but did not explicitly identify 'policy guidelines'. During the hearing it was submitted that a number of (purported) strategies were in fact 'policy guidelines' and could be identified as such.

Objectives, strategies and means of implementation are the building blocks of an MSS. They are fundamentally different things. The MSS Practice Note states:

*To avoid confusion and maintain consistency, councils should interpret the term objectives, strategies and implementation as having the following meanings:*

- **Objectives** – *the general aims or ambitions for the future use and development of an area responding to key issues identified in the MSS.*
- **Strategies** – *the ways in which the current situation will be moved towards its desired future to meet the objectives.*
- **Implementation** – *the means by which the strategies will be implemented.*

We think that policy guidelines are a form of implementation.

### **How does the Amendment deal with 'implementation' issues?**

Section 12A(3) of the *Planning and Environment Act 1987* states:

- (3) *A municipal strategic statement must contain—*
- (a) *the strategic planning, land use and development objectives of the planning authority; and*
  - (b) *the strategies for achieving the objectives; and*

- (c) *a general explanation of the relationship between those objectives and strategies and the controls on the use and development of land in the planning scheme; and*
- (d) *any other provision or matter which the Minister directs to be included in the municipal strategic statement.*

The implementation sections of MSSs generally fulfil the requirements of Section 12A (3)(c).

In Amendment C55 each of the thematic and area specific clauses within the revised MSS contains material under the headings of 'Objectives' and 'Strategies'. A separate section on Implementation is included in Clause 21.06 that has all the implementation material for the whole MSS.

The MSS Practice Note states:

*The means of implementing the strategies should be identified. A distinction should be drawn between strategies that will be implemented, wholly or in part, by:*

- *local policies and the exercise of discretion in decision-making under the planning scheme,*
- *the application of zones and overlays and their accompanying schedules,*
- *future strategic work with an indication of priority or a likely time frame, or*
- *other actions of the council - these should be able to be linked to the council's corporate plan, especially if expenditure is involved.*

*In identifying the means of implementing the strategies it should be explained how local policy or a zone will implement the strategy.*

The proposed Clause 21.06 has material under the headings:

- using zones, overlays local policy and the exercise of discretion,
- undertaking further strategic work, and
- undertaking other actions.

As the structure of MSSs have been refined there has been some questioning of the usefulness of some types of implementation statements. For example it is not uncommon to find implementation statements along the lines of:

*Applying the Residential 1 Zone to established residential areas.*

Current thinking is that these sorts of statements don't provide much assistance to decision makers. We agree, and if there is a role for these

general implementation statements in the Scheme to meet the requirements of Section 12A(3)(c) of the Act, or to provide some 'checking' mechanism if a dispute about the application of a zone or overlay arises, then they are they are best gathered together in a separate clause.

We also agree that it is useful to gather together the 'further work' and 'other actions' implementation statements.

The material in Clause 21.06 is not a general statement of the application of zones and overlays that is found in many schemes, but appears to be a specific reference to changes that will occur under Amendment C55. We do not support this approach.

If implementation statements about 'using zones' are to have any use it seems to us that they must be a general statement that reflects the scheme as it currently stands; not a statement about the changes that were made in the last major amendment.

### **Does the Amendment provide guidance on the exercise of discretion?**

While Amendment C55 has deleted all Local Planning policies it has not introduced this material under an 'exercise of discretion' heading.

The Practice Note *Writing a Local Planning Policy* ('Local Policy Practice Note') defines Local Planning Policies as follows:

#### ***What is the role of a Local Planning Policy?***

*A Local Planning Policy (LPP) is one of the tools available for implementing objectives and strategies in the Municipal Strategic Statement (MSS). The other implementation tools are zones and overlays and their associated schedules. If a planning strategy cannot be implemented fully through the use of these tools, it may be appropriate to use an LPP at Clause 22.*

*An LPP is a tool for day-to-day decision-making in relation to a specific discretion in a zone or overlay. It helps the responsible authority and other users of the scheme to understand how a particular discretion is likely to be exercised.*

Clearly LPPs are a means of Implementation, and specifically an implementation method aimed at informing the exercise of discretion.

The issue is whether specific guidance on the exercise of discretion might usefully be included with objectives and strategies. On the face of Amendment C55 there is no such guidance, but a closer inspection reveals that some material of this nature has been included as strategies.

In the course of the hearing it was submitted that a new 'Policy guidelines' section could be introduced following objectives and strategies to present this material in a coherent and transparent fashion. Council provided a draft of how a policy guidance section might be configured.

We agree that it is better to separately identify 'policy guidance' in an implementation section. This material is not, by its nature, strategies and it is confusing to include it amongst the strategies.

The next section of this report deals with how this might be achieved in more detail.

### **Recommendation**

We recommend:

**In Clause 21.06 rename the Clause 'General implementation' and revise the content to provide a general overview of how Zones and Overlays are applied in the Scheme.**

**In Clauses 21.02 – 21.05 include a section 'Specific implementation' after Objectives and Strategies where there is a need to include the material identified as policy guidelines, and statements that provide guidance on future rezoning.**

The next section provides a more detailed elaboration of how we think the Specific implementation section could be drafted.

## **4.4 What should be included in 'Specific implementation' section?**

### **What is the issue?**

We have recommended Council introduce a 'Specific implementation' section. This section provided a discussion on what should be included in such a section and how it should be worded.

### **Evidence and submissions**

In the course of the hearing Council submitted that a new 'Policy guidelines' section could be introduced following objectives and strategies to include relevant material that might otherwise be included in a LPP.

---

## Discussion

Having reviewed the material in Amendment C55 and the pilot schemes produced by DPCD, we think that a 'Specific implementation' section might contain three types 'policy guidance':

- References to LPPs (if there are any relevant LPPs),
- Policy guidance around the exercise of discretion, consisting of:
  - Application requirements,
  - Criteria for the exercise of discretion,
  - Issues to be considered when making a decision (called somewhat confusingly 'Decision Guidelines' in the VPP), and
- Rezoning guidance.

Not all themes would need to provide all these types of guidance (and in Amendment C55 there would be no reference to LPPs). This section discussed how this material might be presented and identifies relevant changes to Amendment C55.

## Reference to LPPs

We note that there are no local policies in the proposed for the Colac Otway Scheme, but we think that other schemes may well contain LPPs for some time. If a separate LPP is warranted it would be appropriate to include a reference to it in this section.

## Policy guidance

### Application requirements

All schemes list information that must be presented as part of certain applications. The details of this information is contained in some of the clauses setting out specific requirements, in some zones and overlays and in schedules. It is also typically set out in LPPs.

In 21.05-4 of Amendment C55 the 10th strategy (essentially the same as a current implementation measure) states:

*Require tourist developments to demonstrate compatibility with the immediate area including land capability, compatibility with surrounding uses and the provision of adequate infrastructure services.*

This 'strategy' seems to require tourism developers (rather than the developments themselves) to demonstrate compatibility. This only really makes sense as an application requirement. A requirement worded along the following lines:

Request tourism development proposals to provide the following information as appropriate:

- An assessment of the compatibility of the use with: land capability; surrounding uses; and infrastructure capacity.

If the strategy were recast as an application requirement there would still be a need for a strategy, this could be worded as follows.

*Ensure tourist developments are compatible with the immediate area.*

As a general observation we think that an appropriate form of words for application requirements would be:

Request [specify proposals] provide the following information as appropriate:

- [List of specific information to be supplied.]

We suggest use of the verb 'request' because under the *Planning and Environment Act* responsible authorities can request further information in relation to an application (subject to timelines and appeal provisions). Framing the application requirements in the language of further information seems to be the most transparent approach.

### **Criteria for the exercise of discretion**

The second possible role for policy guidance is setting out criteria to assess applications. This is one role that LPPs currently fulfill.

The Local Policy Practice Note says:

*Criteria ... must make explicit and self-contained statements about what is to be achieved, and be related directly to the LPP objective. ...*

*The criteria or performance measures should set out the planning authority's view of how policy objectives can be met. They should be precise and unambiguous so it is clear what is needed to meet them.*

We think that 'policy guidance' is best expressed as criteria using the verb 'should' (or 'may' where it indicates a possible approach). Examples (some from Colac Otway and some from other schemes) of this form of guidance are:

- Development should not exceed 8 metres.
- Building site coverage should not exceed 50 per cent.
- Dominant roof designs should be avoided.
- Plant and equipment of roofs should generally not be visible.



- Remnant vegetation within wetland areas or adjoining any watercourse should not be removed, unless offsets are provided to achieve a net ecological gain.
- Car spaces may include trees planted with flush grills 2 metres by 2 metres set at 45 degrees to the car space at the rear corners.

We think that this form of wording provides the least unambiguous way of specifying this type of policy guidance.

It is important not to confuse the clarity of expression with the justification of the guidance and try to 'soften' poorly justified guidance by using vague expression (not that we think that the Amendment does this).

The redrafting of a specific Local Planning Policy along the lines we recommend above was considered by the panel for Amendment C60 to the Melbourne Scheme. That Panel commented:

*The Panel accepts that the draft does achieve its intended objective of delivering greater conformity with the VPP Practice Note 'Writing a Local Planning Policy'. Having compared it with the exhibited draft, the Panel also takes the view that the order of substantive policy change between the two is small and that the [revised] ... draft does not represent a 'transformation'. In general terms the Panel accepts ... [the policy author's] submission that he sought to make the policy clearer but not tougher:*

- *It is important not to confuse 'clearer' with 'tougher'. The revised wording makes the policy intent much clearer, but does not alter what the policy seeks to achieve. In the practical assessment of applications, it would not be a more onerous policy. It is likely to be a policy more rigorously and consistently applied.*

Amendment C55 contains some material that could be expressed in a Specific implementation section under a subheading of Policy guidance. For example the 8th to 12th dot points (not counting indented dot points) in Clause 21.03-8 could be recast as follows:

Assess proposals in small townships against the following criteria:

- Development should not exceed 8 metres in height, unless special characteristics of the site justify a higher structure and no off-site detriment is caused.
- Building site coverage should not exceed 50 per cent, except on business zoned land.

- The slope of the roof should relate to the topography of the surrounding landform. Dominant or multiple angular roof slopes and designs should be avoided.
- External building material colours should be of muted toning and roofing material should be non-reflective.
- External materials should be in harmony with the surrounding landscape of the settlement.
- Landscaping should enable development to blend into the surrounding area. This may be achieved by:
  - Using a mixture of low, medium and high growing native trees and shrubs, including some species of trees with a growing height above the roof level of the proposed building.
  - Providing replacement planting for vegetation that is removed.

As a general observation we think that an appropriate form of words for application criteria would be:

- Assess proposals [specify proposals] against the following criteria:
- [This list should comprise of 'standards', that is statements using the verb 'should' (or in some cases 'may')].

### **Issues to be considered when making a decision**

The final type of guidance that we can identify is additional 'decision guidelines'. The Local Policy Practice Note says this of decision guidelines:

*When an LPP sets out decision guidelines, it should be expressed as follows:*

*'It is policy that the responsible authority consider, as appropriate:*

- *the availability of on-street parking*
- *view lines to the peak of Mount Worry from Misery Bend'.*

*It should be remembered that decision guidelines only require the responsible authority to give specific consideration to a particular issue or fact. Of themselves they should be 'policy neutral'. They will gain direction from the LPP objective under which they serve.*

Amendment C55 contains some material under strategies that are probably better conceived of as additional decision guidelines. For example, 6th dot point (not counting indented dot points) in Clause 21.03-8 has the following strategies:

---

*Ensure the design, siting, mass and scale of new development should have (sic) regard to:*

- *Whether it is a major development node or a settlement with limited development potential and only serving the immediate community.*
- *The visual character of the particular settlement and the likely impact of the development on the visual amenity of that settlement.*
- *The views available to the site from the Great Ocean Road and major viewing points in the Otway Ranges and the likely impact of the development on these views.*

The problem with this strategy is that it tells us what we must have regard to, but not what we are trying to achieve. If a decision maker considers 'Whether it is a major development node or a settlement with limited development potential' how does this inform a decision? How specifically is the design of a development meant to differ between a major node and another type of settlement? Are different heights or setbacks appropriate?

If the current form of words is kept it would be expressed in a Specific implementation section under a subheading of Policy guidance as follows:

When deciding on the design, siting, mass and scale of new development in smaller townships consider, as appropriate:

- Whether it is a major development node or a settlement with limited development potential and only serving the immediate community.
- The visual character of the particular settlement and the likely impact of the development on that visual character.
- The view of the site from the Great Ocean Road and major viewing points in the Otway Ranges and the likely impact of the development on these views.

However, the best approach would be to provide clearer guidance about what is to be achieved. If this were done it would not be necessary to say what specifically needed to be considered.

We are not convinced that a policy guidance section will ever need to include additional decision guidelines, because we think that properly drafted objectives, strategies and decision criteria will make it obvious as to what needs to be considered.

However, as a general observation we think that an appropriate form of words for additional decision guidelines, if ever needed, would be:

When deciding on applications [specify proposals] consider, as appropriate:

- [This list should comprise a list of policy neutral issues].

### **Consideration of rezoning requests**

The Amendment provides guidance on the use of the Rural Activity Zone and we anticipate that the proposed Rural Living Strategy would provide further guidance on rezoning requests. We are aware of other schemes where rezoning guidance is provided for site specific tourism facilities.

For example the last strategy in 21.05-1 is:

*Introduce the Rural Activity Zone to selected areas, which better provide for uses and development that are compatible with agriculture and the environmental and landscape characteristics of the area with a focus on areas with moderate to low agricultural capability and in close proximity to the coast or within the Otway Ranges to provide for tourism.*

Also, the 14th strategy in 21.05-4 is:

*Consider proposals for application of the Rural Activity Zone to provide for tourism facilities in the Otways on a case-by-case basis.*

We think that this rezoning guidance could also be usefully identified as a specific implementation.

The identified strategies would become:

- Support the Rural Activity Zone on land in close proximity to the coast or within the Otway Ranges to provide for tourism use on land with moderate to low agricultural capability and provided the use and development are compatible with agricultural, environmental and landscape characteristics of the area
- Support the Rural Activity Zone on land in the Otways to provide for tourism uses.

As a general observation we think that an appropriate form of words for rezoning guidance would be:

Support the [nominated zones] on land [area identified] to provide for [identified uses] provided [other requirements].

#### **4.4.1 Conclusion**

We conclude:

**Council has made a significant effort to streamline its LPPF and has substantially improved the usability of the Scheme.**

We recommend:

**In Clauses 21.02 – 21.05 in the recommended ‘Specific implementation’ section include the following headings and guidance worded as follows:**

#### **Policy guidance**

- **Request [specify proposals] provide the following information as appropriate:**
  - **[List of specific information to be supplied].**
- **Assess proposals [specify proposals] against the following criteria:**
  - **[This list should comprise of ‘standards’, that is statements using the verb ‘should’ (or in some cases ‘may’)].**
- **When deciding on applications [specify proposals] consider, as appropriate:**
  - **[This list should comprise a list of policy neutral issues].**

#### **Rezoning guidance**

- **Support the [nominated zones] on land [area identified] to provide for [identified uses] provided [other requirements].**

**In Clauses 21.02 – 21.05 review the overview, strategies and objectives to identify material that is more appropriately presented as Policy guidance or Rezoning guidance.**

## **4.5 Structure Plan Maps**

### **4.5.1 What is the issue?**

The issue is the manner in which Structure Plans are included in and referred to in the MSS raises a number of issues.

### **4.5.2 Evidence and submissions**

The Amendment includes the strategies:

*Ensure that the development of Colac occurs generally in accordance with the strategic directions outlined in the Colac Structure Plan.*

---

*Ensure that the development of Apollo Bay and Marengo occurs generally in accordance with the strategic directions outlined in the Apollo Bay Structure Plan.*

In the hearings Council submitted that this was intended to be a reference to the plans included in the MSS and not to the broader documents.

### **4.5.3 Discussion**

The MSS contains 'Structure Plan maps' for Colac and Apollo Bay that are supported by MSS objectives and strategies. It was evident from submissions that there was potential confusion about whether the strategies referred to the Structure Plan maps included in the MSS, or the Structure Plan reports from which these maps were drawn.

Council acknowledged the potential confusion and in the hearing it was proposed that the titles of each of the MSS Structure Plans be modified to read as 'Framework Plan' to make them consistent with the associated references in the strategies. While we support this approach, we believe that the relevant strategies should be even more explicit and refer to the 'Framework Plans included in this Clause'.

#### **A Consistent Approach to Presenting Structure Plan Maps**

We note that the Colac Framework Plan and the Apollo Bay Framework Plan adopt different graphic styles and notations. We think it would be better for Council to develop a consistent approach for all its plans in the scheme, rather than adopt the approach of the consultants responsible for each plan.

Some Councils have adopted an approach whereby a GIS or CAD 'model' has been developed that includes all the relevant strategic information in one file. Structure plan maps or municipal wide frameworks are different 'views' of this one model or database. This ensures consistency between municipal wide frameworks and structure plans, and between different structure plans. Changes to a municipal wide framework are automatically reflected in the local structure plan, and vice versa.

### **4.5.4 Recommendation**

We recommend that:

**In Clauses 21.02 – 21.05 ensure that Strategy references to all plans and maps clearly refer to the plans and maps in the Clause, rather than to the external documents from which they are sourced.**

## 4.6 The Use of Reference Documents

### 4.6.1 What is the issue?

The issue is extent to which the planning scheme relies on Reference Documents as an ancillary expression of Council's planning objectives and strategies.

### 4.6.2 Evidence and submissions

During the course of the Hearing various submissions raised issues associated with the content of reference documents. Submissions also raised issues about the statutory role of these documents.

### 4.6.3 Discussion

The treatment of Reference Documents within the Amendment raises a number of issues for us, including their statutory role, how we should respond to submissions that sought changes to them, and the process of implementing them.

#### **The Practice Note: Incorporated and Reference Documents (August 2000)**

In forming our views about these issues we have relied on the Practice Note: *Incorporated and Reference Documents* (August 2000) which includes the following commentary in relation to Reference Documents.

*Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed. A variety of different types of document may perform this role. They may be wide ranging in their content and contain information not directly relevant to specific decisions under the planning scheme.*

...

*Reference documents can be used in a number of ways. They can be used as a basis for preparing the Municipal Strategic Statement (MSS), local planning policies or requirements in the planning scheme, or can be mentioned in the planning scheme as a source of useful background information.*

*Reference documents have only a limited role in decision-making as they are not part of the planning scheme. They do not have the status of incorporated documents or carry the same weight.*

---

## **The statutory function of Reference Documents**

A number of submissions and elements of the expert evidence focused on the content of the reference documents, as well as the content of the Amendment.

For example, the *Apollo Bay Structure Plan* report includes staging plans that were the subject of detailed submissions and evidence. These staging plans are not included in the Amendment but are called up in the strategies by a notation on the Framework Plan in the MSS.

While it was entirely appropriate to test the veracity of the background work, it seemed to us that Council and many submitters have an unwarranted expectation about the statutory role that these documents have. In some cases this expectation is based on the fact that the strategies in the MSS refer explicitly to implementing a particular plan or strategy.

It is clear to us that Reference Documents should only be relied upon to provide background or explanatory material in support of the planning scheme. They should not be relied upon as a de facto planning control that sits outside the planning scheme. If Council intended that these documents have a statutory function then it should have proposed that the relevant parts be included as Incorporated Documents. We note the Practice Note commentary that:

*One of the benefits of incorporating documents into the planning scheme is that the document carries the same weight as other parts of the scheme.*

This is not to say that the various documents have been configured in a manner or include material that would necessarily make them suitable as Incorporated Documents. In our view, they are the types of documents that are appropriately nominated as Reference Documents and as such they have a very limited statutory function.

## **Amending Reference Documents**

Given our view about the role of Reference Documents, we do not believe that it is necessary or appropriate to recommend that they be modified so that they are consistent with the planning scheme provisions. In addition we do not believe that we need review or form conclusions about all of the material in these documents except where they have an explicit link to the Amendment.

We have considered these documents in so far as they are relevant to the exhibited Amendment provisions and where appropriate have recommended various changes to those provisions. It makes no sense to



reflect these changes in a revised version of the Reference Documents given that they have no statutory weight.

The Panel for Greater Geelong C129 stated:

*We also believe that revising Reference Documents to reflect the final content of the Amendment ignores the practical difficulties associated with the precedent that this would set. It is not sensible to require that these documents be revised every time a planning scheme amendment renders them inconsistent.*

We broadly agree with this approach, but note that the situation may be a little more complicated than the Greater Geelong Panel considered. Mr Jackson submitted:

*Council's formal adoption of the ABSP complicates matters. The adoption gives the ABSP certain weight under Section 60(1)(g) of the Planning and Environment Act 1987. It can therefore be relied on by Council in its decision making or. Alternatively, by parties in dispute at VCAT.*

*In such circumstances, it is therefore appropriate for the Panel to make recommendations in the strongest possible terms that it is not appropriate for the ABSP to continue to remain in its current form and that, unless it is amended, decision makers should give it no weight. Such comments can therefore be relied upon by parties opposed to a decision made in reliance on the ABS.*

We have not recommended that the Reference Documents be changed, but we agree with Mr Jackson that complications could arise.

Where a Reference Document contains numerous and/or significant errors or inconsistencies that might confuse the interpretation of the relevant planning scheme provisions, an option is to delete the Reference Document rather than selectively edit or correct it. This still does not address Mr Jackson's concern because the consideration of the document is triggered by Section 60(1)(g) of the *Planning and Environment Act 1987*, and not by the fact that the plan or report is mentioned in the scheme.

We think that the best approach is to explicitly deal with this issue in the text of the scheme. We note that the Amendment consolidated reference documents into one Clause and this makes it an easier issue to deal with.

We think that a general qualification should be included before the list of Reference Documents, as follows:

- The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the

Scheme and decisions makers should use these documents for background research only. Material in these documents that potentially provides guidance on decision making but is not specifically referenced by the Scheme should not be given any weight.

Where there is potential confusion between the strategies outlined in the reference Document and the final adopted version of the Amendment we think a safer practice is to directly address any potential issues with explicit strategies in the MSS.

#### **4.6.4 Recommendation**

We conclude:

**Reference documents should remain just that: background material on the preparation of the amendment. The Planning Scheme should take care to avoid any confusion.**

We recommend that:

**In Clauses 21.02 – 21.05 review and edit the Strategies to remove any reference to the Rural Land Strategy, Colac Structure Plan, and Apollo Bay Structure Plan.**

**Council, as part of its next review of the planning scheme, remove all other external references.**

**In Clause 21.07 before the list of reference documents include the words:**

- **'The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme and decisions makers should use these documents for background research only. Material in these documents that potentially provides guidance on decision making but is not specifically referenced by the Scheme should not be given any weight.'**

---

## 5. Rural issues

---

### 5.1 Introduction

This section of the report discusses the issues related to rural areas.

#### **What does the Amendment propose?**

One of the key pieces of strategic work supporting the Amendment is the *Rural Land Strategy 2007*. The amendment addresses rural (non urban) issues in the following manner:

- Introduces the *Rural Land Strategy 2007* prepared by RMCG as a reference document.
- Updates and amends references in the MSS for agriculture, timber production, rural living and tourism.
- Introduces the term 'Farmland of Strategic Significance' (FSS) in the MSS.
- Introduces the Rural Activity Zone (RAZ) and its schedule to part of the Apollo Bay hinterland.
- Identifies a number of candidate areas for rural living that will be the subject of further investigation.
- Replaces ESO1 (Barongarook High and other groundwater areas) with ESO1 (Warrion Groundwater Aquifer).
- Amends ESO2 (Lakes, Wetlands and Watercourses) and ESO3 (Declared Water Supply Catchments) to update the statement of environmental significance, objectives and decision guidelines and to include permit exemptions and referral/notice requirements.
- Amends ESO4 (Habitat Protection) to update the statement of environmental significance, decision guidelines and to include permit exemptions and referral/notice requirements.
- Amends VPO1 (Significant and Remnant Vegetation) and VPO2 (Roadside Vegetation).

The amendment also retains:

- the application of the Farming Zone and its schedule except for areas within Colac/Elliminyt.
- the application of the Rural Conservation Zone and its schedule.

The amendment does not rezone any of the 'candidate areas' for rural living except for areas within Colac–Elliminyt which have discussed in Chapter 6.

### **What is the strategic basis for this part of the Amendment?**

The strategic basis for this part of the amendment is the *Rural Land Strategy 2007* prepared by RMCG.

### **What are the issues?**

The issues are:

- The Rural Strategy,
- The strategic basis of 'Farmland of Strategic Significance' in the MSS,
- Timber plantations,
- Water catchments,
- Subdivision and housing in rural areas,
- Rural Living, and
- Rural Activity Zone.

## **5.2 The Rural Land Strategy**

This section of the report discusses the positioning of Rural Land Strategy in the new MSS and does not address how each issue is addressed. These matters are addressed in the following sections (5.3 onwards).

### **5.2.1 What is the issue?**

The issue is the strategic basis within the Rural Land Strategy and its reference in the MSS.

### **5.2.2 Evidence and submissions**

Council advised that a direct translation from the former rural zones took place under Amendment C46 in November 2006. The purpose of the Rural Land Strategy was to conduct a comprehensive review of the rural zones and investigate the implementation of a timber plantation policy with a view to informing the zone selection, inclusive of minimum lot sizes. This was commenced in 2005 and the translation of the new rural zones then became the basis of the new strategy. The Amendment has retained the application of the rural zones (and their schedules) that was introduced with Amendment C46 with the exception of the RAZ west of Apollo Bay.

The strategy established the significant role both agriculture (\$250m in 2001/02) and timber plantations (\$74m in 2001/02) play in the local and regional economies. There is significant flow on effects with employment in other processing industries for the municipality. Other trends noted were:

- farm amalgamations have seen the total number of farms decline by over 40 per cent in the last 20 years and is likely to continue,
- over 60 per cent of farms are not viable in their own right and there is reliance on off farm income,
- dairy farms account for 65 per cent of the contribution made by agriculture to the local economy,
- future rural land use is to comprise few large farms, some medium sized farms and an increasing number of small or part time farms,
- there is an increase in demand for rural lifestyle properties,
- there is an increase in the demand for tourism based activities in rural areas, and
- proliferation of dwellings for lifestyle/hobby farms and tourism activities in the FZ will compromise the long term viability of farming.

Council adopted the new strategy in September 2007 with the following recommendations:

- maintain the current minimum lot size provisions in the schedule to the Farming Zone for subdivision,
- introduce a permit trigger for timber production on land in excess of 40 ha in areas identified as being 'farmland of strategic significance',
- introduce a permit trigger for timber production on land in excess of 40 ha in Declared Water Supply Catchments within the municipality.
- introduce the recommendations of the GORRLAS,
- amend the Schedule to the Farming Zone to require a permit for timber production over 40 hectares abutting a Road Zone Category 1,
- insert appropriate guidance in the MSS to require protection of indigenous or native vegetation buffer (minimum depth of 20 metres) for timber plantations abutting a Road Zone Category 1.
- maintain the Rural Conservation Zone,
- apply the Rural Activity Zone to the Apollo Bay Hinterland (with a 40 ha minimum lot size) excluding the Coastal Strip and subject to detailed assessment of the impact on landscape character and the environment,
- prepare a Rural Living Strategy to identify appropriate locations for rural residential development across the Shire,

- introduce a minimum lot size in the Rural Living Zone in the candidate areas in accordance with the existing settlement pattern,
- review the boundaries of small towns in conjunction with the preparation of the Rural Living Strategy,
- review the environmental significance and vegetation protection overlays in the rural areas to incorporate more recent mapping of native vegetation and the findings of the Corangamite River Health Strategy, and
- consider the introduction of the Salinity Management Overlay to identified areas.

### **Local Policy**

A local policy review team prepared a review of the current Clause 22 in September 2007. This review recommended:

- Clauses 22.01 (Main Road/Scenic Routes), 22.02 (Ridgelines), 22.03 (Tourism Development – Apollo Bay Harbour Precinct) and 22.06 (Erosion management overlay) be deleted,
- Clause 22.04 (House lot excisions in rural areas) be amended, and
- Clause 22.05 (Coastal and Otway Ranges townships) be amended

These changes were to be introduced by Amendment C57 as a Ministerial amendment. We understand the DPCD is awaiting the outcome of the Amendment C55 before proceeding with Amendment C57. Amendment C55 now proposes to delete all policies and include relevant material in the MSS. The only part of Amendment C57 not included in Amendment C55 is the scheduling of certain main roads in the Farming Zone for specific building setback requirements. In Amendment C57 these setback requirements vary from 20m, 40m and 100m. The current Farming Zone schedule maintains this approach yet does not go to the length of Amendment C57 by naming the roads.

The current local policy (Clause 22.04) for house lot excisions in rural areas is to be deleted and translated into the MSS under the exhibited version of the MSS as new strategy statements under Clause 21.05-1. In Section 4.3 and 4.4 we have recommended how this policy guidance can be better expressed in the MSS.

The strategies for agriculture, timber production and tourism contained in Clause 21.05 reflect industry trends, their significance at the local level and specific strategies to implement the objectives.

The area identified as Farmland of Strategic Significance (FSS) is discussed in Section 5.3.

Of the 257 submissions, 24 were related to the implementation of the Rural Land Strategy. The submissions by CORRA (181), Laver Hill and District Association (184), Great Southern Limited (197), Central Victorian Farm Plantations (198), HVP Plantations (217), AKD Softwoods (227), DPI (230) and Fankhanel (235) are addressed in further detail under the issues addressed in this chapter.

### 5.2.3 Discussion

The references to rural strategy are relatively dispersed in the current MSS. This is due to Objectives, Strategies and Implementation in Clause 21.04 being categorised by geography: The Coast and its environs, The Otway Ranges and Foothills, The Northern Plains and Lakes. It is noted Clause 21.04-5 (Primary Industry) does provide some rural strategy statements albeit with a focus on value adding primary industries.

We consider the existing MSS has no clear approach to a rural strategy and the proposed MSS has an increased emphasis on the rural areas.

The proposed MSS takes a more theme based approach to rural strategy. Instead of a geographic approach in the current MSS, the new MSS provides a consolidated and clear reference point for the rural strategy. The 'agriculture' theme runs through Clause 21.02 (Vision) and Clause 21.05 (Economic Development) provides a central location for rural objectives and strategy and their implementation. The overview clearly sets out the trends in agriculture and what the key issues and conflict points are – which are mainly derived from the *Rural Land Strategy 2007*. The following section (21.05-2) deals with timber production and has a consistent approach to this matter with an overview, objectives and strategies and implementation measures. We are aware from Council and submitters of the differing views about the benefits and problems of the timber industry. It is clearly a significant part of the local economy and as the *Rural Land Strategy 2007* noted the closure of Great Otway National Park for timber production will place added emphasis on timber production on private land. We think that it is important we address the basis of the rural strategy and ensure the key issues are clearly stated with concise objectives and strategies. Timber production is discussed in Section 5.4.

The deletion of Clause 22.04 and the translation of it into the MSS under a 'policy guidance' section maintain the policy approach to this issue that was exhibited in Amendment C55. We consider it does not reduce the significance of this issue.

We understand the deleted policies are now 'represented' in the MSS where appropriate. Strategy statements for main road/scenic routes and ridgelines are now accommodated within the MSS, as follows:

***Clause 21.04-8 (Landscape character) - strategies***

*Discourage the loss of rural outlook and openness from main road corridors*

*Locate and screen large buildings and structures to minimise their visibility from main roads and key viewing locations*

*Utilise vegetation to screen land use and development, including timber production, which has the potential to impact upon the natural landscape when viewed from main road corridors and tourist routes*

In relation to naming the roads in the setbacks in the Farming Zone schedule we see there is some benefit in adopting this approach (as proposed in Amendment C57) as this avoids confusion and the need to refer back to zone maps.

We consider the above strategies respond well to main roads however there needs to be more direct reference to the protection of ridgelines from inappropriate built form and vegetation removal in Clause 21.04-8.

#### **5.2.4 Recommendation**

We conclude:

**The current rural strategy in the MSS is too dispersed as a result of the place based approach of the MSS.**

**Agriculture and timber production are two of the most significant sectors to the local economy with significant value adding employment, particularly with timber industries.**

**The rural strategy in the new MSS is based firmly on the *Rural Land Strategy 2007* and does not result in a significantly different new strategic direction.**

**Clause 21.05 provides a central and concise reference to rural issues, competing interests and clear objectives and strategies that replaces the existing dispersed and underplayed references. This approach is consistent with the relevant provisions of the SPPF.**

**The *Rural Land Strategy 2007* was developed through a comprehensive analysis of the rural areas, with almost all recommendations finding their way into Amendment C55.**



The deletion of Clauses 22.01, 22.02 and 22.04 and the translation of policy statements into strategy contained in the MSS is appropriate.

The approach adopted in Amendment C57 for the setbacks of building in a Farming Zone by naming the roads is appropriate.

We recommend:

In Clause 21.04-8:

- Insert a new dot point in the overview that states: “The need to protect the scenic landscape values of ridgelines and landforms from inappropriate built form and removal of vegetation.”
- Insert a new objective that states: “To protect ridgelines from inappropriate development and vegetation removal.”
- Insert a new strategy that states: “Ensure new development and removal of vegetation is discouraged from ridgelines and hill tops where it is a significant scale to impact the landscape character of the area.”

In the Schedule to Clause 35.07 insert under ‘minimum setback from a road (metres)’:

- the following for roads with a 100m setback:
  - A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1, including:
    - Beech Forest Mt Sabine Road, Ferguson to Turtons Track
    - Birregurra-Forrest Road
    - Colac-Ballarat Road
    - Corangamite Lake Road
    - Forrest-Apollo Bay Road
    - Great Ocean Road
    - Lavers Hill-Cobden Road
    - Lavers Hill-Colac Road
    - Lighthouse Road
    - Princes Highway
    - Skenes Creek Road
    - Turtons Track
- Insert the following for roads with a 20m setback:
  - Any other road, including:
    - Barham Valley Road
    - Binns Road

- **Blue Johanna Road**
- **Busty Road**
- **Carlisle-Gellibrand Road**
- **Hordern Vale Road**
- **Killala Road**
- **Mariners Lookout Road**
- **Melba Gully Road**
- **Phillips Track**
- **Red Johanna Road**
- **Sunnyside Road**
- **Tuxion Road**
- **Upper Gellibrand Road**
- **Wild Dog Road**

### **5.3 Farmland of Strategic Significance (FSS)**

#### **5.3.1 What is the issue?**

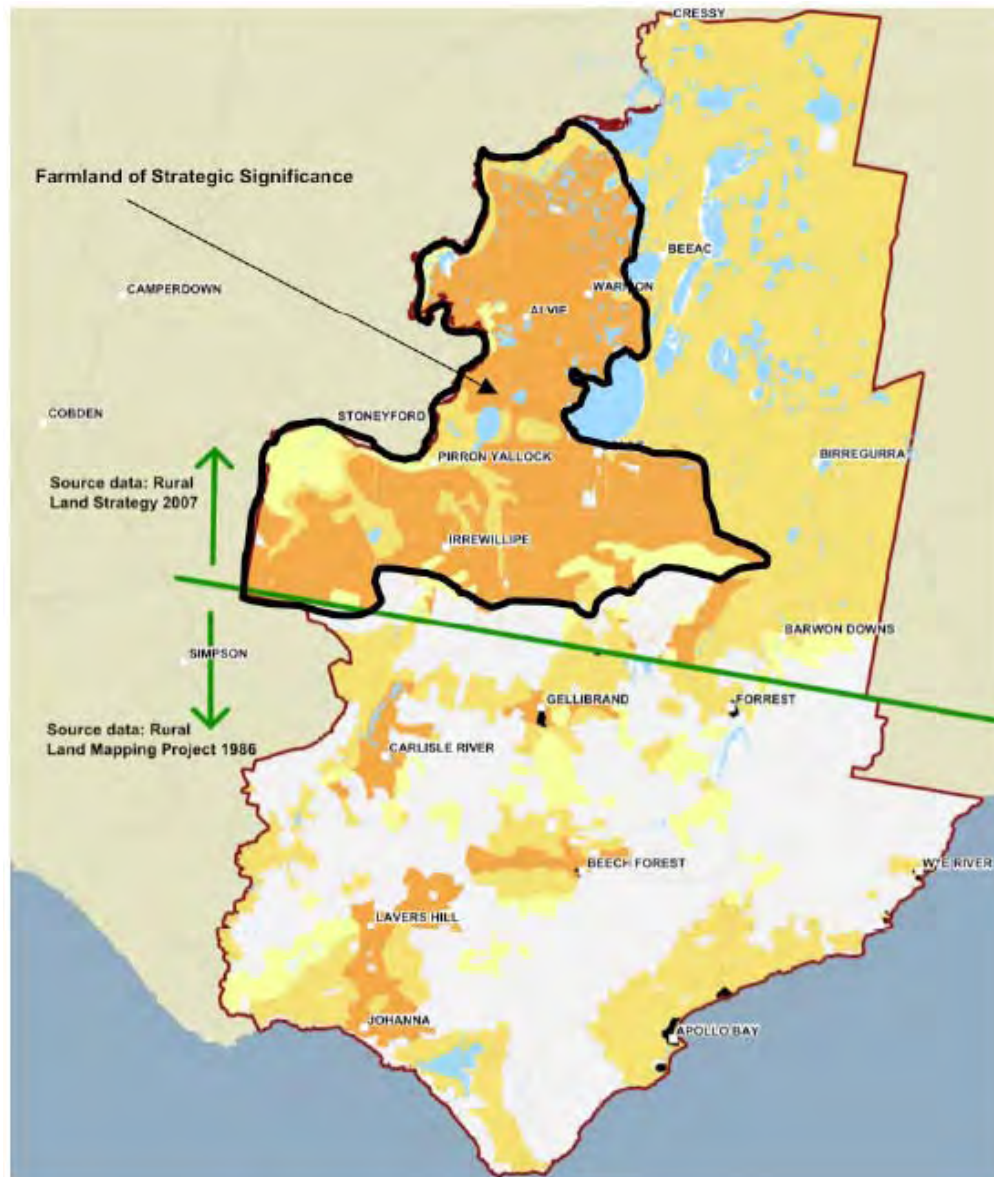
The issue is the use of this term to broadly identify areas of high agricultural quality and more specifically in reference to the timber industry.

#### **5.3.2 Evidence and submissions**

The RLS identifies Farmland of Strategic Significance generally in the north west of the municipality (refer to figure below) and was identified based on land capability mapping and lot size distribution characteristics. It is considered significant

*... due to the high value dairying and associated manufacturing which provides significant economic benefit to the region. It has a pattern of subdivision favourable to sustainable agricultural production and current land use...’ RLS P30)*

Ms McGuinness advised us the concept of the FSS was developed to address the potential of timber plantations developing in high value agricultural areas. A permit requirement for plantations on land greater than 40 hectares was recommended.



**Figure 1: Farmland of Strategic Significance**

In discussing the impact of timber plantations on the local areas Ms McGuinness found *'that the industry in Colac Otway had experienced only modest growth (4,400 ha in 20 years) and that rural population decline could not be attributed to expansion of the industry.'* (McGuinness statement P20). The draft report did not propose a local policy or a permit trigger for timber plantations and it was only after the receipt of submissions that a requirement for a permit was recommended as follows:

- On land in excess of 40 ha in the FSS,
- On land in excess of 40 ha for land in Declared Water Supply Catchments, and
- On land in excess of 40 ha abutting a Road Zone Category 1 (from GORRLAS).

Amendment C55 was not authorised to include these permit triggers.

Mr Fiskin on behalf of CVFP and Mr McAliece on behalf of HVP Plantations objected to the exclusion of timber plantations from the FSS and that the strategic case for the FSS had not been made.

Mr Missen (P3) supported the concept of the FSS however considered the Stony Rises landscape should not be in the FSS and land described by him as 'the lake and dune country' defined by the triangle Beeac-Weering-Eurack is high quality agricultural land and should be included in the FSS.

### 5.3.3 Discussion

The selection of land as Farmland of Strategic Significance in the Rural Land Strategy is based on areas of high quality agricultural land, a pattern of allotments and settlement conducive to agriculture and economic contribution to local economy. The dominant uses are dairying and beef cattle. Other areas were considered further south in the Otways however were excluded as the economic value was not sufficiently high enough.

The concerns of the timber industry seem to have no basis:

- primarily as there are no permit triggers proposed, but also,
- the average size of a plantation, as advised by industry representatives at the hearing, is less than 40 ha anyway which would not trigger a permit, and
- the location preferred by this industry is further south in the higher rainfall areas.

As this amendment does not introduce permit triggers for timber production, the role of the FSS in the MSS needs to be reconsidered. It is a concept supported by the SPPF in Clause 17.05 which states:

*To ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive **farmland which is of strategic significance** in the local or regional context.*

While Council advised it was developed to deter the timber industry from establishing in the FSS, we consider it has wider benefits. Good rural strategy should be based firmly on the agricultural quality of the land; Clause 17.05-2 of the SPPF states it 'is a fundamental factor'. The amendment retains the existing Schedule to the Farming Zone including subdivision lot size. We see benefit in better defining the FSS in the planning scheme. On this point we note the *Rural Land Strategy 2007* recommends:

*That the map of farmland of strategic significance be considered in the application of schedules to the Farming Zone.*

This has not been carried forward to this amendment. The only delineation of the FSS is on the Strategic Framework Plan which does not provide sufficient detail.

The current schedule to the Farming Zone distinguishes minimum lot size based on areas defined by roads; and not based on areas defined by agricultural capability. Around 80 per cent of the municipality would have a minimum subdivision lot size of 40 hectares and the remainder would be 80 hectares. The current Schedule is as follows:

| Land                                                          | Minimum subdivision area and area for which no permit is required to use land for a dwelling |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Land south of Princes Highway and land west of Ballarat Road  | 40 hectares                                                                                  |
| Land north of Princes Highway and land east of Ballarat Road. | 80 hectares                                                                                  |

The FSS is generally contained in the 40 ha minimum subdivision lot size control. The 40 ha area also applies to the balance of the land south of the Princes Highway.

We believe the schedule to the Farming Zone should be defined by agricultural capability (not roads) and it would be better to use the FSS to assist in defining a schedule to the Farming Zone. This would allow the FSS to be accurately mapped and would further refine the controls in the Farming Zone. Schedule 1 and 2 could reflect the FSS and the balance of the areas currently affected by the existing 40 ha control. Schedule 3 could relate to the areas affected by the 80 ha control. We acknowledge there may be some further work required to map the schedules however there are obvious benefits in this approach. This mapping should be based on the agricultural capability map provided in the RLS (P28).

For discussion on the suitability of the 40 ha and 80 ha controls refer to Section 5.5.

#### **5.3.4 Conclusion**

We conclude:

**The FSS has a wider application in the planning scheme than just addressing the timber plantation industry.**

**The FSS is dominated by land of high quality agriculture with some areas of lower quality.**

**The FSS is an appropriate tool in identifying rural land that has a generally high agricultural value.**

**Land within the FSS should remain in the Farming Zone and should remain as a component of the strategic framework plan.**

**A Schedule to the Farming Zone should identify the FSS.**

We recommend:

**A 'follow on' amendment be prepared upon adoption of Amendment C55 and that amendment include:**

- **Split the schedule of the Farming Zone into schedules to identify the FSS as well as the subdivision and lot size controls.**

## **5.4 Timber plantations**

### **5.4.1 What is the issue?**

The control of timber plantations in the planning scheme, its effects on water yields and landscape character.

### **5.4.2 Evidence and submissions**

Ms McGuinness stated the timber industry (9500ha) is a vital and significant part of the local economy generating over \$80 million annually and about 400 jobs. Ms McGuinness also confirmed the *Rural Land Strategy 2007* recommended that permit triggers be applied to timber plantations on the basis of concern within the broader community relating to:

- loss of farming families from local communities,
- decline in rural services with reduced population,
- loss of prime agricultural land,
- perceived conflicts between land uses, and
- water yields in water supply catchments. (McGuinness statement p22)

The Minister did not authorise this part of the amendment on the basis:

*The DPI is finalising a Review of planning scheme requirements for plantation development in Victoria, and in partnership with the DPCD,*

*a study on the impact of land use change on water resources. (Minister authorisation letter)*

Notwithstanding this, Ms McGuinness confirmed the MSS (Clause 21.05-2) contained the following policy:

*Continue to encourage forestry industry within the Shire due to its significant contribution to the Shire economy and employment.*

*Ensure that timber production does not negatively impact on the viability of traditional agricultural activities in areas identified as being 'Farmland of Strategic Significance', also taking into consideration the cumulative impact of timber production on traditional agricultural activities in these areas.*

*Ensure that timber production does not negatively impact upon water quality and water yield in Declared Water Supply Catchments, also taking into account the cumulative impact of timber production on water quality and yield in these areas.*

*Utilise vegetation buffers of appropriate width (minimum 20 metres) to screen the clear felling of large areas of the landscape that are adjacent to and visible from main road corridors and tourist routes. It may be appropriate to harvest buffers when the clear felled areas of the landscape protected by the buffer have regrown adequately.*

*(underline added)*

CORRA, LHDP and Speirs all sought permit controls for timber plantations on all farming land. Longmore requested these controls be restricted to the FSS. Longmore, Fankhanel and Nelson also supported limiting timber plantations in water catchment areas.

Nelson supported planning controls for new plantations, change of species (from eucalypt to pine) and genetically modified timber crops and the banning of aerial spraying.

The timber industry representatives (Great Southern, AKD, HVP and CVPA) and the Department of Primary Industries (DPI) all had concern the Council policy was not supportive of the industry, opposed its discouragement in water catchment areas, stated the Code of Practice adequately deals with water quality and quantity issues and object to the landscape screening requirement.

### **5.4.3 Discussion**

The timber industry is obviously a significant element of the local and regional economy. The closure of the Otway Ranges National Park for timber

harvesting will result in increased pressure on private land to supply this resource. Amendment C55 does not include any permit triggers for timber plantations yet the *Rural Land Strategy 2007* supports permit triggers and the MSS acknowledges the two sides of the argument: its contribution to the local economy and the effect on the environment.

Timber plantations are a vexed issue. Should they be treated like any other cash crop or is there justification to place additional controls on them? There is no doubt they contribute significantly to the local economy. We were not presented with any evidence, as such, to substantiate the concerns over water quality or quantity yields and we are not in a position to comment conclusively on this issue. We note the review that is occurring at the State level and we see this as the most appropriate forum to address the perceived impacts of the industry.

The VPP currently has the option to trigger a permit for timber plantations in the Farming Zone. As this option has not been activated in this amendment the encouragement or discouragement of the industry at first glance seems hollow.

The GORRLAS identified the potential for timber plantations to impact negatively on this nationally significant landscape. We note the timber industry groups all supported the exclusion of plantations from the GOR region. This area is zoned Rural Conservation and this zone control contains a permit trigger for 'timber production' without the need for 'scheduling it in'.

Further permit controls or exclusions may be an outcome of the state wide review and on this basis we see some benefit in Council prefacing its position on the industry from an environmental viewpoint. We note the overview to Clause 21.05-2 identifies the concerns over the industry as being 'within the broader community' as a result of consultation, not as a strategic outcome of the *Rural Land Strategy 2007*.

#### 5.4.4 Recommendation

We conclude:

**The timber industry is an important element of the local economy.**

**Permit triggers for timber production should be considered as part of the state level review.**

**The exhibited MSS could be improved to provide more direction on the approach of Council to timber plantations in the RCZ.**



We recommend:

**In Clause 21.05-2 insert a new strategy to discourage timber plantations from land identified for its scenic and landscape qualities in the Greater Ocean Road region as defined by the Rural Conservation Zone.**

## **5.5 Subdivision and housing**

### **5.5.1 What is the issue?**

The use of minimum lots sizes and dwelling permit triggers in the Farming Zone.

### **5.5.2 Evidence and submissions**

Ms McGuinness advised the *Rural Land Strategy 2007* noted that farm businesses, particularly dairy and beef businesses, in the Colac Otway Shire will need access to land to expand over time. The minimum lot size schedule of the Farming Zone was reviewed in the Rural Land Strategy. The existing lot size minima specified in the schedule to the Farming Zone (40 ha and 80 ha in the north east) were found to provide a suitable size to allow for ongoing farm growth and expansion. An analysis of lot size distribution across the Shire also found that there was a substantial supply of small lots that meet demand for more intensive agricultural businesses and there was no justification for creation of more small lots.

In relation to dwellings, the RLS found that the *'proliferation of dwellings for lifestyle/hobby farming purposes in the Farming Zone would compromise the long term viability of farming in the Colac Otway Shire.'* (Section 4.4) It also found there were nearly 3000 lots under 2 ha in size and 49 per cent of all lots were under 8 ha in size. To address this situation the RLS proposed a strict interpretation of the Farming Zone provisions to ensure incompatible land uses (including dwellings) do not negatively impact on the ability to farm.

Ms McGuinness also provided a suitable summary of the submissions on the RLS. In Section 8.2.2 of her statement the following is provided:

- Oppose a minimum lot size in the Farming Zone – the farm is the superannuation (Whelan).
- The appropriateness of the 40 ha minimum lot size in the Farming Zone was questioned (Arundell, Hamill).
- Believes there is a right to subdivide land and that there should be no minimum lot size for subdivision (Arundell, Hamill).

- The Rural Land Strategy has not adequately addressed the rural housing, farming, lifestyle properties and small lot excisions (Bright, Gigas)

### 5.5.3 Discussion

#### Subdivision lot size

The consideration of a minimum subdivision lot size should not be seen as a level that Council considers suitable for a 'viable' farming operation. It is a lot size that should encourage farm growth and expansion and should not reflect the prevailing lot size in the rural areas. If this was the case for Colac Otway the lot size would be substantially smaller as almost 50 per cent of all lots are under 8 ha in size. There are many other externalities that impact on the viability of farms; planning controls are just one small part. The retention of the existing minimum lots size of 40 ha for the FSS and adjoining land and 80 ha for land in the north-east of the municipality is considered appropriate.

We do not agree with submissions to remove the control or reduce it as this would lead to great uncertainty leading to divestment and ultimately encourage the creation of smaller lots in the rural areas; which is not supported by the SPPF and LPPF.

The opportunities to excise an existing dwelling remain. The new Policy Guideline section provides some criteria for their assessment which are essentially a translated from Clause 22.04 and the RLS. Council advised they currently do not apply a Section 173 Agreement to prohibit the further subdivision of the balance lot. This is a concern as the Farming Zone requires this without discretion. We see an important addition to future 173 agreements is to prohibit a dwelling. This effectively ensures the balance lot is retained for agriculture at a price that reflects its agricultural capability and not its 'rural residential' price.

#### Dwellings

The current controls in the schedule to the Farming Zone have been retained and align with those for minimum lot size described above. The primary tenant of the SPPF at Clause 17.05 and the purpose of the Farming Zone is the protection of agricultural land and to ensure dwellings are required to support the agricultural use of the land. This is supported by an objective under Clause 21.05-1 of the MSS:

*To discourage the development of dwellings which are unrelated to farming.*

The following strategy then states:

*Apply a strict interpretation of the Farming Zone provisions to ensure incompatible land uses (including dwellings) do not negatively impact on the ability to farm.*

We have a concern as to how this 'strategy' will be implemented. What will be the requirements of Council to ensure this can be achieved? Is it a property management plan or a whole farm plan or more simply a statement that is required to justify the dwelling? We suggest Council should provide some further guidance through an addition to the Policy guidelines.

#### **5.5.4 Recommendation**

We recommend:

**In Clause 21.05-1 introduce a new 'Policy guideline' as follows:**

- **Request applications for an additional dwelling in the Farming Zone provide the following information as appropriate:**
  - **A statement that describes the nature of the agricultural use, the extent of its operation, its current and proposed staffing levels, the need for on site management and how an additional dwelling meets the requirements of the planning scheme.**

## **5.6 Rural living**

### **5.6.1 What is the issue?**

The strategic approach to rural living.

### **5.6.2 Evidence and submissions**

No land is zoned for rural living purposes in the municipality at the moment. Council advised the approach to rural living was to identify candidate areas (Kawarren, Barongarook, Gellibrand, Forrest, Beech Forrest, Lavers Hill and Elliminyt) for rural living only and have these considered in more detail as part of a separate rural living strategy. The *Rural Land Strategy 2007* noted there is likely to be an increasing demand for rural lifestyle properties in the area and that these opportunities should be catered for in planned rural living estates on land of moderate or low agricultural capability instead of via ad-hoc excision of farm dwellings. The criteria for identifying these candidate areas were:

- The land parcels are in relatively close proximity to a township.
- The agricultural capability is identified as being 'moderate' or 'low' and therefore a somewhat restricted agricultural future.

- Development for rural living use should have limited impact on scenic qualities.
- Rural living development should not lead to conflict with adjacent uses.
- Require the preparation of an environmental and resource management assessment of the whole site and its surrounds.
- That it be demonstrated that there will be a net improvement in the environmental condition and natural resource base of the land and that environmental gain targets can be met (e.g. increase in native vegetation cover, fencing off and revegetation of water courses, reduction in pest plants and animals, etc).
- A requirement for sealed road provision in order to reduce Council's on-going costs for road maintenance.
- That all development be buffered from adjoining agricultural uses and developments.
- That the proposal can demonstrate that it meets all costs imposed by the development.

Council advised a strict interpretation of the Farming Zone provisions should be used to ensure there is not a proliferation of rural dwellings not associated with agriculture, they do not impact negatively on the ability to farm and they do not act as a defacto rural living supply. Ms McGuinness confirmed the option of utilising the existing large numbers of small lots in the Farming Zone to accommodate rural living demand was rejected in favour of a more strategic approach to this issue.

The following submitters sought a rezoning of their land to a rural living zone: Murray, Burnie, McKenanon, Parker, Riches, Evans, Lowers, Vulcz, Watts, Zapelli, Hart, Nelson, Watt, Smyth and Watson.

The following submitters requested additional areas (Gellibrand, Wyelangta, Coragulac, Beeac, Barwon Downs, Barongarook and Laver Hills) be identified as candidate rural living areas without specifically requesting they be rezoned as part of this amendment: Potter, Vulcz, McDonald and Lawson.

Wannon Water advised they would not support any rural living rezoning in open water catchment areas.

### 5.6.3 Discussion

We are not in a position to consider specific rezoning requests to rural living as these have not been exhibited in the amendment and would effectively

transform the amendment in its approach to rural living issues. We support the preparation of a rural living strategy to effectively plan for this issue.

The identification of candidate rural living areas, even though not represented in the MSS, is addressed in the rural strategy and therefore requires some further consideration. The rezoning of land to reflect existing development patterns should not be given much weight in the proposed rural living strategy. This is consistent with the Practice Note: *Applying the Rural Zones*. Many rural areas in Victoria are made up of a patchwork of lot sizes and development that usually occurred under previous planning controls. Council should act with caution in preparing the rural living strategy on this basis. There will always be areas developed in this way that in hindsight should never have been. We consider a balanced approach to the criteria identified above and those of Ministerial Direction No: 6 provide an effective basis for the consideration of these areas; the most important of which is proximity to township areas with services and facilities, location on land of low to moderate agricultural capability and servicing. The input from water authorities will be critical in identifying appropriate areas. We also note that a number of the candidate areas are within the open water catchment areas.

#### **5.6.4 Conclusion**

We conclude:

**Clause 21.03-9 (Rural living) provides an appropriate overview of the issue and reflects the need to prepare a new rural living strategy. We support this approach without the need to reflect the candidate areas in the MSS as this would 'pick winners' and provide some credibility to potentially unsuitable areas and without the guidance of an overall strategy.**

### **5.7 Rural Activity Zone**

#### **5.7.1 What is the issue?**

The use and application of the Rural Activity Zone to the Apollo Bay hinterland.

#### **5.7.2 Evidence and submissions**

Council advised the translation of the rural zones did not introduce the Rural Activity Zone and the new strategy was to address this issue. Ms McGuinness advised the draft *Rural Land Strategy 2007* did not support the

use of the RAZ. It was only after the consideration of submissions that Council resolved to apply the RAZ to a relatively small area of land in the Apollo Bay hinterland. The selection criteria for rural living were also used for rural activity areas.

The land to be rezoned to rural activity is located inland and to the west of Apollo Bay. The land is currently zoned Rural Conservation. This area was identified as it met the following criteria:

- substantial setback required from GOR resulting in no consideration of land fronting this road,
- limit development in the foothills to the rear of Apollo Bay GORRLAS,
- restrict the intensification of development in the Barham River catchment, and
- protect remnant vegetation west of Marengo, therefore open land is preferred.

Uses that would be encouraged are: agriculture, tourist and recreational activities, group accommodations and a restaurant in association with a tourism/recreational activity.

During the hearing Council proposed to change some objectives and insert policy guidance for Clause 21.05-4 (Tourism) as it relates to tourism in the RAZ.

Mr Alamidis (209) and Mr and Mrs Kangeiser (P12) both own land south of the proposed RAZ in Alice Court and Telford Access Road respectively. Both parties operate a tourist accommodation venture they wish to expand.

Ms McGuinness, in her expert statement, provided the following review of RAZ issues from submissions:

- *Believe that the identification of land for Rural Activity Zone lacks a strategic basis (CORRA, LHDPA).*
- *Would like to see the area around Apollo Bay as a candidate for Rural Activity Zone subject to further strategic work and identification of other land that may suit Rural Activity Zone (CORRA, LHDPA);*
- *Objects to the minimum lot size of 40 ha for the proposed Rural Activity Zone.*
- *Concerned with the broad range of uses – would like to see the following uses prohibited:*
  - *feedlot, broiler farm, convenience shop, freeway service centre, intensive agriculture, equestrian supplies, garden supplies,*

*manufacturing sales, mineral extraction, place of assembly, residential hotel, service station, store, tavern (Buchanan, A).*

- *Large scale tourism developments should be confined to townships due to potential impacts on the environment (Fankhanel).*
- *That the land identified in the Apollo Bay hinterland should not be rezoned to Rural Activity Zone, as it is high quality agricultural land (Hart).*
- *Reject that proposals for Rural Activity Zone to provide tourism facilities in the Otways be considered on a case-by case basis but that work be undertaken to determine which land could be rezoned to Rural Activity Zone (CORRA).*
- *Conflict between strategies for agriculture and tourism in the Otways with strict controls on dwellings in the Farming Zone and encouragement of tourism activities in the Otways (Farming Zone or Rural Conservation Zone) (Fankhanel).*

### 5.7.3 Discussion

We have identified the following two issues that require further discussion:

- The criteria for consideration for a RAZ; and
- The application of land for a RAZ.

#### Criteria

We believe the criteria to solely locate a RAZ on relatively cleared land conflicts with the primary role of agriculture in a rural zone. The Apollo Bay hinterland comprises vegetated and cleared land that will be attractive for a variety of eco-tourism and accommodation ventures. Mr Alamidis operates an accommodation business that is limited because of the current zoning (RCZ) which restricts group accommodation to no more than 6 dwellings and in conjunction with agriculture or other rural industries. His land is well vegetated and we understand this would have been a reason for not being considered for the RAZ. This would be similar with the Kangeisers.

The RAZ removes the 'in conjunction with' test and the limitation on dwellings. We believe accommodation ventures should be considered on the following basis:

- Farm based activities on relatively cleared land; and
- Nature base activities on partly vegetated land.

This should be reflected as a strategy statement in Clause 21.05. The nature and scale of the use should be consistent with its setting and environment

and the need to protect vegetation. The revegetation completed by Mr Alamidis is a good case in point where environmental improvements have occurred in conjunction with the tourism use.

Mr Hart suggested the proposed RAZ is on land of high agricultural quality. This may be the case however a constraint on farming in this area would be lot size, the considerable slopes, land prices, and the nature of adjoining uses. We believe that in some cases the RAZ could include land with high agricultural quality.

### **Application**

The application of the RAZ can be considered in a variety of ways:

- restrict the RAZ to established tourism uses – we do not consider a strategic approach as this just ‘picks winners’ and does not strategically plan for its application.
- rezone a broad area and allow the consideration of new uses on a merits basis against a few limiting criteria – we consider this to be the more strategic approach.

We believe Council has been too restrictive in its application of the RAZ.

An argument could be mounted that all of the Apollo Bay hinterland should be rezoned RAZ, however, the limits on this approach would be the slope and erosion constraints and wildfire threat. We therefore do not agree with CORRA that all of the hinterland should be RAZ. On the basis of submissions and the above discussion we consider the RAZ should be extended further south to include other land. The success of the RAZ should be monitored by Council to determine if a wider application of the zone is better in the long term. The extension of the RAZ further south should be done as part of the ‘follow on’ amendment.

### **5.7.4 Conclusion**

We conclude:

**The criteria for the RAZ is overly restrictive.**

**The criteria for the RAZ should distinguish between farming and nature base tourism.**

**Consideration should be given to extending the RAZ further south to include existing tourism ventures and adjoining land.**

We recommend that:



In 21.05-4 (Overview) distinguish between the potential of farming and nature based tourism ventures in the Rural Activity Zone.

In Clause 21.05-4 amend the last two objective statements to read:

- To provide for a preferred mix of uses in the Rural Activity Zone to the west of Apollo Bay.
- To provide for a preferred mix of uses in the Otway Ranges.

In Clause 21.05-4 add 'Rezoning guidance' in a new section following strategies as follows:

#### Rezoning guidance

- Support the Rural Activity Zone on land west of Apollo Bay and in the Otway Ranges to provide for a mix of uses including: agriculture; tourist and recreational activities; group accommodation with tourist or recreational activities (including backpacker accommodation, camping and caravan park, cabins etc.); and restaurant in association with a tourist activity or recreational activity.

In Clause 21.05-4 delete 12th to 16th dot points under 'Strategies' and replace with 'Policy guidance' in a new section following strategies as follows:

#### Policy guidance

- Assess proposals for use and development in any Rural Activity Zone west of Apollo Bay or in the Otway Ranges against the following criteria:
  - Use and development for Equestrian supplies, Helipad, Hotel, Landscape gardening supplies, Motor racing track, Tavern, and other similar uses should be avoided.
  - The scale of development and use should relate to the land size and surrounding uses.
  - Development should be subservient to the landscape and not detract from the landscape quality.
  - Development should be of high design quality and the style should respect surrounding development.
  - Development should provide net environmental gain.
  - Development should be self sufficient in, or meet all the relevant costs of, infrastructure provision.

A 'follow on' amendment be prepared upon adoption of Amendment C55 and that amendment include:

- **Extend the RAZ to the west of Apollo Bay to the south to include existing tourism ventures and adjoining land.**

## **5.8 Water catchments**

### **5.8.1 What is the issue?**

The protection of water catchments from inappropriate development.

### **5.8.2 Evidence and submissions**

Ms McGuinness advised the approach of the Rural Land Strategy was to retain the current extent of the RCZ and not apply it to water catchment areas. Council did not support the rezoning of water catchment areas as these areas are actively farmed and did not want to introduce a permit trigger for agriculture.

Wannon Water requested that land zoned Farming in the Gellibrand Special Water Supply Catchment Area be rezoned to Rural Conservation to protect it from inappropriate development and be consistent with the Practice Note *'Applying the Rural Zones'*.

### **5.8.3 Discussion**

There are a number of water supply catchments in the municipality located in the Otway Ranges. Much of the land is public land however there are valleys and corridors of private land. The concern over introducing a permit trigger for agriculture is one of the main impediments for the wider application of the Rural Conservation Zone to catchment areas. Timber production would also require a planning permit.

These are open water catchments: they consist of private land and the public land that is open to public access. We suggest Council act with caution in rezoning actively farmed areas to a Rural Conservation Zone. In regard to timber production we suggest Council defer this issue to the state review currently being conducted.

We consider another option to avoid the permit trigger for agriculture is to retain the Farming Zone and rely on other environmental overlays (such as the VPO and ESO) to control land use effects.

### **5.8.4 Conclusion**

We conclude:

**It would be inappropriate to rezone catchment areas to Rural Conservation Zone as part of this amendment or the 'follow on' amendment.**

---

## 6. Significant Landscape Overlays (SLO)

---

### 6.1 Introduction

This section discusses the issues related to the application of the Significant Landscape Overlays (SLO).

#### **What does the Amendment propose?**

The amendment proposes to change the MSS references to landscape character and introduce and amend Significant Landscape Overlays as a result of the Great Ocean Road Region Landscape Assessment Study (GORRLAS).

#### **What is the strategic basis for this part of the Amendment?**

The strategic basis is provided by the *Great Ocean Road Landscape Assessment Study* (GORRLAS) prepared by Planisphere in 2002 and adopted by Council in 2003. In addition to this Planisphere completed the *Significant Landscape Overlay Mapping* project in 2004 to assist in the mapping of the SLO.

Clause 15.08 (Coastal Areas) sets objectives and strategies for the Great Ocean Road region in relation to the Victorian Coastal Strategy and specifically refers to GORRLAS as a document that planning authorities and responsible authorities should 'has to have regard to'.

#### **What are the issues?**

Issues were raised in relation to:

- The changes to the MSS and Policies,
- Permit exemptions in the SLO's, and
- The referencing of the GORRLAS in the MSS.

### 6.2 Changes to the MSS and Policies

#### 6.2.1 What is the issue?

Ensuring the new MSS appropriately addresses landscape character as a core strategic issue.

## 6.2.2 Evidence and submissions

Council advised us the changes to the MSS were driven by GORRLAS in response to the limited direction the current MSS provides for landscape character. The proposed changes, as detailed in Council's submission, include:

- New overview, objectives and strategies in the MSS (Clause 21.04-8) arising from GORRLAS;
- Apply a new SLO (Schedule 3) to the Apollo Bay Coastal Valley and Hills precinct as identified in the Great Ocean Road Region Landscape Assessment Study (GORRLAS). The statement, landscape objectives and application requirements are adapted from GORRLAS. The permit requirements, exemptions and decision guidelines are adapted from the existing SLO2.
- Apply a new SLO (Schedule 4) to the Johanna Coast to Cape Otway Coastal Valley and Hills precinct as identified in GORRLAS. The statement, landscape objectives and application requirements are adapted from GORRLAS. Permit requirements, exemptions and decision guidelines are adapted from the existing SLO2.
- Apply a new SLO (Schedule 5) to the Apollo Bay Landscape as identified in the *Apollo Bay Structure Plan*. The statement, landscape objectives and application requirements are adapted from the Structure Plan. Permit requirements, exemptions and decision guidelines are adapted from the existing SLO2.

Council advised us GORRLAS applied to the full extent of the Great Ocean Road into the municipalities of Surf Coast and Corangamite and that this was the first attempt by any municipality at introducing the statutory outcomes of GORRLAS into the planning scheme.

In its closing statement Council advised it now supported the deletion of the SLO3 from the Great Ocean Green development and the removal of the reference to 'Western Coastal Cliffs' in the introduction to Clause 21.04-8.

Submissions based on the landscape character were very limited. Mr Fiskin (on behalf of CVFP) accepted the application of the SLO to the Great Ocean Road however not as it relates to other main roads. Mr Richens (193) requested exemptions to be the same for the SLO and ESO1 to address any inherent conflict.

The Lavers Hill and District Progress Association (LHDPA) did not support the shading of the significant coastal landscapes on the Strategic Framework Plan as it was too general and not defined adequately.

Mr Fankhanel (235) provided a detailed submission; in relation to landscape character he stated large accommodation and hotels should only be allowed in the Township or other urban zones and not on ridgelines. He was concerned about the deletion of Clause 22.02 (Ridgelines), the wording of landscape screening objectives and the focus of Clause 21.04-8 on the Great Ocean Road area.

Mr Jackson (203), on behalf of Great Ocean Green (GOG), considered the application of the SLO3 to the land was unnecessary as this matter has been dealt with under Amendment C29.

### 6.2.3 Discussion

The current MSS deals with landscape character in the following ways:

- Clause 21.01-3 sets some general context for landscape issues, particularly noting the significance of the Great Ocean Road area.
- Clause 21.02 states as a key influence 'the need to protect the distinctive and highly valued nationally significant Great Ocean Road Region landscapes and coastal settings of Skenes Creek, Kennett River, Wye River and Separation Creek townships.'
- Clause 22.01 (Main Roads/Scenic Routes) applies landscape policy statements for many road within the Road Zone, particularly building setback requirements for the Great Ocean Road.
- Clause 22.02 (Ridgelines) inherently refers to landscape issues and the need to avoid buildings on ridgelines.

The current MSS notably does not have a specific section devoted to landscape character and there seems to be a focus on the Great Ocean Road region to the detriment of other inland landscapes.

We consider the current MSS significantly undervalues the role of landscape character and this is exacerbated by dispersed references through the planning scheme.

In relation to other matters raised by submitters:

- We do not see any inherent conflict that may arise from the exemptions contained in SLO and ESO1 as they relate to significantly different contexts; one is groundwater focussed and the other is landscaped focussed;
- We do not support the submission from Mr Fisker regarding the application of the SLO to main roads other than the GOR. A deficiency of the current 'Main Road/Scenic Routes' policy is that it does not trigger the need for a permit. We support the

recommendation of the local policy review to translate the strategic statements to the MSS. The use of the SLO supports the MSS in relation to this matter by introducing a permit trigger to ensure there is a level of control.

- We consider the translation of Clause 22.01 into the MSS has enhanced the reference to hill top or ridgeline development. For instance, the SLO3 has as an objective 'to ensure that development that occurs on hill faces or in other prominent locations is not highly visible' and the SLO4 seeks 'to retain the dominance of the natural landscape on hill faces and ridges throughout the precinct.'

Section 4.2 of this report has already established the need to introduce a new strategy for ridgelines in Clause 21.04-8.

## 6.2.4 Conclusion

We conclude:

**Landscape character is a core strategic issue for the Council in protecting landscape features that are of local, regional and national significance.**

**The approach Council has taken in the new LPPF is appropriate in that it:**

- **Elevates this issue to an appropriate level of significance.**
- **Consolidates objectives, strategies and policy statements in respect of landscape character within one section.**
- **Translates a local policy into more appropriate strategic statements in the MSS.**
- **Utilises the SLO to provide appropriate permit triggers and exempt minor buildings and works.**

We recommend:

**In Clause 21.04-8 (Overview) delete the reference to 'Western Coastal Cliffs'.**

## 6.3 Exemptions within the SLO

### 6.3.1 What is the issues?

Are the exemptions from building and works appropriate?

---

Are vegetation controls appropriately referenced?

### 6.3.2 Evidence and submissions

There were no submissions or evidence provided in relation to this issue however in general discussion we raised concern the exemptions may not be extensive enough and minor matters may trigger permits with a significant impact on staff workloads.

### 6.3.3 Discussion

All SLOs (except for the SLO1) only have relatively minor exemptions for buildings and works for informal outdoor recreation, post and wire fencing and public authority works. These overlays will trigger a permit for any dwelling or outbuilding whether they are new or extensions. We consider this could lead to an unnecessarily high workload with little strategic outcome.

SLO1 (Valleys, Hills and Plains Landscape Precinct) has additional exemptions relating to:

- non native vegetation,
- new outbuildings less than 130 sqm, and
- dwelling extensions less than 130 sqm.

In the SLO3 (Apollo Bay Coastal Valley and Hills Precinct) and SLO4 (Johanna Coast to Cape Otway Coastal Valley and Hills Precinct) new dwellings should require a planning permit however we do not think that the benefit in requiring a permit for a moderate extension to an existing dwelling and new outbuilding outweighs the additional workload required. We consider the exemptions contained within the SLO1 should be used in SLO3 and SLO4.

The SLO5 (Apollo Bay Landscape Precinct) applies to a highly visible linear strip between Apollo Bay and Skenes Creek adjacent to the Great Ocean Road and it is appropriate to retain control on most matters.

In relation to the reference to vegetation controls in the SLO schedules it is important to first note what the control states. It states:

*A permit is required ... to remove, destroy or lop any vegetation specified in a schedule to this overlay.*

In other words the control does not provide the permit trigger; the schedule must. The exhibited drafts of the SLO1, 3, 4 and 5 do not introduce this trigger for vegetation removal yet the decision guidelines of each schedule



require vegetation removal to be a consideration. This seems to be nothing more than an oversight as it is clear from the nature of the schedules that vegetation is a key consideration. We therefore consider a statement needs to be added to each schedule that states a permit for vegetation removal is required. The SLO1 states a permit is not required for non native vegetation; yet the SLO3, 4 and 5 make no such distinction.

#### **6.3.4 Recommendation**

We recommend that:

**In Clause 42.03-3 (SLO3) and 42.03-4 (SLO4) introduce the same permit exemptions as specified in Clause 42.03-1 (SLO1).**

**In Clause 42.03-1 (SLO1) at 'Permit Requirements' insert the following statement;**

- **A permit is required to remove, destroy or lop any native vegetation.**

### **6.4 The criteria for and application of the SLO**

#### **6.4.1 What is the issue?**

What is the strategic basis of the application of the SLO?

#### **6.4.2 Evidence and submissions**

We discussed with Council what determined the extent of the SLO mapping. A stage 2 report was prepared ('mapping project') that defined the extent of the mapping of the SLO. A key output of the GORRLAS was the identification of landscape significance and its translation to Significant Landscape Overlay (SLO) areas. This was done on the basis of the following three key factors:

- Landscape Significance,
- Development Pressure, and
- Existing controls.

The sum of this analysis resulted in the need for additional controls in the planning scheme.

Mr Jackson on behalf of GOG requested the SLO3 be deleted from the GOG land as this matter was fully considered as part of Amendment C29.

### **6.4.3 Discussion**

We do not propose to review the technical approach taken in mapping the SLO. However it is clear from reading the mapping project report the methodology seems to be rigorous and used in a consistent fashion has enabled the mapping of SLO as accurately as possible. The control is landscaped based and does not follow property boundaries. We encourage Council to develop this as a GIS layer so an overlay can be created on the aerial photo database to provide more accuracy with mapping.

In relation to the SLO3 and GOG, Council accepted in its closing submission the SLO3 could be deleted from the GOG land. We consider this matter was covered in detail through the C29 process where a Comprehensive Development Zone was supported. We therefore see no need to retain this control as it is an issue addressed in the Great Ocean Green Comprehensive Development Plan.

### **6.4.4 Recommendation**

We therefore recommend:

**On the SLO3 map delete the overlay from the Great Ocean Green land between Apollo Bay and Marengo.**

## **6.5 The referencing of the GORRLAS in the SLO**

### **6.5.1 What is the issue?**

In what way should GORRLAS be represented in the SLO?

### **6.5.2 Evidence and submissions**

There was no evidence or submissions on this matter however in general discussion with Council towards the end of the hearing we discussed the reference to the Precinct Development Principles for Precinct 2.4 and 2.5 in SLO3 and SLO4 respectively. These principles are contained within the GORRLAS report.

### **6.5.3 Discussion**

In section 3.6 of this report we have established the need to avoid referring readers to reference documents for matters that have an effect on the interpretation of the control. In the SLO3 and SLO4 for the Apollo Bay hinterland and Johanna Coast respectively, Clause 6 of each control in

decision guidelines refers the reader to the Precinct Development Principles contained within GORRLAS. We consider these principles should have a more substantial presence in the planning scheme as they assist in its interpretation. The options would be:

- To translate these principles into the SLO control.
- Incorporate all of GORRLAS in the planning scheme under Clause 81.
- Incorporate the Precinct Development Principles for Precinct 2.4 and 2.5 into the planning scheme under Clause 81.

The first option would require a sanitised version of the principles for it to fit well into the structure of the control. This would have the effect of possibly diluting the principles. The second option would seem to be an over reaction to address this issue, however we note Clause 15.08 already refers to the GORRLAS without the incorporation of the document. If this was preferred by government it would have been addressed in this fashion then.

The third option is our preference. The fifteen or so pages that detail the precinct development principles should be extracted from the document and introduced into the planning scheme as an incorporated document under Clause 81.

#### **6.5.4 Recommendation**

We recommend that:

**In Clause 42.03-3 amend the second dot point to Clause 6 to state:**

- **The 'Apollo Bay Coastal Valley and Hills Precinct Development Principles Incorporated Plan' from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81.**

**In Clause 42.03-4 amend the second dot point to Clause 6 to state:**

- **The 'Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles Incorporated Plan' from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81.**

**In Clause 81, introduce two new incorporated documents titled 'Apollo Bay Coastal Valley and Hills Precinct Development Principles' and 'Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles'.**

---

## 7. Colac

---

### 7.1 Introduction

This section deal with the *Colac Structure Plan* and development issues around Colac.

#### **What does the Amendment propose?**

The Amendment introduces the *Colac Structure Plan* and proposes many changes to planning controls in the town. The specific changes are discussed under each subsection. In general Amendment C55 proposes to include the *Colac Structure Plan (2007)* as a reference document and to implement its main recommendations through widespread rezonings. The key rezonings include:

- Rezone land in Barry's Road from Farming Zone to Industrial 1 Zone and Industrial 3 Zone and apply a Development Plan Overlay to create a new precinct for future industrial development.
- Rezone land in Main Street, Aireys Street and Slater Street, Elliminyt from Residential 1 Zone to Business 1 Zone:
- Rezone land in Main Street Elliminyt from Residential 1 Zone to Business 3 Zone.
- Rezone land on the north side of Princes Highway, West Colac from Industrial 1 Zone to Business 4 Zone.
- Rezone 16 – 38 Princes Highway Colac East from Farming Zone to Business 4 Zone .
- Rezone land in Colac, Elliminyt West and Elliminyt East from the Farming Zone to Rural Living Zone and to limit subdivision to 1.2 hectares.
- Rezone land in Colac West and Colac East from Industrial 1 Zone to Farming Zone.
- Rezone land in Colac East generally around Mariners Street from Farming Zone to Rural Activity Zone and apply a minimum area for subdivision of 0.5ha.
- Apply new Development Plan Overlay (DPO) schedules 2 - 10 to require a development plan prior to subdivision of undeveloped residential land in Colac and Elliminyt.

- 
- Amend the Schedule to Clause 52.01 to require a 10 per cent open space contribution for all residential zoned land in Colac and Elliminyt.

### **What is the strategic basis of the Amendment?**

The strategic basis of the changes in Colac is the *Colac Structure Plan (CSP)*.

The *Colac Structure Plan* is the primary document for the overview and strategies contained in Clause 21.03-2 Colac. Amendment C55 proposes to include the *Colac Structure Plan (2007)* in the Planning Scheme as a reference document listed in Clause 21.07.

The Structure Plan provides a 20 year framework to guide development of the town.

Mr Paul Jemmeson, Associate with Connell Wagner provided evidence in respect of the preparation and content of the structure plan. In his evidence he described the key elements of the *Colac Structure Plan* that have been included in Amendment C55. The key elements are:

- A new Structure Plan for the town included in the MSS.
- Central Colac identified as suitable for urban infill development.
- Areas presently zoned Farming included in the Rural Living Zone.
- 1.2 ha lot size to be applied to the rural living areas.
- New DPO applied to all undeveloped industrial and residential land.
- Proposed Rural Activity Zone with a 2 ha minimum lot size.
- 10 per cent open space requirement.
- Rezoning of land in the existing Industrial Zone to the Farming Zone at Colac East and West and a new industrial precinct created in Forest Street.

### **What are the issues?**

The issues are:

- What the structure plan shows,
- Residential strategy,
- Specific residential rezonings and rezoning requests,
- Business zones,
- Identification of a new industrial areas,
- East Colac precinct,
- West Colac precinct, and
- Other Matters.

## 7.2 What the structure plan shows

### 7.2.1 What is the issue?

The structure plan included in the MSS includes a number of strategies that would become redundant if the rezoning proposals in the Amendment are approved.

### 7.2.2 What does the Amendment propose?

The exhibited Amendment includes:

- New overview, objectives and strategies in the MSS (Clause 21.03-3) arising from the *Colac Structure Plan*.
- New Town Structure Plan (Clause 21.03-3).

### 7.2.3 Evidence and submissions

In response to questions, Mr Jemmeson acknowledged that the draft Structure Plan included in Clause 21.03-2 Colac includes notations that will be enacted through the Amendment C55 if approved, and hence are actions rather than strategic directions.

The Lavers Hill and District Progress Association (184) and CORRA (181) note that the town boundary for Colac should be reviewed as it includes some large isolated sites that are not contiguous with the town, whilst other prospective development sites are excluded.

The CFA (164) requested that the amendment be modified to ensure that specific development requirements be included relating to the provision of fire hydrants and design of roads.

The EPA (167) requested modifications to the MSS to ensure that new extensions to towns are connected to reticulated sewer or connected to on-site treatment suitable for the capability of the land.

### 7.2.4 Discussion

The *Colac Structure Plan* in the proposed Clause 21.03-2 does not provide an illustrative or conceptual framework plan for the town that clearly develops from the Site Analysis Plan. A Framework Plan for the town should be more strategic than the proposed plan in the MSS. It is expected that a Framework Plan would clearly specify the significant strategic directions for the town including:

- Identify of any key constraints or features such as inundation.

- Distinguish between areas of existing residential development (urban infill development) and the areas for future greenfield urban residential development.
- Identify strategic directions relating to development in the existing urban area (which has no shading or notations).
- Identify any strategic redevelopment sites within the existing town boundaries and the preferred development outcomes for those sites.
- Identify the areas for rural living and low density development.
- Identify the preferred commercial centres that are to service the community.
- Articulate major recreation areas and trails including the role of the Lake Colac foreshore and the opportunities provided to link the existing central Colac and the new growth areas in Elliminyt.
- Identify the opportunities to redevelop some of the former industrial sites within central Colac.
- Identify longer term options for growth and development.

The Framework Plan that is proposed to be included in Clause 21.03-2 Colac includes notations that refer to actions rather than strategic directions. The Plan includes statements such as rezone (land) to Industrial 1. The notations on the plan do not assist any of the planning stakeholders or decision makers seeking assistance from the plan to understand the preferred outcomes or directions to be achieved through development.

The *Colac Structure Plan* in Clause 21.02-3 needs to be substantially revised to enable it to be effective as a planning framework. This revision could include the following:

| Delete these notations                                                                                                                                                                                                                                                                                                                       | Add these notations (indicative)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rezone to Farming Zone (east and west Colac)<br>Realignment of existing B4/IN1 Zone boundary.<br>Rezone to Rural Living Zone.<br>Rezone to Rural Living Zone in the long term –subject to further investigation.<br>Rezone to Rural Activity Zone.<br>Rezone to Industrial 1 Zone<br>Rezone to Industrial 3 Zone.<br>Extend Business 4 Zone. | Heritage areas<br>Protection of views to and from Lake Colac<br>Existing and longer term industrial land<br>Identify long term residential growth direction<br>Identify long term rural residential growth options<br>Continue existing rural uses at eastern entrance to town<br>Identify gateway sites and treatment.<br>Consolidate town centre of Colac<br>Promote a secondary commercial role for Elliminyt<br>Provide appropriate buffer to a wastewater plant<br>Identify open space shortages<br>Identify flood constrained land<br>Identify key redevelopment sites<br>Princes Highway frontage – Facilitate businesses that provide services to farms and improve access and appearance to Highway.<br>Precinct for larger homemaker stores and service industries |

This matter was discussed in the hearing and Council may identify further appropriate changes.

We agree with the concerns expressed by CORRA and Lavers Hill residents association about the lack of clear strategic directions and priorities for infill housing, strategic sites, greenfield sites and the rural lifestyle housing. There is no strategic direction in respect of the form or mix of residential development in the Residential 1 Zone, nor any strategic statements about the overall mix of medium density dwellings on infill sites, urban density development on Greenfield sites and rural living lots. This is something Council should consider addressing in its further work program.

### **7.2.5 Conclusion/recommendation**

We conclude:

**The Colac framework Plan needs to focus more on strategic issues and less on immediate implementation issues.**

We recommend:

**In Clause 21.03-2 amend the Colac Framework Plan to remove notations that will be redundant if the Amendment is approved and include relevant strategic notations.**

## **7.3 Residential strategy**

### **7.3.1 Residential growth estimates**

#### **What is the issue?**

Concerns were expressed over the accuracy of the residential growth estimates that underpin the structure plan.

#### **Submissions and Evidence**

Mr Jemmeson noted that Colac has grown slowly at about 20 dwellings per annum over the past five years. Elliminyt has experienced strong growth. Colac has substantial land included in the Residential 1 Zone and on recent growth rates, Colac has sufficient land for 80 years of growth.

The estimates of land supply assumed that new urban lots would have an average size of 800 square metres. Should new residential areas be developed at lot size of 500 square metres, the land supply would exceed one hundred years.



Several submitters disputed the estimates of the supply and demand of residential land in Colac. We share the submitters concerns about the simplistic estimates of residential land supply and development rates in Colac. The *Colac Structure Plan* includes a record of building approvals for the Shire and indicates that there are up to 500 domestic building permits per annum for the Shire, however this information is not disaggregated to identify the actual number of approvals for new dwellings in the town of Colac. The report acknowledges that there has been considerable activity in Elliminyt, however, again this is not quantified.

The report notes that in the period from January 2005 and April 2006 (16 months) planning permits were issued to create 280 residential lots and an additional permit was under consideration for a further 96 lots. However the report concludes that the consumption of residential land is at a rate of 20 lots per annum, based on estimates in the Geelong Region G21 Plan released in 2005, but not tested by the Connell Wagner review.

The report also notes that there is substantial land zoned Residential 1 and available for development. The inclusion of land to the south-east and south-west of Colac from Farming to the Rural Living Zone is expected by Connell Wagner to also add to the supply of residential land.

Some of this land is affected by inundation, however Mr Jemmeson expressed confidence that some of this land can be utilised through water sensitive urban design and reshaping of the land.

Mr Fadgyas submitted that the analysis of the demand and supply of residential lots in the *Colac Structure Plan* was flawed and overstated the supply of low density lots. Mr Fadgyas submitted that the *Colac Structure Plan* fails to recognise that most of the lots to be included in the Rural Living Zone presently have a dwelling on each lot and are constrained by inundation.

Mr Fadgyas submitted that there is only a very limited supply of land for low density residential development. The submission notes that land on Christies Road has been included in a Low Density Residential Zone for many years but the owner has shown no interest in its development. Furthermore only approximately half of the Woodrowvale estate has been developed and given the lack of development activity on these areas, it was submitted that they should be rezoned to Farming Zone. Mr Fadgyas submitted that the real supply of low density lots is more likely to be 20 lots from the land owned by the Calder's and 20 lots on land near Armstrong Road.

Furthermore Mr Fadgyas noted that the estimated land supply in the Residential 1 Zone includes land that will not be readily available for dwellings as it includes land used for non-residential purposes such as the Council depot and a private school. Furthermore some of the Residential 1 Zoned land is constrained by inundation.

### **Discussion**

We are highly sceptical of the estimated supply of residential land. The effects of inundation to the south-east and south-west of Colac do not appear to have been fully assessed and we gain little comfort from Mr Jemmeson's assurances that land subject to inundation can be developed through the application of water sensitive urban design techniques. Land that is subject to inundation usually becomes available for residential development only after the land is reshaped through earth works and the development of new water retention areas and Mr Jemmeson could not comment as to whether such works are likely to be undertaken in Colac.

We also note that several parcels of land zoned Residential 1 are used for non residential uses including a primary school and the Council works depot. We are concerned that the real residential land supply may be significantly less than suggested by the *Colac Structure Plan*, though there is no suggestion that Colac is about to have short term difficulties in providing land for residential development. There is also no discussion in the Structure Plan of the likely future demand for housing taking into account the Geelong Ring Road, demographic changes, affordability issues or energy costs.

We think that it is more appropriate for land that is not used for residential purposes not be included in the Residential 1 Zone. Sites such as the private school and the Council depot could be included in the Special Use or Public Use Zones.

### **Conclusion**

We conclude:

**It is highly desirable that Council has a clear understanding of the residential land market in its main town and this is not provided by the *Colac Structure Plan*.**

We recommend:

**Council undertake a more realistic estimate of the land supply in Colac.**

## 7.3.2 Infill development

### What does the Amendment propose?

The Structure Plan proposes that the area around central Colac, including the area between Lake Colac and Murray Street be a preferred location for higher density, infill housing.

### What is the issues?

Concerns were raised on the suitability of some areas for infill development.

### Evidence and submissions

Some submitters opposed the designation of the central area of Colac for infill development as it is likely to encourage the demolition of heritage dwellings and the loss of the character of the area. We note that the strategies in Clause 21.03-2 advocate that medium density be supported in the existing Colac town centre and the same strategies also advocate the retention of heritage places in Colac. There is a potential inconsistency in these strategies.

### Discussion

Part of the area identified for infill is also identified as a heritage area in recent strategic planning work. Having inspected the area between Murray Street and the Lake, we consider that many of the dwellings constitute an intact built form into which new dwellings should be placed with great care in terms of their form, massing, style and siting. The precinct between Murray Street and Lake Colac appears to comprise dwellings from the Victorian period through to the art deco period and the immediate post war era. The existing dwellings have a reasonably intact and consistent built form in respect of front setbacks, attractive front gardens, slope of roofs, heights and articulation. The intact and consistent built form is strengthened by the uniform public realm that comprises wide streets and large mature trees.

We think that the strategies of encouraging infill, and preserving the heritage of the area are in conflict. Strategies advocating infill development may lead to both the loss or modification of heritage places and the insertion of unsympathetic dwellings adjacent to heritage places. We suggest that the precinct be further investigated to identify more precisely the locations where infill housing is likely to be appropriate, and the streets or areas where infill development is to be limited. We acknowledge that infill development can occur in these areas, but wish to ensure that new infill developments are carefully designed to be compatible with the existing attractive streetscapes and built form. Often the design process in sensitive precincts can be both time consuming and relatively costly and may be overlooked in areas such as

Colac where the house prices may not lend themselves to careful design. We believe that the MSS should make it clear that infill housing in this area needs to be undertaken with care to ensure that the prevailing high quality streetscapes and built form are retained.

### **Recommendation**

We recommend:

**In Clause 21.03-2 amend the Colac Framework plan to:**

- **remove notations for infill development from areas included in a Heritage Overlay, and**
- **identify Heritage Areas.**
- **In Clause 21.03-2, modify strategies advocating urban consolidation to ensure that infill housing proposals need to demonstrate that they are designed in a manner that is compatible and appropriate for the prevailing character of the precinct.**

## **7.4 Specific residential rezonings and rezoning requests**

### **7.4.1 New Residential 1 zones**

#### **What does the Amendment propose?**

The Amendment proposes to:

- Rezone land in Colac and Elliminyt from Farming Zone to Residential 1 Zone to reflect the current subdivision and development patterns
- Apply new Development Plan Overlay (DPO) schedules 2 - 10 to require a development plan prior to subdivision of undeveloped residential land in Colac and Elliminyt.

#### **What is the issue?**

The proposed DPOs were the subject of submissions.

#### **Evidence and submissions**

Amendment C55 proposes to introduce Development Plan Overlays Schedules 2 to 10 on various land throughout Colac. The Schedules to each of the Overlays are exactly the same. Mr Jemmeson advised that the different schedules were included in the Amendment to enable people to readily access the planning controls for the land in which they may be interested.

Amendment C55 proposes that DPOs be applied to land that has been identified for future residential development. Mr Jemmeson explained that the DPOs are needed to ensure that the location of a dwelling on a large lot does not jeopardise the opportunity to develop that lot for urban density dwellings in the future. He also noted that it is intended that the areas identified for future development should be guided by precinct structure plans. Mr Jemmeson agreed that the number of DPOs proposed in Amendment C55 could be reduced as they are similar in purpose and content.

## **Discussion**

We consider that the inclusion of 10 Schedules without variance amongst them is unnecessary and recommends that Schedules 2 to 10 be replaced by the one Schedule that is to be applied to Future Residential Areas. The matters that must be satisfied in the Schedules seem to us to be unduly lengthy and onerous. We think that the schedule should be reduced in complexity so that the development plans ensure that the following matters are set out in each plan:

- Internal road network.
- Public open space.
- Connectivity to other residential land and public open space.
- Diversity of lot sizes and proposed lot density.
- Provision of community facilities.
- Impact of development on flora, fauna and cultural heritage.

Rod Bright and Associates (199) noted that the responsibility for the DPOs will be borne by the first developer/landowner in the area and may be an impediment to development. The Schedule can be drafted to enable that permits can be granted for subdivision prior to the completion of the development plan for the whole area which provides flexibility for land owners and Council.

Greg Parker and H Cardinal made a late submission to Amendment C55 in respect of their residence at 55 Aireys Street. The land is in a Residential 1 Zone and Amendment C55 proposes to impose a Development Plan Overlay Schedule 4 to the land. The submission seeks the removal of the proposed Overlay as they fear that it may delay or prevent the use of the land for a dwelling. Council advised that no planning permit is required for a dwelling or outbuildings, even if the DPO is approved. We consider Council's response has satisfied this submission and that the Overlay should continue to apply to the land.

## Conclusion

We recommend:

**In Clause 43.04 consolidate exhibited DPOs to one schedule for Future Residential Areas, and that Schedule limit the matters to be addressed to:**

- **Internal road network.**
- **Public open space.**
- **Connectivity to other residential land and public open space.**
- **Diversity of lot sizes and proposed lot density.**
- **Provision of community facilities.**
- **Impact of development on flora, fauna and cultural heritage.**

**The Schedule to the Future Residential DPO allow for permits for subdivision to be granted prior to the completion of the DPO provided that any permit does not compromise the orderly planning and development of the area.**

### 7.4.2 Rural living

#### **What does the Amendment propose?**

Amendment C55 proposes that land generally to the south-east and south-west of urban Colac be rezoned from the Farming Zone to the Rural Living Zone. A schedule to the Zone requires a minimum lot size of 1.2 hectares, which is consistent with the lot size that is most common in the area.

Specifically the Amendment proposes to:

- **Rezone land in Colac / Elliminyt West and East from Farming Zone to Rural Living Zone to reflect the existing subdivision and development patterns**

#### **What is the issue?**

The use of the Rural Living Zone was raised as an issue.

#### **Evidence and submissions**

In respect of the proposals to include the land to the south-east and south-west of Colac in the Rural Living Zone, Mr Jemmeson noted that many of these lots are constrained by inundation and some of the land to the south west of Colac is outside the Colac Sewer District. Mr Jemmeson estimated that approximately 60 per cent of lots to the south contain a dwelling and most of the lots are approximately 3 acres. Council preferred that the

minimum lots size be 1.2 ha to reflect the existing pattern of 3 acre Crown lots. Mr Jemmeson advised that 3 acres lots are suitable for on-site effluent disposal and that they are suitable for some rural uses such as horse agistment.

In response to questions about the suitability of applying the Low Density Residential Zone, Mr Jemmeson commented that he had not been instructed to ignore the LDRZ but considered that it is preferable to limit residential development opportunities outside the designated urban residential areas. He did not support additional land being included in the LDRZ or the Rural Living Zone as this would be contrary to the urban consolidation residential strategy that underpins the Structure Plan. Mr Keaney also noted that the Rural Living Zone does not allow the excision of an additional lot, an opportunity which is available under the existing Farming Zone.

Mr Fadgyas on behalf Mr Calder (200 Cants Road – submission 176) objected to the application of the Rural Living Zone, and requested that the land be included in the Low Density Residential Zone. The land is located on the south side of Pound Road within an area generally used for rural lifestyle lots. The land has an area of 3.6 hectares and is relatively elevated and appears to not be subject to inundation like the nearby land. A planning permit was granted to subdivide the land into 53 residential lots, but the permit has lapsed.

Mr Fadgyas also noted that the Planning Practice Note and the Ministers Direction No 6 direct that the Rural Living Zone should be applied where the main land use is to continue to be rural with some residential uses. Mr Fadgyas submitted that land within the Colac urban area cannot be considered rural, and hence the Low Density Residential Zone is more appropriate where the primary land use is to be residential on larger residential lots.

## **Discussion**

We accept the information provided by Mr Fadgyas and other submitters suggesting that the areas designated for Rural Living to the south-east and south-west of Colac provide very limited opportunities for additional dwellings. We also accept that there is likely to be a significant demand for dwellings on larger lots and rural living opportunities within a relatively short period. As we have stated in earlier sections of this report, we are disappointed that the *Colac Structure Plan* is unable to provide greater certainty regarding estimated demand for housing in Colac, including the demand for rural lifestyle lots.

In terms of the appropriate zone to manage rural lifestyle lots on the edge of the urban area, we note that both the RLZ and the LDRZ have the capacity to enable the Council to apply a minimum subdivision size that it considers meets its strategic objectives and best responds to local environmental conditions. We consider that Council's strategic objectives for these areas need to be more clearly specified. They appear to include the following objectives:

- The areas subject to inundation should not become available for more intensive subdivision and development due to possible contamination of groundwater and threats to homes.
- The release of a large number of rural lifestyle lots could undermine the urban consolidation objectives.
- Colac should protect its long term urban growth options by retaining land in larger lots rather than becoming ringed by smaller lots that are very difficult to convert to urban density lots and development.

In general the LDRZ would be a more conventional zone to apply to the lower density rural lifestyle lots located to the south-east and south-west of Colac. However the application of the LDRZ should not be regarded as an opportunity to subdivide all of the existing 1.2 ha lots into lots of 1,500 to 2,000 square metres. On the basis of more accurate forecasts of the demand for larger lifestyle lots, and consideration of the management of wastewaters there may be a case to release more of the land in the south-east and south-west of Colac for lots between urban density and 1.2 hectares.

### **Recommendation**

We conclude:

**That the LDRZ is a more appropriate zone to be applied to the south-east and south-west of Colac with a Schedule setting the minimum lot size at 1.2 hectares.**

**That some areas may be designated for lots having an area between urban density and 1.2 hectares on the basis of more detailed residential land forecasts and proposals for the management of wastewaters.**

We recommend:

**Council investigate applying the LDRZ with a Schedule that sets the minimum lot size at 1.2 hectares in place of the RLZ in the southeast and southwest of Colac, as part of the 'follow up' amendment.**



---

**Council review the option of including smaller minimum lot sizes in the 'rural living' areas in the southeast and southwest of Colac on the basis of consideration of updated forecast of the residential land market, management of wastewaters and the potential need to preserve some areas for longer term conversion to conventional residential development.**

### **7.4.3 Elliminyt**

#### **What is the issue?**

Additional areas for Residential development in Elliminyt were identified.

#### **Evidence and submissions**

Mr Howard of Urbanomics (224) made a submission on behalf of Mr and Mrs Scanlon, owners of land on the south side of Harris Road. This land is presently in a Farming Zone and has an area of 140 hectares. It is owned by the Scanlons land who are developing adjacent land to the west for urban residential. The request is to rezone the land to Residential 1 to facilitate the expansion of the existing residential estate. Land to the east is included in a Low Density Residential Zone and is being developed for residential. The land is within the Sewerage District and has access to reticulated water. Natural gas is proposed to be available to the area in the near future.

Mr Howard submitted that the inclusion of the subject land in a Residential 1 Zone would provide a wider frontage to Harris Road and enable an improved internal road network to be provided. The land also includes gullies and waterways and part of the alignment of the former Beechy rail line. These features provide an opportunity to create attractive linear recreation trails connecting to the neighbourhood shopping centre at Elliminyt and possibly to central Colac. The inclusion of the land in a Residential 1 Zone also provides the opportunity to include a greater variety of housing lots into the estate.

Mr Howard noted that whilst Colac has a large supply of land for future residential development, the forecast demand of 20 dwellings per annum is pessimistic, and most of the recent residential development has been in Elliminyt. Mr Howard noted that the completion of the Geelong Ring Road will improve access to Colac. Colac needs to provide a wide range of housing options to attract new residents and investment.

Ms Katy Bright presented a submission on behalf of the owners of 56 Harris Road Elliminyt (the Rooney land – submission 189). The land is a rectangular shaped lot that is currently included in the Farming Zone. The submission

seeks the inclusion of the northern part of the land in the Residential 1 Zone. The land is located on the south side of Harris Road and the abutting land to the east and west is included in the Residential 1 Zone. The abutting Residential 1 Zone does not extend to the full depth of the subject land. Ms Bright submitted that the subject land is generally flat and is not constrained by significant vegetation or topography and has access to all urban services. It was submitted that the zoning of the land is an anomaly and its rezoning is generally consistent with the early drafts of the *Colac Structure Plan*. The proposed rezoning creates a continuous urban edge on the south side of Harris Road.

## **Discussion**

Elliminyt has been the main growth area for Colac and is likely to continue to be the primary location for continued residential development. The *Colac Structure Plan* provides very little strategic direction for the future development of Elliminyt. The plan simply reflects the approved zonings and development sites, and adopts the position that there is no need to include additional land for residential development, given the apparent extensive supply of residential land. The submissions to the Amendment illustrate that there are other sites in Elliminyt that are likely to be suitable for residential development at urban and low density designs. The submissions indicate that there appear to good planning reasons to contemplate the designation of the land for future residential development subject to further investigations and analysis of the usual town planning issues including how the sites are to be integrated, the likely staging of the release of the land, arrangements for infrastructure, community facilities, access to local shops and services and the provision of open space.

We consider that inclusion of the land to the east of the Scanlon land into the Residential 1 Zone has merit to enable improved access to Harris Road and to provide an urban edge to the Beechy rail trail. Development adjacent to the Beechy rail trail would be expected to address its interface and consider matters such as pedestrian and cycling linkages from the residential area to the rail trail, fencing, orientation of dwellings, landscaping and surveillance and safety. These matters can be tested through the recommended 'follow on' Amendment.

We were advised that the estate has grown at a steady rate for the first and second home market and there is now a demand for a more diverse housing mix. The inclusion of additional land in the Residential 1 Zone around the Scanlon estate raises the possibility for additional land to the west also being released for residential development. We note that submission 189 is seeking the inclusion of the frontage to Harris Road to complement the other land

that adjoins Harris Road. However, consideration also needs to be given to the depth of the land to be rezoned and the integration of the land to the west to the Scanlon land and the Beechy Rail trail. This is potentially an important entrance to a much larger area of development.

A precinct plan would also address the case for rezoning land at 180 Harris Road and other submissions in the Elliminyt area to convert rural land into urban and rural lifestyle lots. We consider that a precinct plan for Elliminyt is urgently needed to ensure that the area becomes an integrated, well designed residential neighbourhood determine rather than only providing ribbon development along Harris Road. A precinct plan need not be highly detailed and prescriptive about future development. It should identify the amount of land needed to accommodate the forecast growth, the preferred location of development, land unsuitable for development, the mix of lot sizes, the preferred accessibility network and the physical and social infrastructure to support new residential development.

### **Conclusion recommendation**

We conclude:

**The rezoning to Residential 1 of the land to the south and the west of the Scanlon land appears to have merit.**

We recommend:

**A 'follow on' amendment be prepared upon adoption of Amendment C55 and that amendment include:**

- **Rezone land to the east of the Scanlon land and abutting the Beechy rail trail to Residential 1 Zone.**

**Council consider the preparation of a precinct structure plan for Elliminyt as part of its further works program.**

**Council consider inclusion of land to the south and west of the Scanlon land for rezoning to Residential 1 Zone subject to the completion of a Precinct Plan that demonstrates the integration development of all the land.**

#### **7.4.4 Low density residential development to the south-east of Colac**

##### **What is the issue?**

Request for rezoning or strategic recognition of low density residential development opportunities in the south west of Colac were raised.

---

## **Evidence and submissions**

Mr Evans (submission 195 - 286 Forest Road) and Mr Clifford (submission 182 - 170 Barry's Road) own land generally on the east side of Forest Street and to the north of Woodrowvale Road. Their land is on the slopes rising to Elliminyt and is presently used for agistment and cropping. Mr Evans land has an area of 55 hectares and land owned by Mr Clifford has an area of 23 hectares. The land faces north and has attractive views of the town and Lake Colac. The land is connected to power, water and has garbage collection. It is however outside the Colac Sewer District. The land has been recognised for future low density residential development in the previous PPK structure plan and a previous amendment to enable the subdivision of the land into low density lots (approx 4,000 square metres) was exhibited, but discontinued due to the preparation of Amendment C55.

The owners suggest that the land is no longer viable for farming and the nearby land on the west side of Forest Road and to the south in Elliminyt is being developed for lifestyle residential lots.

## **Discussion**

The land owned by Mr Clifford and Mr Evans has a number of attributes that indicate that it could be suitable for rural living development.

However the designation of land to the south-east of Woodrowvale Road and Forest Street (the Evans and Clifford land) for rural living or low density residential development appears at this time to be premature. Its use for residential development needs to be carefully considered as the land is higher than the nearby land proposed for industrial development, and dwellings will overlook the future industrial area and create a sensitive interface that needs to be examined in more detail. The suitability of the subject land needs to be assessed against other candidate areas for this type of development and the release of land driven by clear strategic directions for the Colac housing market and realistic forecasts of likely demand and take up rates.

## **Conclusion**

We recommend:

**Council review the suitability of the land to the east of Forest Street, between Woodrowvale Road and Barry's Road for Rural Living as part of a reassessment of the demand for and preferred locations for such development around Colac and as part of the preparation of a Structure Plan for Elliminyt.**

## 7.4.5 Christies Lane

### What is the issue?

The *Colac Structure Plan* does not address the future of the land in Christies Lane.

### Evidence and submissions

Land in Christies Lane has been zoned Low Density Residential a considerable time ago, but not developed.

### Discussion

This land is not contiguous to the town and the Council advised that there has been no interest from the landowner in developing the land. We consider that it is preferable that future urban development be located on land contiguous to existing urban development. Development of relatively isolated sites should not be supported due to their possible distortion of the provision of infrastructure services and the setting of precedents for other non contiguous developments.

We think that it is prudent to test the interest of the landowner in the development of the land by exhibiting an Amendment that proposes to rezone the land to the Farming Zone. Such an action would need to be reflected in the Colac Framework Plan in Clause 21.03-2.

### Recommendation

We recommend:

**An amendment be prepared upon adoption of Amendment C55 and this 'follow on' Amendment:**

- **Rezone the land in Christies Lane from Low density Residential to the Farming Zone.**

## 7.5 Business zones

### 7.5.1 Business 3 Zones at Main Road, Ellminyt

#### What is proposed?

Amendment C55 proposes to rezone land on the east of Main Street, to the north of Aireys Street from Residential 1 to Business 3.

Specifically the Amendment proposes to rezone 102 to 114 and 122 Main Street, Elliminyt from Residential 1 Zone to Business 3 Zone to reflect the existing land use and development

### **What is the issue?**

The proposed Business 3 area does not make sense 'on the ground'.

### **Submissions and Evidence**

We inspected this area and we noted that the proposed Business 3 Zone is inconsistent with the current land uses. Some land is used for residential purposes and is proposed to be included in the B3Z whilst other land at the northern end appears to be used for business and other non residential uses but this land is not proposed to be included in the B3 Zone.

The accuracy of the boundaries of the proposed B3 Zone was highlighted by Ms Hickey's submission regarding 122 Main Street. The land comprises two lots located on the north-east corner of Main Street and Aireys Street and has an area of 2.4 hectares and contains one dwelling. The land has been in the long term ownership of the Gardiner family and has been used as a family residence. The family has no intention of redeveloping the land for non residential purposes. It was submitted that as there is no other Business 3 zoned land in Colac, Amendment C55 creates considerable uncertainty about its use and value, and causes significant financial hardship for the family which has to care for an aged relative currently living in the dwelling.

It was submitted that the Business 3 Zone does not reflect the current or intended use of the land and that it should remain in the Residential 1 Zone.

### **Discussion**

The land fronting Main Street to the north of 122 Main Street is occupied by a mix of businesses including an indoor tennis centre, distribution of building products and some service businesses such as car repairs. The application of the Business 3 Zone, whilst new to Colac, is an appropriate zone to manage that mix of activities.

We do not support the application of the Business 3 Zone to 122 Main Street as it is used for residential purposes and the owner has indicated that there is no intention to change the use of the land to offices or manufacturing. The application of the Business 3 Zone to 122 Main Street will create a non conforming use and cause hardship to the owners of the land for no obvious planning outcome or community benefit.

It seems that the proposal to apply the Business 3 Zone to 122 Main Street may be a mapping error. If so it would be prudent to review the proposed boundaries of the Business 3 Zone to ensure that other sites like 122 Main Street are not within the new Zone. Furthermore, there may be sites that should be included in the Zone that have been inadvertently excluded.

### **Conclusion**

We conclude:

**The boundaries of the Business 3 Zone should be reviewed, including the deletion of 122 Main Street.**

We recommend:

**On the zone maps:**

- **Delete lots known as 122 Main Street from the Business 3 Zone.**

**A 'follow on' amendment be prepared upon adoption of Amendment C55 and that amendment include:**

- **Rezone commercially used land in Main Street adjacent to the proposed Business 3 Zone also to Business 3.**

## **7.5.2 Business 1 Zone in Elliminyt**

### **What is proposed?**

The amendment also proposes to rezone land in Main Street to Business 1 to facilitate the expansion of the Elliminyt neighbourhood centre.

### **Submissions and Evidence**

S and E Walker (222) of 161 Main Street opposes their land being rezoned from Residential 1 to Business 1 as there is adequate land in the Colac CBD to accommodate new businesses and the rezoning may lead to older homes in Elliminyt being demolished. This view was supported by CORRA (181).

### **Discussion**

We support the general strategic principle that the Elliminyt local neighbourhood centre should expand to support the growing local community. However rezoning land at this stage, in the absence of specific development proposals is inappropriate, as no parties can be certain about the extent of additional retail floor space and other services usually found in a local centre to be provided and the intentions of landowners to re-develop their land.

The submission to the Amendment is a good example of the problems that arise when the planners identify land for development against the wishes of the landowner. Continuing with the amendment is unlikely to lead to the planning outcome of additional local shops in Elliminyt. A more sensible approach would be to include strategic statements in Clause 21.03-2 that provide a sound strategic basis to support further amendments for the expansion of the centre.

We note that the proposed boundaries of the B1 Zone include land that is used for commercial operations but that are currently included in non commercial zones. We support the inclusion of this land into the B1 Zone as it reflects the current use of the land and is consistent with the long term strategic growth of the centre.

We suggest that the boundaries of the proposed B1 Zone be carefully checked to ensure that it has been applied to land currently used for commercial uses.

### **Conclusion**

We conclude:

**It is appropriate to apply the B1 Zone to land currently being used for commercial activities.**

**Limited expansion of the Elliminyt neighbourhood activity centre should be supported at the strategic level (on the Colac Framework Plan and in Clause 21.03-2), but additional land should not be rezoned at this time until a specific redevelopment proposal is prepared.**

We recommend:

**In Clause 21.03-2 on the Colac Framework Plan give strategic recognition of the need to expand the Elliminyt neighbourhood centre to support a growing community.**

**On the zone maps:**

- **Delete the Business 1 Zone from land in Elliminyt not currently used or developed for commercial activities.**



### 7.5.3 Business Zonings in Colac Business Centre

#### What is the issue?

#### Evidence and submissions

The *Colac Structure Plan* includes recommendations to encourage industrial uses to relocate from the centre of the town to make larger sites available for homemaker stores and other retail outlets that may require larger sites and that are presently not located in Colac. This approach was supported by CORRA who identified the lack of homemaker stores as a significant gap in the town's retail mix and a cause of significant escape expenditure. However, Amendment C55 does not propose any changes to the commercial zonings in the Colac business centre.

#### Discussion

The part in the Colac business centre included in the Business 1 Zone appears to reflect the existing distribution of retail premises. The Business 1 Zone has not been applied to the larger sites on Rae Street and Bromfield Street currently occupied by non retail land uses. We consider there is merit in broadening the application of the Business 1 and reducing the Business 2 Zones to ensure that the planning framework facilitates the replacement of industrial uses by retail uses. Council would need to consult land owners on their views about such a rezoning.

We consider that encouraging the relocation of the industrial uses from the central areas of the town and their redevelopment by shops or mixed use developments will be beneficial to the town. In view of the relatively convenient pedestrian scale of central Colac, we consider that it is more desirable to facilitate some change rather than limiting retail development to particular sites that are contiguous with the existing retail centre. It is preferable to facilitate the development of new retail facilities and be less concerned that the retail centre may be somewhat fragmented. Over the longer term it is likely streetscape and traffic management works will enhance integration and accessibility throughout the centre.

#### Conclusion

We recommend:

**Council consider the expansion of the Colac retail precinct by including some of the larger sites in a Business 1 Zone rather than the existing Business 2 Zone.**

**Council consider rezoning larger industrial lots within the Colac CBD to the Business 1 Zone.**

## **7.6 Identification of a new industrial areas**

### **7.6.1 What does the Amendment propose?**

The Amendment proposes a major relocation of the industrial areas of Colac from the eastern and western entrances on the Princes Highway to an area off Forest Street.

Specifically the Amendment proposes to

- 'Backzone' land in the east and west to Farming, and
- Rezone land between Forest Street and Barry's Road, south of the Creek from Farming Zone to part Industrial 1 and part Industrial 3 Zone to implement the recommendations of the *Colac Structure Plan*:

### **7.6.2 What is the issue?**

This section considers the issues with the proposed new industrial area.

### **7.6.3 Submissions and evidence**

Several submissions opposed the inclusion of the land at Forest Street in the Industrial Zone. The submissions suggested that locating Colac's future industrial development in this area is inappropriate as the land is subject to inundation, may be affected by environmental and cultural heritage issues as it is close to a waterway, the land is outside the Colac Sewerage District, it requires heavy trucks to use Forest Street and it abuts a Rural Living area. Some submitters also noted that the area of industrial land designated in the Structure Plan is less than the area of industrially zoned land being rezoned to Farming and hence there is a net loss of industrial zoned land in Colac. Other submissions objected to industrial development being located adjacent to the rural living area as it may cause detriment to their residential amenity.

The EPA (167) proposes that adequate buffer distances to sensitive uses should be retained to assist the commercial sustainability of industrial businesses.

### **7.6.4 Discussion**

The *Colac Structure Plan* reviewed the provision for industrial development, (although there was no analysis of the demand and supply of industrial land). The Structure Plan identified that the areas presently zoned for new industrial development at the eastern and western entries to Colac are outside the Colac Sewer District. The review of the Structure Plan also noted that the designated industrial areas had not attracted any new development

for some years. The Structure Plan and Amendment C55 propose that the areas zoned for industrial development at the east and west entrances to Colac be backzoned to Farming Zone and an equivalent area of land located on the east side of Forest Street be included in the Industrial 1 and 3 zones. The Industrial 3 zone is to be applied where the proposed area abuts a rural residential area.

The area adjacent to Forest Street has been selected as the preferred location for industrial development because it has flat topography, proximity to transport routes and vacant land in large parcels. The Structure Plan notes that although the land is presently outside the Sewerage District, Barwon Water has advised that it can be serviced. Its proximity to the established industrial area on the west side of Forest Street suggests an orderly expansion of industrial activity. The provision of industrial zoned land should also encourage existing industrial uses located in the Colac central business area to relocate, thus freeing central Colac for retail stores requiring larger sites. Mr Jemmeson in his evidence noted that the bridge in Forest Street may need to be widened for industrial vehicles, but that this was not a significant constraint on the development of the subject land.

We generally support the designation of land south of the Barongarook Creek for industrial purposes. It is appropriate that if the industrial areas in Colac east and west are to be removed that another location be identified for industrial development. The topography of the land to the east of the existing industrial areas makes industrial development in that area highly costly and industrial uses would intrude into an area developed for rural lifestyle properties and small enterprises. Other possible locations appear to be constrained by inundation and/or proximity to residential uses, as well as difficulties of access for heavy vehicles needing to travel through residential areas.

The *Colac Structure Plan* notes that the designation of land is based on the need to replace an area of land equivalent to the land being rezoned to Farming. However, the Structure Plan notes that there has been little demand for industrial sites in the town. There has not been any assessment of the demand for, or supply of industrial land in Colac. In view of comments in the Structure Plan and from Mr Jemmeson's evidence, we think that the land between the Barongarook Creek and the extension of Hearn Road should be rezoned to Industrial 1 as shown on the Structure Plan. At this time, given the considerable uncertainty about the demand for industrial land we do not support the designation of the land to the south for long term industrial development as it may not be required within the next 10 to 15 years.

We consider that the Industrial 3 Zone is unnecessary and that the amenity of the residential area is best achieved through urban design and planning that pays careful attention to landscaping, built form setbacks to Forest Street, location of access roads and location of outdoor operational areas to be used for loading and car parking. These outcomes can be implemented through the proposed Development Plan Overlay.

We consider that Council should lead the planning for the area and prepare a draft development plan with the final plan having input from the landowners and developers to ensure that it can be implemented. The draft development plan should give particular attention to the sensitive interfaces to the north and west.

### **7.6.5 Conclusion**

We conclude:

**The designation of the land to the east of Forest Street and south of the Barongarook Creek to cater for industrial development in Colac is appropriate.**

**The current proposal identifies too much land for industrial development and the area to be rezoned should be restricted to north of Hearn Road with the balance identified as potential Industrial land.**

**The proposed designation of the long term industrial area south of the exhibited rezoning should be deleted until the likely demand for land is more certain.**

**Application of a Development Plan Overlay to the plan to ensure the orderly planning and development of the land is appropriate.**

We recommend:

**In Clause 21.03-2 on the Colac Framework Plan:**

- **Delete the notation and area designated as Potential future (long term) south of proposed Industrial 1 Zone area.**
- **Identify the area between proposed Industrial 1 Zone area and Pound Road as 'Potential Industrial area'**

**On the zone maps:**

- **Delete the proposed Industrial 1 and 3 zoning on the east side of Forrest Street south of Hearn Road.**

## **7.7 East Colac precinct**

The *Colac Structure Plan* proposes significant changes to the zones to be applied in the eastern part of Colac. The proposed changes were the subject of many submissions generally concerned that they were inconsistent with long standing policies. The changes include backzoning land presently included in an Industrial 1 Zone to Farming, and including land that has been considered for Low Density Residential Zone to a Rural Activity Zone.

### **7.7.1 Industrial backzoning**

#### **What is the issue?**

Concerns were raised over the proposed backzoning of land between Lake Colac and the Princes Highway, generally north of Mariner from Industrial 1 Zone to Farming Zone.

#### **Evidence and submissions**

##### **Uniting Church land**

Ms Hansen presented a submission on behalf of the Uniting Church (177) in respect of land located at 10 Flaxmill Road. The site has an area of 4 hectares and contains a dwelling and vegetation. The land is used by the Colac Uniting Church as a learning centre and place for reflection, and the land was purchased specifically to provide seclusion. It particularly aims to provide opportunities for people and families from Colac with difficulties to find solutions. In planning terms the facility is a Place of Assembly.

The current use is within the land use definition Place of Assembly which in the Farming Zone is limited to no more than 10 occasions' per annum. The submission opposes that the inclusion of the land in the Farming Zone on the basis that it is inconsistent with the VPP Practice Note that guides the application of the Farming Zone. The submission seeks the retention of the Industrial Zone or proposes that the land be included in the Rural Activity Zone or Rural Living Zone.

##### **Campigli land**

Ms Bright for Rooney Partnership presented on behalf of J and P Campigli (submission 180) in respect of land described as 60 Flaxmill Road. The land has an area of 11 hectares and is located on the edge of Lake Colac and to the north-east of the Water Treatment plant. The land has been used for the storage of earth moving trucks and machinery. This use has recently ceased, and existing use rights remain available for the land.

An application to subdivide the land into two lots was refused by Council on the basis that it was inconsistent with Amendment C55 and the inclusion of the land in the Farming Zone. The submission seeks the retention of the current Industrial Zone subject to the completion of a detailed precinct framework plan. The submission notes that the land has not been used for farming and that it might be used for tourism or lifestyle residential lots. Ms Bright suggested that the use of the land for sensitive uses is not constrained by the buffer distances from the wastewater treatment plant and the abattoir.

### **Discussion**

We support the removal of the Industrial 1 Zone from the edge of Lake Colac as industrial development in this area is likely to cause problems with stormwater runoff into the Lake, possible leakage of waste and materials into the Lake and it is likely to provide a less attractive interface to the Lake. Public access to the Lake's edge may also be constrained as industrial premises tend to resist public access and can also present a harsh and forbidding edge to linear recreation trails and public places.

The Uniting Church site is clearly part of the rural area immediately outside of the town boundaries. The use serves a community need in Colac and the proposed changes to the Zone should not constrain the activities of the Church. As the use is established, it can be argued that it has existing use rights to continue to operate. However, to ensure that there is no confusion about its continued operations, we prefer that it be included in the Rural Activity Zone.

### **Recommendation**

We recommend:

**An amendment be prepared upon adoption of Amendment C55 and this 'follow on' Amendment**

- **Rezone 10 Flaxmill Road to the Rural Activity Zone.**

## **7.7.2 East Colac Farming zone**

### **What does the Amendment propose?**

The Amendment proposes to:

- Rezone land in Colac East generally around Mariner Street from Farming Zone to Rural Activity Zone to reflect existing land use and development and implement the recommendations of the *Colac Structure Plan*, and

- Insert a schedule to the Rural Activity Zone applying a minimum area for subdivision of 0.5 ha for land at 75 Mariner Street, Colac East; and 2 ha for land generally bounded by Flaxmill Road and Mariner Street Colac East.

### **What is the issue?**

The application of the Rural Activity Zone to land around Mariner Street does not reflect previous development intentions and does not provide a clear direction for future use of the land.

### **Submissions and Evidence**

Mr Jemmeson noted that Council proposed the inclusion of the land to the east of Colac in the Rural Activity Zone, in response to further proposals for residential in this area. This precinct is presently included in the Farming Zone and the land is a rural area with a residential intrusion. Mr Jemmeson advised that there is no active interest to develop the land. The precinct is near to an abattoir and the Wastewater Treatment Plant. Mr Jemmeson was unable to identify a clear vision for the future of the area and acknowledged that there is a very limited range of activities likely to be developed in the area including lower density residential.

Ms Hansen also made a submission in respect of land to the south of Mariner Street in East Colac. The submission was presented on behalf of Paxman Partnership (204). The land is 4.12 ha in area. A plantation reserve adjacent to the Princes Highway prevents access to that road. The site has sweeping views to the north and east and has two access points to Mariner Street. Amendment C55 proposes to include the land in the Rural Activity Zone.

Although most of the land is vacant, there are no proposals for agriculture based / tourist activities, and the only non residential use in the area is a motel since converted to budget apartments. Mariner Street provides access to the industrial areas to the west, and the road is used by heavy trucks that could cause detriment to the residents of the dwellings in the street.

Ms Hanson submitted that the residential development on Mariner Street was the first stage of a larger residential development that was to include the subject land. Previous planning approvals have been granted for residential development and Amendment C55 and the *Colac Structure Plan* are inconsistent with these previous approvals. The land is unsuitable for farming as the lots are too small, and the uses typically associated with the Rural Activity Zone are unlikely to locate in this precinct. The precinct should be considered as a residential area and a development plan is needed to guide future planning applications.

Ms Hanson submitted that the inclusion of the land in the Rural Activity Zone has no strategic basis and is impractical. Ms Hansen submitted that the area is best developed as a rural lifestyle precinct that capitalises on its elevated, attractive views of Lake Colac and its proximity to facilities in central Colac. Ms Hansen accepted that access to central Colac by foot and cycling needs careful attention.

VicRoads submitted that no additional access points should be permitted from this area to the Princes Highway.

## **Discussion**

The east Colac precinct is one of the two main gateways to the town. The eastern precinct has an undulating topography, attractive views of Colac and the Lake and provides an opportunity to create a positive, first impression of the town. The eastern precinct also contains the town's wastewater treatment plant and an abattoir, as well as several sawmills and other industrial premises. The eastern area is also separated from the town by the railway line.

Mr Jemmeson advised that the inclusion of the land adjacent to Mariner Street in the Rural Activity Zone was considered late in the project and was proposed by Council rather than emerging from a strategic analysis of the precinct or from community consultation. We note that the land to be included in the Rural Activity Zone (RAZ) abuts land has been developed for the urban residential dwellings fronting Mariner Street, and the only other use is a small motel now used as apartments. The remainder of the land is vacant. We did not observe, nor were we advised, that there are any farming uses in the precinct consistent with a RAZ. No evidence or information was provided that there are any proposals to develop the land for uses contemplated in the RAZ. Indeed several submitters noted that the land is in relatively small lots and it is not used for farming, nor expected to be used for farming.

We generally agree with the submissions that the future of the eastern precinct needs to be reviewed. A precinct plan would enable further consideration of a range of possible uses and development and may include low density residential, tourist accommodation and attractions, recreation and community facilities and some intensive farming activities that do not impose detrimental impacts on adjoining uses.

The Precinct Plan would also include sufficient detail to provide certainty to guide proposed development in the area. Matters that should be addressed in the precinct plan should include:



- Appropriate buffers or separation of sensitive uses from the sawmill, abattoir and waste treatment plant.
- Preferred land uses.
- The treatment of Mariner Street and its use by heavy vehicles accessing the industrial areas.
- Proposals to improve accessibility between the precinct and centre of Colac.
- The treatment of the interface between the established industrial uses and the new uses.
- The scale and quality of the built form particularly to preserve views of Lake Colac from the Princes Highway.
- Landscaping themes, particularly adjacent to the Princes Highway and Lake Colac.
- Proposals to minimise the flow of sediments and urban runoff into Lake Colac.
- The proximity of development to the railway line.
- Appropriate access to the Princes Highway.

## Conclusion

We conclude that:

**The proposed rezoning is an improvement on the current zoning pattern, but is far from ideal.**

**A precinct plan be prepared as a matter of high priority to guide the long term zoning, use and development of the area, including the land adjacent to Mariner Street.**

We recommend:

**Council prepare a precinct plan for the East Colac area.**

## 7.8 West Colac precinct

### 7.8.1 Highway related uses

#### What does the Amendment propose?

The Amendment proposes to:

- Rezone 20 Rossmoyne Road, Colac West from Business 4 Zone to Industrial 1 Zone to align zone boundaries to property boundaries and to implement the recommendations of the *Colac Structure Plan*:

- Rezone land on the north side of Princes Highway, Colac West from Industrial 1 Zone to Business 4 Zone to align zone boundaries to property boundaries and to implement the recommendations of the *Colac Structure Plan*:
- Rezone land in Colac West from Industrial 1 Zone to Farming Zone to implement the recommendations of the *Colac Structure Plan*:

### **What is the issue?**

The capacity of the area to accommodate industrial and commercial business and the alignment of the zone boundaries.

### **Submissions and Evidence**

Mr Allen (221) opposed the inclusion of the rear part of the land from Industrial to Farming. Mr Allen operates a farm machinery business located on the north side of Princes Highway. The land is a narrow rectangular lot and the farm machinery business is operated from the front (southern) part of the lot, and the remaining 2/3rds of the lot is used for cropping and animal agistment. The northern part of the lot is used by interested buyers of farm machinery to test drive the machines.

Mr Allen noted that the changes in the size and mechanisation of farms has led to his business needing to offer larger farms machines. This has required his business to display and service larger machines, which requires larger areas. The farm machines are delivered on B-Double trucks which also require a larger operating area. The zoning of the rear part of the land is crucial to the on-going business as the funding for the large farm machines is secured by the value of the land. A reduction of the land value through rezoning could create financial constraints for the business.

Karen and Mathew Fiddler (173) own three lots on the north side of Princes Highway at the western end of the mixed B4 /Industrial 1 Zone. The land is used for the display and sale of landscape materials. Their submission opposes the rezoning of the rear of the land from Industrial 1 to Farming on the basis that the proposed Industrial area in Forest Street is smaller than the industrial areas being rezoned to Farmland (nett loss of industrial land) and the proposed industrial area is not serviced by Barwon Water. Whilst there has been considerable debate about the provision of sewer to the west Colac area, new industrial development has been approved as it can be serviced by using septic tanks. Submission 173 proposes that the Business 4 Zone should be extended to 130 metres depth from Princes Highway to provide sufficient land for its business operations.

Submission 202 (95 Rossmoyne Road) noted that they have been operating an excavation and cartage business from the land that will become a non conforming business under the proposed Farming Zone. Such a change will impose a significant financial loss.

Two submissions suggested that there has been considerable interest in development in the Colac West area and additional land should be included in both the Industrial 1 and the Business 4 Zones even though the area is outside the Colac Sewerage Area. Submission 214 (Mr Billing) noted that alternate sewerage technologies to reticulated sewerage are becoming available that may solve the infrastructure constraint in this area.

## **Discussion**

The business precinct at West Colac comprises a mix of businesses that include selling equipment to support farm based businesses, motor car sales and the landscape materials business. Other industrial businesses are located in Rossmoyne Road. Most of the businesses are well presented with setbacks from the Highway, off street car parking and modest signage. A new industrial subdivision is under construction on the north-east corner of the Princes Highway and Rossmoyne Road.

The land is outside the Colac Sewerage District. Barwon Water and Council resolved that the existing and new development could be serviced by on-site treatment facilities as it is highly expensive to connect the area to reticulated sewer to the east. We were not provided with any further information to determine the level of development that is required to generate the funds to connect the area to reticulated sewer, nor the level of industrial development that can be supported by on-site disposal.

The lots on the north side of the Highway extend a considerable distance northward from the Highway and to align the zone boundary with the title boundary leads to substantial area of land being included in a Business 4 or Industrial Zone. There is considerable uncertainty about the demand for business sites in this area and in view of the very limited interest in the area to date, the rezoning of the land to Industrial in Forest Street, and the provision of approximately 23 lots in the new industrial precinct, we think that there is ample provision to meet the demand for new industrial or service business premises for some time. We also think that it is inappropriate to facilitate significant industrial development in the area until adequate provision for the disposal of waste is agreed.

Hence the key matter in this area is to ensure that the northern boundary of the Business 4 Zone has sufficient depth to allow businesses such as the farm machinery distributor to respond to the changing demands of the business

and display, store and service larger farm vehicles. One submission suggested that the zone boundary should be a depth of 130 metres. Another suitable boundary would be to align the northern zone boundary with the northern title boundaries of 378 and 412 Princes Highway. The submissions indicate that this alignment should provide adequate space to accommodate the growth expectations of the existing businesses. The inclusion of the remainder of the land in the Farming Zone will not prevent the operators of the farm machinery business from encouraging clients to test-run machines on the part of the land in the Farming Zone.

## **Conclusion**

We conclude:

**That the northern boundary of the Business 4 Zone should align with the northern boundary of lots 378 and 412 Princes Highway.**

**Land currently included in the Industrial 1 Zone be backzoned to Farming generally consistent with the recommendations of the *Colac Structure Plan*.**

We recommend:

### **On Zone maps:**

- **Align the northern boundary of the Business 4 Zone in West Colac with the northern boundary of lots 378 and 412 Princes Highway.**

## **7.8.2 Land to south of the Princes Highway**

### **What is the issue?**

The location of the urban town boundary at Princes Highway, Colac West.

### **Submissions**

Ms Wilson (submission 223) relates to land located on the south side Princes Highway at the western edge of the current urban edge. The land has an area of 2 hectares, all urban services are available to the land and it is not subject to inundation. Part of the land is affected by a Public Acquisition Overlay in favour of VicRoads. Ms Wilson is not intending to develop the land for some time, but considers that the inclusion of the land in the Farming Zone does not reflect its long term use.

DDO3 applies to land abutting the Princes Highway on the western entrance to Colac. There is a 20 metre wide Public Acquisition Overlay along the south

side of the highway at this frontage. For future development along the south side of the highway VicRoads submitted the 20 metre building setback should apply from the PAO boundary (i.e. there would generally be a 40 metre building set back from the existing highway boundary where the PAO is in place).

### **Discussion**

We generally support the submission by Ms Wilson. We note that the land on the south side of the Princes Highway, east of Deans Creek Road is included in the sewerage district and it is not affected by inundation. We consider that this land should be considered for the long term urban development of Colac.

We also support the submission by VicRoads regarding adequate setbacks to facilitate the duplication of the Highway.

### **Recommendation**

We recommend:

**In Clause 21.03-2 amend the Colac Framework plan to:**

- **Designate the land on the south side of Princes Highway, generally east of Deans Creek Road as part of the long term supply of urban residential land.**

**In Clause 43.02 amend DDO 3 to provide the set back from the proposed road widening.**

## **7.8.3 Caravan Park**

### **What is the issue?**

Mr Seran requests that the Colac Caravan Park be included in an Industrial 1 Zone or Business 4 Zone.

### **Evidence and submissions**

Mr Seran (submission 169) owns the Colac Caravan Park located on the north-east corner of the Princes Highway and Corangamite Lake Road. The land is used for a caravan park and petrol station, and the caravan park provides accommodation for people working in Colac who are unable to find rental accommodation in the town. There is an opportunity to expand the caravan park and a truck stop facility; however the inclusion of the land in the Farming Zone prevents any expansion of the business.

## **Discussion**

We acknowledge that the application of the Farming Zone is inappropriate to the Colac Caravan Park and that it should be included in a more suitable Zone. The current use is a non conforming use in the Farming Zone and whilst it has existing use rights, it should have the benefit of being in a Zone that reflects its current and future use. There are economic benefits in facilitating the development of the caravan park and a truck stop at the entry to Colac as it provides accommodation for people working in Colac and for tourists and visitors to the town.

The most appropriate Zone appears to be the Rural Activity Zone in which a caravan park is a section 2 use that requires a planning permit. Such a use would be likely to be compatible with nearby farming activities and the open broad landscape in west Colac.

## **Recommendation**

We recommend:

**A 'follow on' amendment be prepared upon adoption of Amendment C55 and that amendment include:**

- **Rezone the Colac Caravan Park to the Rural Activity Zone.**

## **7.9 Other Matters**

### **7.9.1 Environmental Significance Overlay extending to land adjacent to Lake Colac**

#### **What is the issue?**

The application of the Environmental Significance Overlay Schedule 1 Warrion Groundwater Area to areas within and adjacent to Colac's urban areas.

#### **Evidence and submissions**

Amendment C55 proposes that Environmental Significance Overlay Schedule 1 Warrion Groundwater Area be applied to Lake Colac and the land between the Lake and Murray Street. The purpose of the Schedule is to protect and retain the quality and quantity of groundwater that is of major significance to the community. The existing Environmental Significance Overlay Schedule 2 that seeks to protect fisheries is to be deleted. The current Overlay covers the waterbody of Lake Colac and does not include land above the edge of the Lake.

## **Discussion**

In its closing submission, Council acknowledged that the proposed Overlay should not extend into the urban areas of the town and that the Schedule should apply to the Lake and non urban areas. The ESO1 should be deleted from the land between Lake Colac and Murray Street on Map 11ESO1. We note that the ESO1 is also to be applied to the industrial areas in eastern Colac as shown on Map 9ESO1 and it should be deleted from these areas.

The Overlay is also applied to the land described in this report as Colac East and Colac West as shown on the Amendment Maps 5ESO1 and 9ESO1. The application of the ESO1 to these two precincts should be reviewed for these areas.

## **Conclusion**

We recommend:

### **On overlay maps:**

- **Delete ESO1 be from the urban area of Colac, including the industrial areas to the east of Colac.**

**Council review the application of ESO1 to the east Colac and west Colac precincts.**

## **7.9.2 Council Library in Colac**

### **What is the issue?**

The retention of the Colac Library in its current location.

### **Evidence and submissions**

We were advised of a proposal to integrate the Colac library into a new precinct comprising the Secondary college, a TAFE, the Bluewater Fitness and Recreation Centre and the towns Central Reserve. Mr Hart on behalf of CORRA (submission 181) supported by Mr Ray Ensley made submission that Amendment C55 should not be supported in respect of any encouragement that it may give to the proposed closure and relocation of the Colac library from its current location at the Civic offices to the proposed community facilities / recreation / education hub located at Hearn Street. We were advised that the local community was strongly opposed to the relocation of the library.

---

## Discussion

The subject land is included in the Public Use Zone 2 which is designated for Education uses. Amendment C55 proposes no changes to the zoning of the land. The submitters noted that plans of the proposed integrated community facilities precinct in the *Colac Structure Plan* are inconsistent with the zoning map as the community facilities precinct includes land presently in a Residential 1 Zone (fronting Queen Street).

## Conclusion

As Amendment C55 proposes no changes to the zoning of the proposed site, there is no basis to comment on the matter. Any development of the land in the Residential 1 Zone would be the subject of its own planning permit or amendment process to which the community can make submissions.

### 7.9.3 Colac by-pass route

#### What is the issue?

The location of a route for heavy vehicles through Colac to by pass the Murray Street commercial centre.

#### Evidence and submissions

Mr Jemmeson advised that the initial versions of the Structure Plan included options for a heavy vehicle route to by-pass the commercial centre along Murray Street. The planning review considered four options but due to community concerns the recommended option was removed from the Structure Plan adopted by Council. Mr Jemmeson noted that the issue of the by-pass dominated the planning study, possibly to the detriment of the detailed consideration of other issues. Amendment C55 makes no reference to the need for a by-pass route.

Mr Jemmeson noted that the alignment of a heavy vehicle route to by-pass the Murray Street commercial centre was a highly contentious issue that dominated the preparation of the *Colac Structure Plan*. Up to six options were canvassed in the preparation of the Structure Plan, including a causeway across Lake Colac. The options generally proposed that the east-west traffic be directed to either Aireys Street or Wilson Street to the south of the commercial centre. All options except for the causeway were strongly opposed on the basis that they directed traffic through residential areas and close to schools and caused loss of property values. The community submissions generally supported options to direct the heavy traffic to the north of Murray Street along, across or around the Lake. One submission to



C55 noted that Lake Colac could be reduced in size due to lower inflows, allowing the bypass to be routed around the current edge of the Lake.

### **Discussion**

Amendment C55 does not include any strategic directions or proposals to resolve the alignment of a by-pass for heavy vehicles. We consider that it is appropriate that the Overview in Clause 21.03-2 make reference to the need for a by-pass route that redirects heavy vehicles from Murray Street and that a strategy to implement a by-pass route be included in the same Clause.

We encourage the Council to continue to work closely with VicRoads and the local community to implement a bypass that removes heavy vehicles from Murray Street. We have not had the benefit of expert traffic advice regarding this issue, but we have inspected Wilson Street and Aireys Street and these appear to be inappropriate alignments for heavy vehicles unless the proposals included the acquisition of dwellings fronting these streets to create a buffer to adjoining residences and to minimise crossovers to the streets. We consider that a causeway over the Lake, or an alignment along the edge of the Lake to be inappropriate as it would detract from the visual and recreation enjoyment of the Lake and as it requires extensive bridgework it is likely to be a high cost option.

We note that many towns of a similar size and layout to Colac have implemented by-pass routes that redirect the heavy vehicles out of the main retail centre to other streets within the commercial centre that have less pedestrian traffic and can operate with a lesser amenity than the main shopping centre. We think that VicRoads and the Council could consider rerouting the heavy vehicles in the town centre

### **Conclusion**

We conclude:

**VicRoads and the Council should consider rerouting the heavy vehicles along Rae Street and Miller Street.**

We recommend:

**In Clause 21.02-3 in the Overview and Strategies recognise the need for a heavy vehicle by-pass of the Murray Street retail centre.**

---

## 8. Apollo Bay

---

### 8.1 Introduction

This section of the report discusses the issues raised in relation to Apollo Bay.

#### **What does the Amendment propose?**

The exhibited Amendment includes:

##### **MSS**

- A new overview, objectives and strategies in the MSS (Clause 21.03-3) arising from the *Apollo Bay Structure Plan*.
- A new Framework Plan for Apollo Bay (Clause 21.03-3).

##### **Zones**

- No new zones or modifications are proposed as part of the amendment.

##### **Overlays**

- Apply new Design and Development Overlays DDO 5, DDO6 and DDO 7 to the Apollo Bay township.
- Reduce the extent of the Airport Environs Overlay (AEO) Schedule 2 to align with the Australian Noise Exposure Forecast 15 Contour as recommended in the Apollo Bay Airfield Development Review 2001.

A copy of the exhibited Framework Plan is included on the following page.

#### **What is the strategic basis for this part of the Amendment?**

The strategic basis for this part of the Amendment includes:

- the *Apollo Bay Structure Plan (2007)*,
- the Apollo Bay Marengo Neighbourhood Character Study (2003),  
and
- the Apollo Bay Airfield Development Review (2001).

The Colac Otway Shire commenced the preparation of the Structure Plan for Apollo Bay, Marengo, Skenes Creek and immediate areas in May 2005. Apollo Bay has been designated as an area for growth by the State Government and is already experiencing pressure for development.

---

The *Apollo Bay Structure Plan* identified areas where high and medium density development is to be encouraged and areas of future growth.

The Apollo Bay and Marengo Neighbourhood Character Study 2003 (NCS) involved a review of an earlier 2001 'neighbourhood character study', which had included extensive consultation with the local community. The purpose of the review was to update the survey information and to revise the study for implementation into the Planning Scheme. A planning scheme amendment (Am C21) was prepared in 2004 to implement key components of this study. This amendment did not proceed and elements of it have been absorbed into Amendment C55.

### **Issues**

Issues were raised in relation to:

- Overall approach of the *Apollo Bay Structure Plan*,
- Water supply and storage,
- Development between Apollo Bay and Marengo,
- Relationship to Amendment C29 and Amendment C17,
- Staging,
- Harbour development,
- Design and Development Overlay,
- Mandatory or discretionary controls, and
- Extending DDOs.

The open space requirement is considered in Section 10.2.

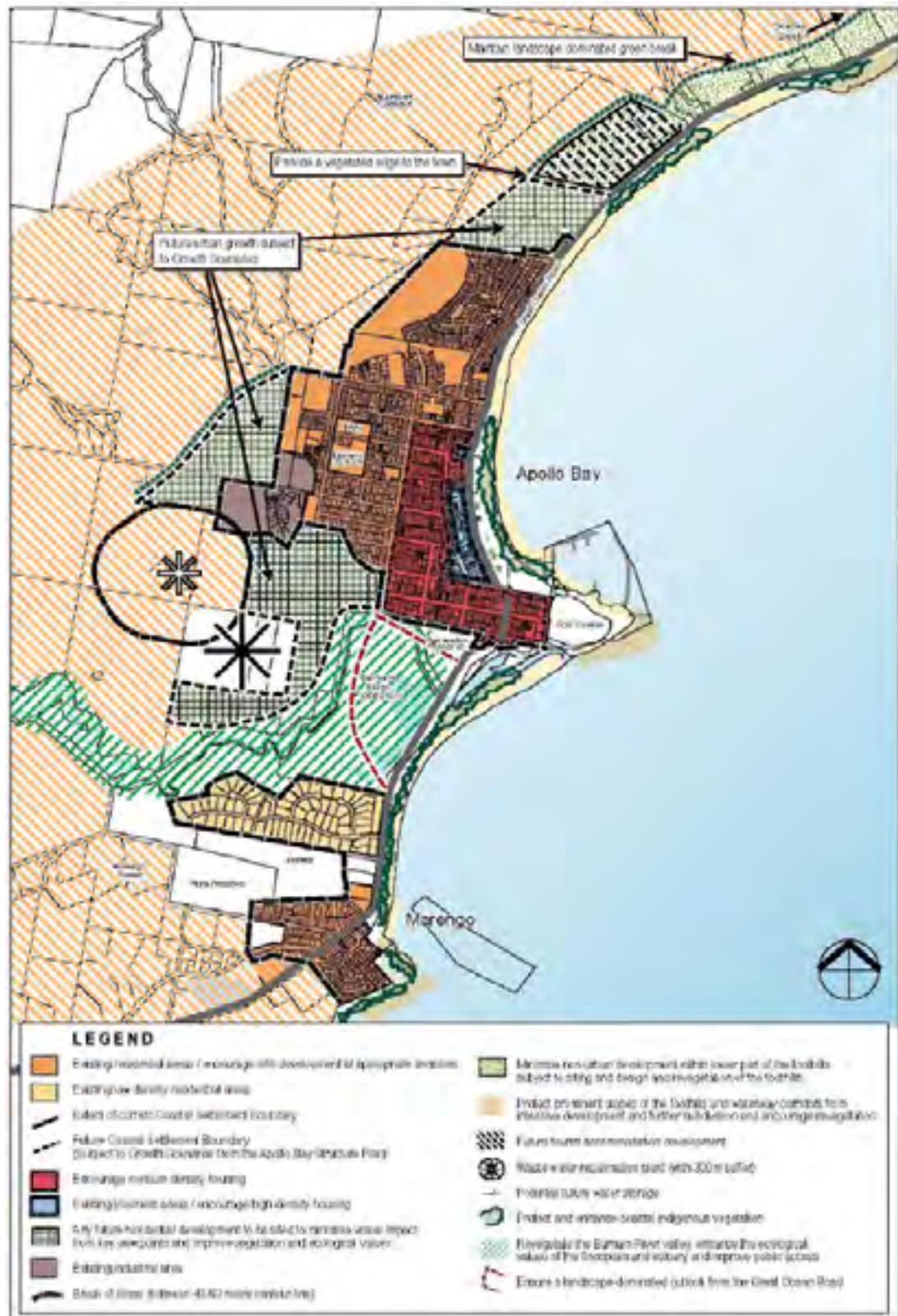


Figure 2: Apollo Bay Framework Plan

## 8.2 Overall approach of the *Apollo Bay Structure Plan*

### 8.2.1 What is the issue?

A number of submitters were concerned with the overall direction set out in the *Apollo Bay Structure Plan*.

### 8.2.2 Evidence and submissions

Some submissions were concerned that the ABSP envisaged growth for Apollo Bay but did not put in place an adequate framework to manage that growth. Smith (P24) submitted that:

*The ABSP as presented means that Apollo Bay will expand and grow in an unsustainable way. [The ABSP] fails the community and fails to provide services and infrastructure that are essential to the health and sustainability of the community.*

A number of submitters felt that the plan was unimaginative. Other submitters, for example, Fern Rainbow (113) sketched out an alternative future for a much more sustainable Shire, including principles for an alternative approach to planning for Apollo Bay.

### 8.2.3 Discussion

The *Apollo Bay Structure Plan* (ABSP) has a particular role in guiding land use and development decisions at a fairly high level in the planning scheme. It sets some basic directions that will allow for more detailed planning for service provision and infrastructure.

As might be expected the ABSP takes a reasonably conventional approach to urban development issues and will therefore disappoint submitters who take a longer-term and more creative approach to urban development matters. It will also disappoint submitters who seek greater clarity on the range of social and physical infrastructure needed to support the anticipated development. While the ABSP may not go as far in some directions as a number of submitters think it should, we think that the overall vision it presents is consistent with broader policies and its level of detail and approach is typical of a number of similar plans.

We note that the ABSP has been subject to broad community consultation.

There is certainly a role for innovative practice in the way communities approach the challenges of climate change, peak oil and community engagement. But this is not our role: innovation must come from the

planning authority. We note elsewhere that Council should take a shire wide approach to sustainable development issues, and concepts such as 'transition towns' as presented by Ms Rainbow should be considered as part of this broader approach.

## 8.2.4 Conclusion

We conclude:

**The ABSP is acceptable in the scope of issues it deals with and will provide a clear basis for ongoing planning for infrastructure to service proposed development.**

**The ABSP presents a strategic direction consistent with broader policies and current planning practice.**

## 8.3 Water supply and storage

### 8.3.1 What is the issue?

Apollo Bay has insufficient water supplies, and Barwon Water is exploring locations for a new storage facility. The issue is whether the ABSP should identify a possible water supply site. It currently identifies a site on the Great Ocean Green land.

### 8.3.2 Evidence and submissions

State Planning Policy states:

*18.09 Water supply, sewerage and drainage*

*18.09-1 Objective*

*To plan for the provision of water supply, ... services that efficiently and effectively meet State and community needs and protect the environment.*

The main supply of water for Apollo Bay (together with Marengo and Skenes Creek) is from a weir on the West Barham River that feeds an off line storage at Marengo of 125 mega litres (ML).

The towns have access to approximately 1 ML of water per day, or 364 ML per annum, from the West Barham River. The water supply to the weir is limited by the water levels in the river and the existing water main, which has a capacity of 1 ML per day. Barwon Water advised that the entitlement of 365 ML could not be harvested in summer due to low water levels. The existing water supply provides about 300 ML per annum.

---

Current demand exceeds 300 ML per annum and 80 ML has been pumped directly from the Barham River.

Apollo Bay urgently needs to increase its access to a sustainable and reliable water supply. The town has experienced water restrictions for a number of years. Amendment C31 sought to rezone land to facilitate the development of an off stream water storage area to provide water to Apollo Bay township.

The Panel for C31 that considered the new water storage for Apollo Bay reported:

*During the hearing, Barwon Water also conceded that the authority had not been as prepared in its infrastructure planning as it could have been, and has been embarrassed by the need for restrictions.*

Amendment C31 was abandoned following detailed geotechnical investigations.

There are a number of potential sites for water storage in Apollo Bay; these were identified in a letter from Barwon Water to Council in May 2008. These sites include the site rejected by Amendment C31 panel, and a site on the Great Ocean Green land that is identified in the ABSP. It also includes a site immediately to the west of the Great Ocean Green land.

Barwon Water advised that in July 2007 a draft investigation of the suitability of the site immediately to the west of the Great Ocean Green land was commenced. A draft report has been received by Barwon Water and the draft findings of the geotechnical investigations indicate that from a geotechnical perspective a storage could potentially be constructed on the site. Barwon Water is now undertaking a functional design and cost estimates for this site, as well a preliminary investigations including flora and fauna, archaeological and water quality risk. Barwon Water advised they expect that the Barwon Water Board will consider this matter in October 2008.

### **8.3.3 Discussion**

We do not think that Council has properly thought through the implications of adding the 'potential future water storage' notation to the framework plan, when this notation will appear on private land.

There is no need to include this notation to give a strategic basis to any future application of a Public Acquisition Overlay. The issues around water supply in Apollo Bay are well documented (not the least via the Amendment C31 panel) and we agree with Mr Glossop that any rezoning for water supply would not have trouble meeting the tests of strategic justification.

The only purpose that the notation might serve is to somehow influence decision making in relation to planning permits before a Public Acquisition Overlay were applied to the land, if this is what was to eventually happen.

We agree with Mr Glossop that notating potential public uses introduces a degree of 'planning blight' without any certainty that the proposed public use will eventuate. It also seems to leave Council open to compensation claims.

If a permit were refused on the basis that the land is required for a public use, compensation is payable under *The Planning and Environment Act*:

98 *Right to compensation*

(2) *The owner or occupier of any land may claim compensation from a responsible authority for financial loss suffered as the natural, direct and reasonable consequence of a refusal by the responsible authority to grant a permit to use or develop the land on the ground that the land is or will be needed for a public purpose.*

This claim is made to the Responsible Authority (that is Council).

If a permit were refused for the land subject to the notation on the basis that there was no water supply, an inference could be drawn (from the framework plan) that the reason there is no water was that a storage facility needs to be built on the land. The refusal of the permit might be seen as the natural, direct and reasonable consequence of the land being required for water storage.

Water issues are important and should be resolved as quickly as possible. However, there are appropriate processes to go through that respect the rights of land owners, allow projects to be properly tested, and do not open up uncertainties over compensation.

We also make the observation that a water storage does not have significant off site effects or require protection by way of a 'buffer distance' and so are quite different to a water treatment plant. We question whether they are a use that really needs to be included on a structure plan at all.

#### **8.3.4 Recommendation**

We recommend:

**In Clause 21.03-3 modify the Apollo Bay 'Framework' Plan by deleting the water storage facility on the Great Ocean Green site.**



## **8.4 Development between Apollo Bay and Marengo**

### **8.4.1 What is the issue**

Many submissions opposed the development on land between Apollo Bay and Marengo.

### **8.4.2 Evidence and submissions**

A large number of submissions (many identical) were received expressing concern over development in the flood plain between Apollo Bay and Marengo. These concerns covered a range of issues including:

- effects of flood flows and levels,
- effects of the green break between the Apollo bay and Marengo,
- effects of bringing in large amounts of fill, and
- effects on the local environment.

In presentations the hearings, Mr Lawson (72) submitted that it was unacceptable to permit housing subdivision in the main path of flood waters and other submitters agreed with this (Smith, P24).

### **8.4.3 Discussion**

It is clear that Amendment C55 and the ABSP do not contain an appropriate level of analysis or justification for development on the land between Apollo Bay and Marengo: the analysis of the merits of this proposal was undertaken by the Amendment C29 process.

Since the exhibition of Amendment C55 Council has adopted Amendment C29 which would facilitate development on the flood plain between Apollo Bay and Marengo.

Amendment C29 provides that all new dwellings would need to be above the predicted 1 in 100 flood level after making allowances for rises in sea level due to global warming. This would be achieved by extensive earth works that would necessitate fill being brought onto the site.

The flood level and flood conditions of the existing and proposed conditions have been computer modelled by expert hydrologists. These matters were addressed in detail in the Amendment C29 process.

Amendment C29 had an extensive series of hearings and heard evidence from a number of experts. The panel for Amendment C29 recommended that it proceed and it was subsequently adopted by Council. Whether

Amendment C29 will become part of the Planning Scheme now rests with the Minister.

How Amendment C55 should be structured given the current status of Amendment C29 (and Amendment C17) is discussed in the next section.

#### **8.4.4 Conclusion**

We conclude:

**Issues on the development of land between Apollo Bay and Marengo were determined by the Amendment C29 process.**

### **8.5 Relationship to Amendment C29 and Amendment C17**

#### **8.5.1 What is the issue?**

Amendment C29 (Great Ocean Green) and C17 (Mariners Vue) have been adopted by Council, but have not yet been approved by the Minister. It is important to be clear about the interrelationship of these Amendments.

#### **8.5.2 Evidence and submissions**

During the hearing we expressed the preliminary view that as Amendment C29 and C17 were yet to be approved by the Minister, Amendment C55 should neither undermine nor subsume the Amendments.

In relation to Amendment C29 the Urban Property Group submitted:

*That preliminary view is endorsed. It would be inappropriate for this Panel to ignore the current status of Amendment C29 as one that has had a lengthy public process and which has now been adopted by Council. Similarly the Panel must acknowledge that the Minister is yet to approve the Amendment*

Council submitted that the Apollo Bay Framework Plan should:

*Identify land to the west of the town as an 'Urban Development Investigation Area'.*

*Identify the C17 site as being a 'potential residential development site'.*

*Identify the C29 site as being a 'potential residential development site' generally in accordance with the adopted C29 Framework Plan subject to the following changes:*

- *Inclusion of environmental outcomes on the land including river, floodplain etc*
- *Inclusion of notation about the green break between the road and the river.*
- *In accordance with the evidence of Planisphere maintain the water storage facility on the Great Ocean Green site.*
- *In accordance with the evidence of Planisphere include the staging scenarios on the structure plan.*

*Add the words 'non urban' to the legend as it effects Wild Dog Creek.*

*Add reference to the actual heights instead of terms such as 'high density'.*

### 8.5.3 Discussion

Planning processes are certainly easier to understand when broad strategic planning precedes site specific proposals. However, because of the need to test specific growth scenarios or proposals broad strategic process and site specific proposals often evolve together. There is a danger when this happens that the broad strategic planning becomes little more than a shopping list of projects without any overall direction.

Amendment C29 and C17 panels were faced with considering site specific proposals in the face of a draft strategic plan for Apollo Bay. This is not to say that there was a policy vacuum. The C29 Panel concluded:

*The policy framework [for Apollo Bay] invites a consideration of growth of Apollo Bay – there is no overriding policy prohibition on the expansion of the town.*

*The development of the [Great Oven Green (C29)] land for recreational purposes and housing is supported by the strategic planning work undertaken for Apollo Bay.*

Amendment C29 proposes to introduce a Comprehensive Development Zone and other changes to facilitate the Great Ocean Green development proposal on land between Apollo Bay and Marengo. The development consists of:

- up to 537 residential lots,
- a championship standard, 18 hole golf course available to the public. It is intended that this course will replace the existing Point Bunbury course,
- associated new clubhouse and associated facilities including pro shop, conference and restaurant facilities,

- a 4–5 star residential hotel and resort facilities including serviced apartments,
- extensive earthworks,
- revegetation of site frontage to the Great Ocean Road and along the Barham River embankments, and
- new cycle and pedestrian paths between Marengo and Apollo Bay.

Amendment C17 Mariners Vue relates to land on Mariners Lookout Road in Apollo Bay and seeks to amend the Colac Otway Planning Scheme to enable residential development on the site. The scheme was prepared and exhibited in late 2004. A Panel considered submissions in July 2005.

The Panel for C17 found:

*the amendment departs from and is not supported by the strategic planning policies, particularly relevant State policies.*

It recommended that Amendment C17 be abandoned but went on to say:

*Despite our conclusions in regard to the lack of strategic justification for this amendment ... we appreciate that this site may be determined to be appropriate for residential development as part of the structure plan that has been initiated by the Council.*

Ultimately that the C17 Panel concluded that subject to certain conditions that the site could be developed for residential development if the broad strategy for Apollo Bay identified that it was suitable.

Council received the Panel's report in September 2005 and resolved to delay consideration of the Amendment until the completion and adoption of the *Apollo Bay Structure Plan*. Amendment C17 was adopted by Council on 26 September 2007 after the *Apollo Bay Structure Plan* identified the land as suitable for residential development and within the future coastal settlement boundary.

It is not apparent from the Amendment documentation in Amendment C55, C29 or C17 how the inconsistencies between the documents will be resolved, and this was a source of concern and was confusing to a number of submitters. We agree that it is confusing and understanding how these differences will be resolved depends on assumptions on how the various proposals will be brought together.

Essentially the principles that we expect to apply would be that Amendment C55 would form the basis of a revised policy framework with adjustments or changes to recognise the specific strategies and changes to plans that are proposed as apart of Amendments C29 and C17.

Our view is that as Amendment C29 and C17 were yet to be approved by the Minister, Amendment C55 should neither undermine nor subsume the Amendments. We cannot assume that C29 and C17 will be approved before, or at the same time as C55 (or even that they will be approved at all).

The practical effect of this approach is that the C29 and C17 should be identified as possible growth areas within the settlement boundary. Land outside of settlement boundaries is generally not considered as an area of potential development. Clearly the areas covered by C29 and C17 are potential growth areas (and amendments to that effect have been adopted by Council) and so logically they should be within the settlement boundary.

### **Land to the west of Apollo Bay**

The Framework Plan identifies land to the west of Apollo Bay as:

*Future Urban growth subject to Growth Scenarios.*

It is not clear that an appropriate degree of analysis has been carried out to confirm that this land is suitable for development. It is appropriate that it is shown on the framework plan as an 'Urban Development Investigation Area' outside of the settlement boundary.

#### **8.5.4 Recommendation**

We conclude:

**Amendment C55 should neither undermine nor subsume Amendments C17 and C29.**

**Amendment C55 should form the basis of a revised policy framework with adjustments or changes to recognise the specific strategies and changes to plans that are proposed as apart of Amendments C29 and C17 if and when these Amendments are approved.**

We recommend:

**In Clause 21.03-3 modify the Apollo Bay 'Framework' Plan by incorporating the following:**

- **Identify land to the west of the town as an 'Urban Development Investigation Area'.**
- **Identify the C17 site by way of an outline as being a 'potential residential development site'.**
- **Identify the C29 site by way of an outline as being a 'potential residential development site' generally in accordance with the adopted C29 Framework Plan.**

- **Inclusion of environmental outcomes on the land including river, floodplain etc**
- **Inclusion of notation about the green break between the road and the river.**
- **Delete the water storage facility on the Great Ocean Green site.**
- **Add the words 'non urban' to the legend as it affects Wild Dog Creek.**
- **Add reference to the actual heights instead of terms such as 'high density'.**

## **8.6 Staging**

### **8.6.1 What is the issue?**

The exhibited Framework Plan makes reference to staging of developments, submissions were made that this is inappropriate.

### **8.6.2 Evidence and submissions**

The Apollo Bay Framework Plan has a notation to Great Ocean Green, Mariners Vue and the western area that reads: 'Future urban growth subject to growth scenarios'.

It is has to be assumed that this refers to the Growth Scenario set out at pages 58 and 59 of the ABSP and more particularly to the staging recommendations that sit under each scenario. This is made more complex because the ABSP has two different staging recommendations for Scenario 3 (one in the text and one on the map).

Three growth scenarios are discussed based on whether and where the proposed 250 ML water storage facility is to be constructed:

- Scenario 1 – the facility cannot be provided for the townships,
- Scenario 2 – the facility is provided on Great Ocean Green Land, and
- Scenario 3 – the facility is provided on land outside the Great Ocean Green site.

Under Scenario 1 future growth is severely curtailed. Scenarios 2 and 3 have associated staging plans. The difference between the text and notation are as follows:

| Scenario 2: Water supply on Great Ocean Green land                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Text                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Plan legend                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>Encourage new development within the coastal settlement boundary that meets the other objectives of the Structure Plan, including substantial water conservation methods.</p> <ul style="list-style-type: none"> <li>• Release the Mariners Vue subdivision after the existing zoned land is developed to near capacity.</li> <li>• Extend the coastal settlement boundary to allow rezoning of land to the west of the Apollo Bay township for residential use, following more than 50 per cent take up of the Mariners Vue subdivision. This extension will not include land that falls within a 300 metre buffer of the Wastewater Reclamation Plant or the water storage facility, as indicated on Growth Scenario 2 Map.</li> </ul> | <p>1 [Infill]: Encourage infill development and implement water conservation measures</p> <p>2 [Mariners Vue]: Release subdivision when less than 10 years land supply remains, incorporating water conservation measures</p> <p>3 [Great Ocean Green and Area to west]: Extend the coastal settlement boundary following a 50 per cent take up of area 2</p> <p>2b [Land to the north of Mariners Vue] Future non-urban tourist accommodation development</p> |
| Scenario 3: Water supply outside identified growth areas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Text                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Plan legend                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>• Encourage new development within the coastal settlement boundary that meets the other objectives of the Structure Plan, including substantial water conservation methods.</li> <li>• Stage the release of the Mariners Vue and Great Ocean Green subdivisions after the existing zoned land is developed to near capacity.</li> <li>• Facilitate non-urban form tourism accommodation development on land between the coastal settlement boundary and Wild Dog Creek that meets criteria specified in the <i>Apollo Bay Structure Plan</i>.</li> </ul>                                                                                                                                             | <p>1 [Infill]: Encourage infill development and implement water conservation measures</p> <p>2 [Mariners Vue]: Release subdivision when less than 10 years land supply remains, incorporating water conservation measures</p> <p>2b [Land to the north of Mariners Vue] Future non-urban tourist accommodation development</p> <p>3 [Great Ocean Green]: Extend the coastal settlement boundary following a 50 per cent take up of area 1</p>                  |

It is troubling that the legend and text are different. Mr Nelthorpe gave evidence that the text was to be preferred over the legend. While this helps us know what was the author's intention in preparing the ABSP, we do not know how other parties read the document, or indeed how Councillors read it. Council could legitimately choose either the text or the legend, and so we will consider both propositions.

*In terms of staging, Council does not support the submission to the Panel of **Great Ocean Green** on the matter of the staging. Council notes that the CDZ schedule has a development time frame allowing 10 years for commencement on the Great Ocean Green site.*

Council submitted that:

*... there is an inherent planning logic underpinning the staging regime based on an orderly supply of 'in sequence' residential lots. The rationale for staging percolates through the Structure Plan (see pgs 42, 44, 46, 54 and 55) and relates to town containment, promotion of medium density, infrastructure constraints (especially water), environment protection and orderly sequencing. At all times Council will be cognisant of the State Planning Policy Framework policy of maintaining at least a 10 year supply of housing and this will influence timing of support for release of other land.*

Mr Jackson behalf of the Urban Property group submitted that:

*... the proposed staging of Scenarios Two and Three are inappropriate and should not be endorsed by this Panel for the following reasons:*

- a Scenarios Two and Three are inconsistent with the SPPF provisions that require 'at least' 10 years supply of residentially zoned land supply.*
- b They are contrary to the findings of the Panel to Amendment C29 that 'it is difficult to predict the long term growth pattern of Apollo Bay because a range of pressures might change the pattern, or increase the rate of new development.'*
- c They are contrary to the concessions made by Mr Nelthorpe that the Great Ocean Green development (and Mariners Vue) provide a different product to the preferred medium density infill development.*
- d They place an artificial ceiling on what can be developed and where, and they constrain market forces and possibly innovation.*
- e They may prevent the symbiotic development of Great Ocean Green and any Barwon Water storage facility whereby the spoil from the excavation of the storage facility could be used for the fill necessary for the Great Ocean Green development.*
- f They seek to elevate a desire for medium density infill within the ABSP to a preference for that infill development ahead of other types of development despite limited strategic support for this preference.*
  - There is limited strategic support for infill development, other than an assumption that it is a good thing and that it will delay the extension of the settlement boundary.*
  - Mr Nelthorpe acknowledged that the C17 and C29 developments expanded the settlement boundaries but suggested that they should be delayed because the settlement boundaries should not be extended immediately. He was unable to justify the need to delay such an extension.*



- g *They pose a risk that the development of the Great Ocean Green will not commence within the required 10 years for reasons beyond the control of the developer.*

### 8.6.3 Discussion

#### Justification for staging

The ABSP has a general discussion on staging couched mainly around the aim of promoting infill development:

*The release of further Greenfield land within identified areas for potential expansion of settlement boundaries will need to be carefully considered as it has the potential to compromise efforts to consolidate the town centre of Apollo Bay and achieve a more sustainable urban form, and could result in unwarranted impacts on the landscape between the settlements and sprawling urban form if not managed and staged appropriately. (page 54)*

The ABSP later sets out 'Criteria for staging of release of residential land within the coastal settlement boundary' at page 55.

*Prioritise development of existing residential zoned land within the coastal settlement boundary particularly of Apollo Bay, but also Marengo and Skenes Creek, to encourage substantial take up of existing residential zoned land, and infill development at medium and higher densities close to the town centre of Apollo Bay.*

*After monitoring land take up, if it can be demonstrated that land supply has fallen to below 10 years supply and that water storage and supply is able to accommodate further urban growth, prioritise the release of new residential land within the coastal settlement boundary according to the principles below.*

*Priority should be given to applications to rezone land within the settlement boundary which:*

- *Is closest to the Town Centre of Apollo Bay to achieve a more compact urban form.*
- *Makes best of use existing infrastructure and services*
- *Where infrastructure does not already exist, ensures the most efficient provision of new infrastructure and services, or ensures that new development will be self sufficient in services that cannot efficiently be provided.*
- *Will result in minimal detrimental impact on ecological and landscape values by firstly developing land that has lower values.*

- *Will contribute to ensuring a supply of affordable land to meet local housing needs.*
- *Will deliver substantial community benefit e.g. through additional public open spaces and access, environmental/landscape improvements or the upgrade of existing open spaces and community facilities.*

*In making a decision in relation to an application to create additional residential land within the coastal settlement boundary, the proposal should on balance achieve a high level of compliance with these criteria.*

*These criteria should also be applied to staging within individual developments, to ensure the proper and orderly planning and development of the settlements*

These concerns touch on a number of issues:

- Compact urban form,
- Use existing infrastructure and services or efficient provision of new infrastructure and services,
- Impact on ecological and landscape values,
- Supply of affordable land to meet local housing needs,
- Community benefit, and
- Assessing the capacity for infill.

### **Compact urban form**

The concern about ‘compromising consolidation and more sustainable form’ is based on the following assumptions:

- that the Greenfield housing and infill housing serve the same housing market; and
- the infill housing will have a smaller ecological footprint than the Greenfield housing.

Neither of these assumptions is discussed in the ABSP. The evidence from Mr Haratsis was that the Greenfield housing and infill housing would serve different housing markets and this accords with our understanding of the likely dynamics of the housing market in Apollo Bay.

With respect to sustainability, denser cities are generally reckoned to be more energy efficient than dispersed cities, though this depends on a number of factors. In Apollo Bay where the distances are relatively short this is likely to be a marginal issue. It is also unclear how this relates to all the infill areas as

some of these areas are more distant from facilities than part of the land proposed for development under C29.

The Great Ocean Green development proposes to include water reuse systems. This is a sustainability factor not considered in the ABSP.

### **Use existing infrastructure and services or efficient provision of new infrastructure and services**

Infrastructure benefits from infill are related to the need to avoid significant truck services and transport costs. It is not clear how these issues apply to Apollo Bay.

### **Impact on ecological and landscape values**

In respect of landscape values, it is not clear how the timing of development, as opposed to its location or design could have a lasting impact on landscape values.

### **Supply of affordable land to meet local housing needs**

The Panel considering the Armstrong Creek Growth Area in Geelong (Greater Geelong C138) observed in respect of staging:

*... one of the key determinants with regard to housing affordability is supply, in that good supply results in healthy competition, which assists in choice and thus affordability. If there is limited supply, competition for housing is greater and it has the potential to then increase prices.*

Far from being undesirable, multiple development fronts (provided each can be properly and efficiently serviced) are a good thing, particularly if they serve different market segments.

State Planning Policy explicitly states:

#### *14.01-2 General implementation*

*Planning authorities should plan to accommodate projected population growth over at least a 10 year period, taking account of opportunities for redevelopment and intensification of existing urban areas as well as the limits of land capability and natural hazards, environmental quality and the costs of providing infrastructure.*

Hence the intention not to release land until 'it can be demonstrated that land supply has fallen to below 10 years supply' would appear contrary to State Planning Policy. This point was conceded by Mr Nelthorpe. There may be reasons why it is inappropriate, or impossible to meet State Planning Policy

requirements in this case (and Mr Glossop outlines some situations where he thought this would be the case but no reasoning is (or even recognition of the broader policy directions) given in the ABSP.

### **Community benefit**

There is no analysis of the relative community benefit of infill development, the Great Ocean Green Proposal or Mariners Vue.

The Panel report for the Great Ocean Green proposal identifies a number of community benefits for that proposal. It is less clear precisely whether the infill development or Mariners Vue will deliver specific benefits.

### **Assessing the capacity for infill**

The ABSP does not present an 'existing conditions' plan that shows which lots are vacant and which have single houses. In this regard there is no benchmark to assess the capacity for infill development. This, of course, makes it hard to know when that capacity might be reached.

It is important to note that the infill area includes all the residential areas of Apollo Bay, Marengo and Skenes Creek, not just the areas identified for medium density housing.

The 'infill' area is covered by three DDOs:

- DDO 5 applying to the commercial area,
- DDO 6 applying to the medium density area, and
- DDO 7 applying to the balance of residentially zoned land.

DDO7 includes the objectives:

*To limit building heights and ensure that upper levels are well articulated to respect the character of the area.*

*To identify a lower density area facilitating a more spacious form of residential development.*

*To ensure that development density is consistent with the coastal town character.*

*To ensure that permeable space is available between dwellings to sustain vegetation.*

*To ensure that new development maintains space between buildings so that views to the surrounding landscape are retained.*

It seems that the policy position of the ABSP is on the one hand to encourage consolidation in its approach to staging, but on the other to keep the lower more spacious form for a large part of the area to be consolidated.

It is difficult to reconcile part of the justification for staging as filling 'the empty gaps in the urban landscape' and at the same time trying to maintain spacing between buildings. If the spacious low density form of the residential areas is valued why are we so concerned about filling the gaps?

### **Quantitative limits**

The quantitative limits appeared in the legend of the staging plans without any discussion or analysis in the text.

The more we look at the justification for the staging and how it has been presented in the ABSP the more concern we have.

### **Staging in Amendment C29**

Amendment C29 as adopted by Council contains a decision guideline that refers to the staging plan on the ABSP. Mr Jackson submitted that we are:

*... not charged with the task of (re)considering Amendment C29, However, it is submitted that, where the Panel's findings and recommendations have, as a logical consequence, impacts on matters beyond the Panel's immediate scope, the Panel may make comments relevant to those consequences.*

It is clear that we do not think that the staging proposal in the ABSP are well-founded and we recommend that references to them be deleted from the strategic framework for Apollo Bay as expressed in the MSS. It follows that if broad staging requirements are inappropriate for Apollo Bay those requirements are inappropriate for specific sites.

#### **8.6.4 Conclusion**

We conclude:

**The staging proposals in the ABSP are without proper strategic foundation and may be contrary to State Planning Policy**

We recommend:

**In Clause 21.03-3 modify the Apollo Bay 'Framework' Plan by deleting any reference to growth scenarios or staging.**

---

## 8.7 Harbour development

### 8.7.1 What is the issue?

The issue of the Apollo Bay Harbour development has been raised in some submissions, although it has seemingly been confused with the *Apollo Bay Structure Plan* process.

### 8.7.2 Evidence and submissions

Council submitted that the *Apollo Bay Structure Plan* strategically supports the redevelopment of the harbour, but the harbour redevelopment is a continuing and separate process to the *Apollo Bay Structure Plan*.

*A draft Master Plan was then adopted by Council in June 2007 and since then Council has completed a Design Guidelines document that sets out exemplary design principles for the Harbour Precinct. Once the final draft Master Plan is adopted by Council the following stages will occur:*

- *Business Case preparation and Assessment*
- *Expression of Interest process to seek private investment.*
- *Amendment process to integrate the Master Plan into the Colac Otway Planning Scheme. This will enable another level of community consultation.*

### 8.7.3 Discussion

We understand that redevelopment of the Apollo Bay Harbour is a key priority in the Colac Otway Shire Council Plan. Community members have raised it as a priority with Council over a number of years and 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.

### 8.7.4 Conclusion

We conclude:

**The details of what happens with the Apollo Bay Harbour will be determined by a separate process and the ABSP make appropriate references to the harbour.**

---

## 8.8 Design and Development Overlays

### 8.8.1 What does the Amendment propose?

The Amendment applies three DDOs to Apollo Bay containing mandatory height limits and design guidelines:

- DDO5 – Town centre,
- DDO6 – Medium density residential area, and
- DDO7 – Balance of residentially zoned land.

### 8.8.2 What is the issue?

A range of submissions were made about the extent and content of the DDOs.

### 8.8.3 Evidence and submissions

Mark Donovan & Deb Hayes (237) sought a greater emphasis on coastal character, definition of main vistas and emphasis of foreshore access by pedestrian. It is noted that in response to questions from the panel Mr Nelthorpe conceded that he had not been on the foreshore at Apollo Bay.

David Smith (168) supported the designation of a future Central Business District, but where the new boundaries affect blocks on the high side of Nelson St beyond the roundabout there should be a height limit for buildings designated as 3 storeys with the ground floor of premises dug in a little.

Philip & Elska Callister (Bayside Gardens) (187) submitted that the proposed 450 m<sup>2</sup> is too high and inappropriate for Apollo Bay. The areas covered are potentially appropriate areas for medium density housing involving a range of lot sizes. Dr. David Churchill (219) submitted that DDO6 should define minimal lot sizes for dwellings.

Andrew Buchanan (226) submitted that DDO 5, 6 and 7 require stricter controls to avoid overdevelopment of Apollo Bay.

Hans Fankhanel (235) supported the ESD principles, but considered they should be tailored to suit each DDO, as references to commercial buildings are not applicable to precincts without a commercial area.

Western Coastal Board (248) believed that the proposed built form for DDO5 and DDO6 is metropolitan in origin and therefore inappropriate. It was submitted that the controls would lead to excessive conflict between the community, Council and developers.

---

## Environmentally Sustainable development

Council submitted:

*There are ESD-type application requirements and decision guidelines in the proposed schedules to the Design and Development Overlay for Apollo Bay (which have come from the Apollo Bay Structure Plan).*

*These requirements are only triggered when a development exceeds 8m in height or for multi-dwelling applications. Accordingly, the requirements will not affect many (most) applications, and will only apply for parts of buildings between 8m (the permit trigger) and the mandatory maximum height.*

*While well intentioned, it appears that these provisions may be inequitable, in that some people would be affected by the requirements and others not. Council brings this to the Panel's attention with a view to seeking comment as to whether such requirements should apply in a more consistent fashion, preferably deriving from a State Government initiative.*

### 8.8.4 Discussion

#### Design objectives

The design objectives vary for each DDO.

#### DDO5 – Town centre

The report discusses the potential for four storeys and then states:

*There are already 3 storey buildings within the town centre of Apollo Bay, and these make a positive contribution to the streetscape and the level of activity in the centre.*

*Three storey development is adequate to make a significant contribution in terms of built form presence in the town centre and to reinforce the vertical element of the streetscape.*

*In many cases, building to 3 storeys would enable the addition of two levels of residential development above the existing ground floor building or new retail or office use, and when combined with medium density infill and higher density housing in the town centre, this would provide a considerable number of new dwelling opportunities.*

*Adding a fourth storey would require the installation of lifts to service the upper level, and the scale of development possible on the narrow lots in the commercial and retail area may not be great enough to justify the cost of installing lifts.*



*There seems to be a degree of community acceptance of 3 storey buildings in the town centre, however little support for 4 storey development was indicated during community consultation.*

It can be seen from this discussion that as far as the ABSP is concerned the issue of height in the commercial centre is all about a street presence on the Great Ocean Road, and four storeys is rejected not because analysis shows these buildings to be too high compared with some objectives, but because the consultants think it won't be economic and the community won't like it.

This is translated into the following objectives relating to height:

*To limit building heights in the town centre.*

*To ensure that upper levels are well articulated to respect the character of the area.*

It was conceded in the hearing that the first 'objective' is not really an objective at all in that it does not say what is to be achieved, but rather the mechanism for achieving some other objective which has not been specified. The second objective states 'to respect the character of the area', but also includes the way in which the objective will be achieved' to ensure upper levels are well articulated'.

We can contrast this to the objectives for height controls at Port Campbell (DDO2) which applies a three storey height limit:

*To protect the existing low scale coastal character and identity of Port Campbell.*

*To ensure that new development in Port Campbell is consistent with and acts to consolidate the character of Port Campbell as a seaside village.*

*To ensure that new development is designed to achieve view sharing.*

We think that the Objectives of DDO5 could be more explicit, and suggest something along the lines of those used in Port Campbell:

*To protect the existing low scale coastal character and identity of Apollo Bay.*

*To ensure that new development in Apollo Bay is consistent with and acts to consolidate the character of Apollo Bay as a coastal town.*

The term 'costal town' is used in the objectives of DDOs 6 and 7.

### **DDO6 Medium density residential area, and DDO7 balance of residentially zoned land**

These DDOs have almost identical objectives. The first objective:

*To limit building heights and ensure that upper levels are well articulated to respect the character of the area.*

suffers from similar problems to the objectives in DDO5. The schedules already contain the objective:

*To ensure that development density is consistent with the coastal town character*

And so we think that the first objective is not needed as it is covered in the other objective with regards to character, and the other requirements with respect to articulation.

## **Buildings and works**

The building and works section sets out two things:

- Certain permit exemptions, and
- Mandatory height limits and setbacks.

## **Permit exemptions**

Permit exemptions are provided as follows:

|            | DDO 5: Towns Centre                                       | DDO 6 and DDO7 applying to residential areas                                                                                                                                                                                                                                                                          |
|------------|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exemptions | Works specified in Clause 34.01-4 of the Business 1 Zone. | Construction or extension of a dwelling provided it is: <ul style="list-style-type: none"> <li>· the only dwelling on the lot,</li> <li>· less than 8 metres.</li> </ul> And the lot is larger than: <ul style="list-style-type: none"> <li>· more than 300 sq m DDO6.</li> <li>· more than 450 sq m DDO6.</li> </ul> |

We think that the exemptions for DDO5 should specifically list the exempted works.

Council submitted that the Apollo Bay Neighbourhood Character Study as revised by the ABSP, recommended minimum lot sizes based on identified neighbourhood precincts. The intent of applying a medium density provision (DDO6) is to attract development of this type closer to the commercial centre in accordance with activity centre principles.

It is important to note that DDO6 and DDO7 do not set a minimum lot size, but rather specify a permit exemption for dwellings on lots of a certain size. In either DDO6 or DDO7, land can be subdivided to any size, provided relevant tests in the planning scheme are met.

Council considered that the Rescode standards are appropriate for guiding lot sizes for dwellings and that a prescribed minimum would restrict design and planning flexibility. It would be a transformation of Amendment C55 to include such limits at this stage.

### Height limits

Height limits are set as follows:

|                     | DDO 5: Towns Centre                                                                                                                                                 | DDO 6 and DDO7 applying to residential areas                                                                                 |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Maximum height      | 10.5 metres (mandatory)                                                                                                                                             | 9 metres (mandatory)                                                                                                         |
| Upper level setback | Buildings greater than 8 metres in height <u>must</u> have a street setback at the upper level of 3 metres (other than a transparent balcony structure) (mandatory) | Buildings greater than 8 metres in height <u>should</u> have a street setback at the upper level of 3 metres (discretionary) |

These requirements are essentially for 3 storeys recognising that in a commercial area floor to ceiling heights are larger.

The ABSP report discusses the potential for four storeys and then states:

*There are already 3 storey buildings within the town centre of Apollo Bay, and these make a positive contribution to the streetscape and the level of activity in the centre.*

*Three storey development is adequate to make a significant contribution in terms of built form presence in the town centre and to reinforce the vertical element of the streetscape.*

*In many cases, building to 3 storeys would enable the addition of two levels of residential development above the existing ground floor building or new retail or office use, and when combined with medium density infill and higher density housing in the town centre, this would provide a considerable number of new dwelling opportunities.*

*Adding a fourth storey would require the installation of lifts to service the upper level, and the scale of development possible on the narrow lots in the commercial and retail area may not be great enough to justify the cost of installing lifts.*

*There seems to be a degree of community acceptance of 3 storey buildings in the town centre, however little support for 4 storey development was indicated during community consultation.*

It can be seen from this discussion that as far as the ABSP is concerned the issue of height in the commercial centre is all about a street presence on the Great Ocean Road, and four storeys is rejected not because analysis shows

these buildings to be too high compared with some objectives, but because the consultants think it won't be economic and the community won't like it.

We think the logic in the ABSP is flawed, but we accept that Apollo Bay has a low scale character and that this is worthy of protection through a DDO. We think that a three storey limit can be justified on character and design grounds. We accept that it is appropriate to have higher development in the town centre compared to its residential hinterland, and this implies a slightly lower limit for the surrounding area.

### **Decision guidelines – Urban Design principles**

The objectives of the DDOs include:

*To ensure that Urban Design principles expressed in the Apollo Bay Structure Plan are incorporated into new developments.*

Fortunately the Schedule extracts some (or all) the 'Urban Design principles expressed in the *Apollo Bay Structure Plan*' because there is certainly nothing explicitly identified as urban design principles in the document.

The decision guidelines include:

*Whether the proposal incorporates Urban Design principles expressed in the Apollo Bay Structure Plan including:*

- *Simple building details.*
- *A mix of contemporary and traditional coastal materials, textures and finishes.*
- *Colours and finishes that compliment those occurring naturally in the area.*
- *Articulated facades, incorporating setbacks to upper levels to reduce building bulk and overshadowing, and shop front windows at street level in commercial areas.*
- *Articulated roof forms on new developments to provide visual interest to the street.*
- *On larger sites, articulated facades to emulate the fine grain (narrow frontage) subdivision pattern in the centre.*
- *Commercial buildings orientated towards the street and provide the entrance to the building directly from the street frontage.*
- *On corner allotments, ensure buildings address both streets frontages with shopfront windows at street level.*

- *Buildings constructed to the property boundary at ground level in the commercial area, or are stepped to match existing setbacks if these are varied.*

The decision guidelines are not expressed as policy neutral statements as the Practice Note on writing schedules advises. These matters would be better expressed as requirements.

The decision guidelines need to be recast as requirements and included in the 'buildings and works' section of the DDO. They should be self contained statements – understandable without reference to the ABSP. An example of appropriate language is:

- Building details should be kept simple.
- A mix of contemporary and traditional coastal materials, textures and finishes should be used.
- Colours and finishes should compliment those occurring naturally in the area.
- Facades should be articulated, incorporating setbacks to upper levels to reduce building bulk and overshadowing.
- Shop fronts at street level in commercial areas should include shop windows.
- Roof forms on new developments should be articulated to provide visual interest to the street.
- Facades on larger sites should be articulated to emulate the fine grain (narrow frontage) subdivision pattern in the centre.
- Commercial buildings should be orientated towards the street and provide the entrance to the building directly from the street frontage.
- Buildings on corner allotments should address both streets frontages with shop windows at street level.
- Buildings should be constructed to the property boundary at ground level in the commercial area, or are stepped to match existing setbacks if these are varied.

It seems to us that some of these requirements are contradictory. However, we presume Council has considered the workability of the controls and that they make sense in the Apollo Bay context.

### **ESD requirements**

The DDOs also contain a range of Environmentally Sustainable Development practices. We have two concerns with this approach:

- We are not sure why these matters should only apply to certain development in Apollo Bay. If they are important surely they are important for all development everywhere in Colac Otway?
- The matters set out a list of design solutions rather than a broader focus on sustainable outcomes. Environmental performance is already mandated for residential buildings, and a number of performance based tools are available to assess commercial buildings.

It is vital that we move to more sustainable urban development, and broad state policy encourages sustainable development. However, as identified by Council the proposed provisions are inequitable.

We recommend Council undertake a broader assessment of sustainability issues in development in the Shire.

### 8.8.5 Conclusion

We recommend

**In Clause 43.02 Schedule 5 replace the first objective with:**

- **To protect the existing low scale coastal character and identity of Apollo Bay.**
- **To ensure that new development in Apollo Bay is consistent with and acts to consolidate the character of Apollo Bay as a coastal town.**

**In Clause 43.02 Schedule 5 specifically list the exempt works.**

**In Clause 43.02 Schedules 6 and 7 replace the first objective with:**

- **To protect the existing low scale coastal character and identity of Apollo Bay.**

**In Clause 43.02 Schedules 5, 6, and 7 delete the objective 'To ensure that Urban Design principles expressed in the *Apollo Bay Structure Plan* are incorporated into new developments'.**

**In Clauses 43.02 Schedule 5, 6, 7 move the decision guidelines relating to urban design to 'Buildings and works' and express them as 'standards' using the verb 'should'.**

**In Clauses 43.02 Schedule 5, 6, 7 delete the objective 'To ensure that Environmentally Sustainable Development practices expressed in the *Apollo Bay Structure Plan* are incorporated into new developments'.**

---

**In Clauses 43.02 Schedule 5, 6 and 7 delete the 'Decision Guidelines' relating to ESD.**

## **8.9 Mandatory or discretionary controls**

### **8.9.1 What does the Amendment propose?**

The Amendment proposes mandatory height controls.

### **8.9.2 What is the issue?**

Mandatory controls are seen as only applying in special circumstances. The issue is whether such circumstances apply in Apollo Bay.

### **8.9.3 Evidence and submissions**

Council submitted:

*While no submitters oppose the use of mandatory height controls at Apollo Bay, Council acknowledges that such controls are the exception around the state with a clear preference for discretionary provisions.*

*Having said that, it is also acknowledged that mandatory provisions have been applied and these have typically been in the vicinity of coastal areas partly in the context of the Victorian Coastal Strategy. Importantly within the coastal towns an existing local policy (Clause 22.05) has created a defacto 8m height regime which has been consistently observed and which is well understood within the community.*

*The strategic justification for the mandatory height controls is provided at pages 67 to 70 of the Apollo Bay Structure Plan and notably, there is no fundamental opposition to that requirement from submitters. In Council's submission, one way that Apollo Bay could preserve its 'seaside village character' is by ensuring that heights do not go much beyond what is there now.*

*While it is not yet apparent in Apollo Bay that there is pressure for the 'coastal creep' of development as has happened from Queenscliff to Lorne, Council wants to send a very clear direction to the development community and to its residential community that it aspires to preserve the 'seaside village character of Apollo Bay' (Clause 21.03-3).*

The issue of whether building height requirements under the Victoria Planning Provisions (VPP's) should be expressed as mandatory or discretionary has been the subject of detailed consideration by several Panels, notably the Panels appointed to consider the following amendments:

- Amendment C20 to the Melbourne Planning Scheme,
- Amendment C2 to the Bayside Planning Scheme,
- Amendment C11 to the Hobsons Bay Planning Scheme,
- Amendment C7 to the Queenscliffe Planning Scheme, and
- Amendment C52 to Port Phillip Planning Scheme.

As a result of its deliberations, the Bayside C2 Panel concluded that the following principles should apply to the consideration of whether height controls are appropriate:

- *There must be real evidence of demand for development exceeding the proposed height limits.*
- *The height controls must be soundly based and be the outcome of thorough strategic research.*
- *Height controls must be seen in the context of built form outcomes and objectives rather than just being a prescriptive tool.*
- *While mandatory height controls are contemplated, they are the exception and must achieve a clear built form objective.*
- *Discretionary height controls are the preferred way to deliver a performance based outcome.*

Council submitted that:

*These principles are still considered to represent a sound basis for the assessment of whether building height requirements in any particular instance should be mandatory or discretionary. The strategic justification for the mandatory height controls is provided at pages 67 to 70 of the Apollo Bay Structure Plan.*

#### **8.9.4 Discussion**

We assess the tests for mandatory control as follows.

##### **There must be real evidence of demand for development exceeding the proposed height limits**

While there may be limited development pressure in Apollo Bay for higher development, land prices are relatively high and would probably support higher forms. We accept that there is demand (or potential demand) for higher buildings.



---

**The height controls must be soundly based and be the outcome of thorough strategic research**

The controls have followed an extensive strategic planning process.

**Height controls must be seen in the context of built form outcomes and objectives rather than just being a prescriptive tool**

The ABSP identifies broad built form outcomes from which it derives the height controls.

**While mandatory height controls are contemplated, they are the exception and must achieve a clear built form objective**

We have discussed the built form outcomes above and while we have concerns about the exhibited version of the DDOs we have recommended changes that will focus the control more on outcomes.

**Discretionary height controls are the preferred way to deliver a performance based outcome**

This is not disputed. On balance we think the use of mandatory height controls in Apollo Bay is warranted.

### **8.9.5 Conclusion**

We conclude:

**Mandatory height controls are warranted for Apollo Bay.**

## **8.10 Extending DDOs**

### **8.10.1 What is the issue?**

A number of submissions sought extensions to the DDOs.

### **8.10.2 Evidence and submissions**

Fanning suggested a northerly extension of DDO6 to Cawood Street based on the development patterns of Apollo Bay. Kennedy suggested changes to DDO7 generally between Montrose, Costin and Thompson Streets to recognise opportunities around a number of civic buildings, and the need for affordable housing for key workers.

Council submitted:

---

*On the basis of Mr. Nelthorpe's evidence (pg 45), Council accepts the submissions of Fanning and Kennedy as to the northerly extension of DDO6.*

*However, Council does not support the suggested changes to DDO7 given the extent of the area already devoted to medium density housing in DDO6 and given that the southern part of this area was noted in the Character Study brochure (Precinct 4) as having strong vegetation characteristics.*

### **8.10.3 Discussion**

We can see merit in extending the DDO6, but this would be a transformation of the Amendment.

We can also see merit in explicitly addressing the issue of key worker housing, but think that this will need a broader response than simply changing the planning controls.

### **8.10.4 Conclusion**

We recommend:

**A 'follow on' amendment be prepared upon adoption of Amendment C55 and that amendment include:**

- **Extend the application of DDO6 in Apollo Bay north to Cawood Street.**

---

## **9. Lavers Hill**

---

### **9.1 Introduction**

This section of the report discusses the issues raised in relation to Lavers Hill.

#### **What does the Amendment propose?**

The exhibited Amendment does not propose any changes to Lavers Hill and its surrounds. The Township Zone and the Farming Zone, as applied to all surrounding private land, is retained.

#### **Issues**

Issues were raised in relation to the extent of the Township Zone and rural living opportunities in the town.

### **9.2 Township Zone**

#### **9.2.1 What is the issue?**

The extent of the Township Zone in Lavers Hill.

#### **9.2.2 Evidence and submissions**

Mr and Mrs Bayes (170) operate the Blackwood Gully Restaurant and Tea Rooms located on the southern corner of Great Ocean Road and Colac – Lavers Hill Road. They requested the rezoning of the land from Farming Zone to Township Zone.

Mr Riches owns land south west of the Bayes land and seeks a rezoning to Township Zone due to prevailing lot size, proximity to town and surrounding urban development.

Council suggested these matters be referred to the proposed Rural Living Study.

#### **9.2.3 Discussion**

There are no changes proposed to the extent of the Township Zone in Lavers Hill. However the Bayes case seems to be a zoning anomaly. The land comprises a number of titles with the commercial operation located on the

northern title and an area of remnant vegetation that has walking tracks used by visitors on the remainder. We consider the title that supports the commercial operation should be rezoned to Township Zone as part of the immediate 'follow on' amendment and the balance of the land referred to the proposed Rural Living Study to determine its appropriate zone.

In relation to Riches we also consider there is merit in his submission and to ensure it is dealt with strategically should be referred to the proposed Rural living Strategy.

#### **9.2.4 Recommendation**

We recommend:

**A 'follow on' amendment be prepared upon adoption of Amendment C55 and that amendment include:**

- **Rezone the title that supports the existing commercial operation in Lavers Hill to Township Zone.**

**Council refer the consideration of the balance of the land owned by the Bayes and Riches to the proposed Rural Living Study to determine its appropriate zone.**

### **9.3 Rural Living opportunities**

#### **9.3.1 What is the issue?**

The need for rural living opportunities around Lavers Hill.

#### **9.3.2 Evidence and submissions**

Mr Watt owns land immediately north of the Township Zone at Lavers Hill. The land is zoned Farming and he seeks a Rural Living Zone as the land is not suitable for agriculture.

#### **9.3.3 Discussion**

We have already established we do not have the ability to rezone land that was not exhibited. We consider Mr Watt may have some valid grounds for a rezoning; such as proximity to Lavers Hill, small lots with one being developed for housing already and lack of opportunities for agriculture. However the land is within an open water catchment and Wannon Water has advised it will not support any rural living rezoning with a catchment area.

We consider this matter should be referred to the Rural Living Study for determination along with other 'opportunities' in Lavers Hill.

#### **9.3.4 Conclusion/recommendation**

We recommend:

**Council refer submissions that requested rural living around Lavers Hill to the Rural Living Study.**

---

## 10. Other issues and sites

---

### 10.1 Introduction

This section of the report discusses other issues raised in submissions.

### 10.2 Open Space requirements

#### 10.2.1 What does the Amendment propose?

The Amendment proposes a 10 per cent Open Space contribution for Apollo Bay and Colac

#### 10.2.2 What is the issue?

The need for a 10 per cent Open Space contribution was questioned.

#### 10.2.3 Evidence and submissions

For Colac Mr Jemmeson supported the inclusion in Clause 52.01 of a requirement that contributions for public open space be at the rate of 10 per cent of the land area. Mr Jemmeson suggested that some areas in Colac have very limited public open space, and there are opportunities to improve the provision of public open space and linear recreation linkages. However he acknowledged (and Council agreed) that Council has not completed an Open Space Strategy.

Council advised that whilst this strategy is considered by Council to be an important strategic project it has not been funded in the 08/09 Council Budget. Mr Jemmeson noted that new urban areas on the fringe of Melbourne and Geelong require similar contributions.

Council submitted:

*Submissions have opposed the 10 per cent open space contribution for all residentially zoned land in Colac and Apollo Bay. ... Council submits that elsewhere, both the CSP and the ABSP did analyse and justify a contribution of this order.*

*... [It] is acknowledged that this analysis was more of a preliminary nature which will be fleshed out in the upcoming 'Open Space Strategy'*

*which is part of the committed further strategic work program. Notwithstanding this it is Council's submission that the 10 per cent figure is justified in Amendment C55 bearing in mind that it may need to be adjusted up or down depending on the outcomes of the Open Space Strategy.*

#### **10.2.4 Discussion**

While open space contributions in the order of 10 per cent are not uncommon in growth areas around Melbourne and are proposed for Geelong these contributions include sports fields and district parks. The standard 5 per cent typically continues to apply for 'local' open space.

The CSP states on page 105:

*An assessment of open space inn Colac and Elliminyt ... indicates that Colac is well serviced by District parks.*

The ABSP states on page 107:

*Seek an amendment to the planning scheme to require a 10 per cent public open space contribution. This may require a further detailed assessment of open space provision. (our emphasis)*

We do not think that there is sufficient strategic justification for the proposed requirement. We simply do not know whether this amount of open space is needed or not. Further in the absence of any open space strategy we do not even know what open space facilities are required.

In the absence of an open space or recreation plan that identifies the need for additional district open space, and possible locations for this space, we do not think the 10 per cent requirement can be justified.

Finally, we note that Council accepts the suggestion of Great Ocean Green that this provision need not apply to that land given the separate process which that developer followed and the degree of open space committed under the CDZ as part of Amendment C29. It is not clear that the provision does in fact apply to the Great Ocean Green, and in any case more than 10 per cent of the site will be given over for open space.

#### **10.2.5 Recommendation**

We recommend that:

**In Clause 52.01 delete the requirement for 10 per cent open space.**

## 10.3 ESO 1 mapping

### What does the Amendment propose?

The existing ESO1 (Barongarook High and other groundwater areas) is to be retitled the 'Warrion Groundwater Area' and:

- The area mapped expanded to include the Warrion aquifer with an objective to reflect this,
- Remove the Barwon Downs Well Intake Area and included in the ESO3 to reflect its status as a declared water supply catchment,
- Add permit exemptions relating to outbuildings, informal outdoor recreation, extensions and additions to dwellings and works undertaken by public authorities, and
- Add Referral requirement.

### What is the issue?

The accuracy of the mapping.

### Evidence and submissions

Mr Richens (193) was concerned with the accuracy of the mapping of the ESO1 as the resource is underground and supported the introduction of permit exemptions.

### Discussion

We are not in a position to question the extent of the mapping as no technical expertise was provided on this subject. We are however comforted by the lack of any concern with its mapping from Wannon Water and Barwon Water.

### Conclusion

We conclude:

**The changes made to the ESO1 and its mapping is appropriate.**

**The transfer of the Barwon Downs Well Intake Area into the ESO3 is appropriate.**

## 10.4 Moonlight Head

### What does the Amendment propose?

The amendment introduces a Significant Landscape Overlay to the land.



---

## What is the issue?

The representation of a private development proposal at Moonlight Head in the planning scheme.

## Evidence and submissions

Mr Lacey from Pierrepont Planning (206) represented the owner of a large land holding (560 hectares) at Moonlight Head on the south west coast of the municipality. The owners propose to develop the land under the vision Moonlight Head Wilderness Project with:

- A heritage village precinct,
- An environmental and rural campus,
- A lodge precinct,
- Remote wilderness accommodation,
- A 'wild' golf course, and
- Walking trails and conservation nodes.

Mr Lacey requested the planning scheme be changed in the following manner:

- Amend Clause 21.02-2 to include a specific vision statement for the project under the tourism theme; and
- Amend Clause 21.05-4 to include a specific objective, strategy for the development of the land for a tourism venture.

Council advised the provisions of the planning scheme already provide support for such ventures without the need to make a special mention of the project.

## Discussion

We agree with Council it would be highly unusual for a specific project to have a presence in a Councils' land use vision or as specific supportive objectives and strategies.

## Conclusion

We conclude:

**There is no justification to change the planning scheme to address the Moonlight head project.**

## 10.5 Other issues

In closing Council suggested a number of changes to the documentation, most of which are discussed in this report. Council also suggested:

- Change ESO6 to ESO7 to acknowledge the correct numbering sequence.
- In the schedule to SLO5, delete reference to land around the Barham River.
- Add the objective to ESO3 concerning protection of public health as requested by Wannon Water.
- Convert the 'excision' related strategy at Clause 21.05-1 into a policy.
- Convert the 'siting and design' strategy at Clause 21.03-8 into a policy.
- Delete the word 'residential' from DPO11.
- Include the title details of CP173638 in the RAZ schedule.
- Consider including reference to localized infrastructure problems in Clause 21.01-5 in accordance with the CORRA submission.
- In accordance with the submission of CORRA remove DPO8 from part of the small residential area it covers in Colac as it is public land.
- In accordance with the Fankhanel submission, include reference to pre-European

We support these changes.

Council also suggested applying a new DPO to maintaining options for further subdivision in Colac. This would be a sensible option.

We recommend:

**Council investigate applying a new DPO to maintain options for further subdivision in Colac.**

## **11. Recommendations**

---

### **Further actions**

We have made a number of recommendations for further action by Council. These recommendations are:

- C1 A 'follow on' amendment, or series of amendments, be prepared upon adoption of Amendment C55 and that amendment include:**
  - C1.1 Split the schedule of the Farming Zone into schedules to identify the FSS as well as the subdivision and lot size controls.**
  - C1.2 Extend the RAZ to the west of Apollo Bay to the south to include existing tourism ventures and adjoining land.**
  - C1.3 Rezone land to the east of the Scanlon land and abutting the Beechy rail trail to Residential 1 Zone.**
  - C1.4 Rezone commercially used land in Main Street adjacent to the proposed Business 3 Zone also to Business 3.**
  - C1.5 Rezone the Colac Caravan Park to the Rural Activity Zone.**
  - C1.6 Extend the application of DDO6 in Apollo Bay north to Cawood Street.**
  - C1.7 Rezone the title that supports the existing commercial operation in Lavers Hill to Township Zone.**
  - C1.8 Rezone the land in Christies Lane from Low density Residential to the Farming Zone.**
  - C1.9 Rezone 10 Flaxmill Road to the Rural Activity Zone.**
- C2 Council, as part of its next review of the planning scheme, remove all other external references.**
- C3 Council undertake a more realistic estimate of the land supply in Colac.**
- C4 Council investigate applying a new DPO to maintain options for further subdivision in Colac.**

- 
- C5 Council consider inclusion of land to the south and west of the Scanlon land for rezoning to Residential 1 Zone subject to the completion of a Precinct Plan that demonstrates the integration development of all the land.**
  - C6 Council consider rezoning larger industrial lots within the Colac CBD to the Business 1 Zone.**
  - C7 Council consider the expansion of the Colac retail precinct by including some of the larger sites in a Business 1 Zone rather than the existing Business 2 Zone.**
  - C8 Council consider the preparation of a precinct structure plan for Elliminyt as part of its further works program.**
  - C9 Council investigate applying the LDRZ with a Schedule that sets the minimum lot size at 1.2 hectares in place of the RLZ in the southeast and southwest of Colac, as part of the 'follow up' amendment.**
  - C10 Council prepare a precinct plan for the East Colac area.**
  - C11 Council review the application of ESO1 to the east Colac and west Colac precincts.**
  - C12 Council review the option of including smaller minimum lot sizes in the 'rural living' areas in the southeast and southwest of Colac on the basis of consideration of updated forecast of the residential land market, management of wastewaters and the potential need to preserve some areas for longer term conversion to conventional residential development.**
  - C13 Council review the suitability of the land to the east of Forest Street, between Woodrowvale Road and Barry's Road for Rural Living as part of a reassessment of the demand for and preferred locations for such development around Colac and as part of the preparation of a Structure Plan for Elliminyt.**
  - C14 Council refer submissions that requested rural living around Lavers Hill to the Rural Living Study.**
  - C15 Council refer the consideration of the balance of the land owned by the Bayes and Riches to the proposed Rural Living Study to determine its appropriate zone.**

## Changes to the Amendment

As set out in Section 2.4, Council provided revised Amendment documentation in its closing submission, together with a list of some further changes identified in Section 10.5. Unless we specifically recommend otherwise we support the changes proposed by Council.

Based on the reasons set out in this Report, we recommend:

**Amendment C55 to the Colac Otway Planning Scheme (as presented by Council in its closing submission) be adopted subject to the following changes:**

1. **In Clauses 21.02 – 21.05 review the overview, strategies and objectives to identify material that is more appropriately presented as Policy guidance or Rezoning guidance.**
2. **In Clauses 21.02 – 21.05 ensure that Strategy references to all plans and maps clearly refer to the plans and maps in the Clause, rather than to the external documents from which they are sourced.**
3. **In Clauses 21.02 – 21.05 in the recommended ‘Specific implementation’ section include the following headings and guidance worded as follows:**

### Policy guidance

**Request [specify proposals] provide the following information as appropriate:**

- **[List of specific information to be supplied].**

**Assess proposals [specify proposals] against the following criteria:**

- **[This list should comprise of ‘standards’, that is statements using the verb ‘should’ (or in some cases ‘may’)].**

**When deciding on applications [specify proposals] consider, as appropriate:**

- **[This list should comprise a list of policy neutral issues].**

### Rezoning guidance

**Support the [nominated zones] on land [area identified] to provide for [identified uses] provided [other requirements].**

4. **In Clauses 21.02 – 21.05 include a section ‘Specific implementation’ after Objectives and Strategies where there is a need to include the**

---

material identified as policy guidelines, and statements that provide guidance on future rezoning.

5. In Clauses 21.02 – 21.05 review and edit the Strategies to remove any reference to the Rural Land Strategy, Colac Structure Plan, and *Apollo Bay Structure Plan*.
6. In Clause 21.02-3 in the Overview and Strategies recognise the need for a heavy vehicle by-pass of the Murray Street retail centre.
7. In Clause 21.03-2, modify strategies advocating urban consolidation to ensure that infill housing proposals need to demonstrate that they are designed in a manner that is compatible and appropriate for the prevailing character of the precinct.
8. In Clause 21.03-2 amend the Colac Framework plan to:
  - Remove notations that will be redundant if the Amendment is approved and include relevant strategic notations.
  - Remove notations for infill development from areas included in a Heritage Overlay.
  - Identify Heritage Areas.
  - Designate the land on the south side of Princes Highway, generally east of Deans Creek Road as part of the long term supply of urban residential land.
  - Give strategic recognition of the need to expand the Elliminyt neighbourhood centre to support a growing community.
  - Delete the notation and area designated as Potential future (long term) south of proposed Industrial 1 Zone area.
  - Identify the area between proposed Industrial 1 Zone area Pound Road as 'Potential Industrial Area'
9. In Clause 21.03-3 modify the Apollo Bay 'Framework' Plan to:
  - Delete the water storage facility on the Great Ocean Green site.
  - Delete any reference to growth scenarios or staging.
  - Identify land to the west of the town as an 'Urban Development Investigation Area'.
  - Identify the C17 site by way of an outline as being a 'potential residential development site'.
  - Identify the C29 site by way of an outline as being a 'potential residential development site' generally in accordance with the adopted C29 Framework Plan.

- 
- **Include environmental outcomes on the Great Ocean green land including river, floodplain etc**
  - **Include a notation about the green break between the road and the river.**
  - **Add the words 'non urban' to the legend as it affects Wild Dog Creek.**
  - **Add reference to the actual heights instead of terms such as 'high density'.**
10. **In Clause 21.04-8 (Overview) delete the reference to 'Western Coastal Cliffs'.**
11. **In Clause 21.04-8:**
- **Insert a new dot point in the overview that states: "The need to protect the scenic landscape values of ridgelines and landforms from inappropriate built form and removal of vegetation."**
  - **Insert a new objective that states: "To protect ridgelines from inappropriate development and vegetation removal."**
  - **Insert a new strategy that states: "Ensure new development and removal of vegetation is discouraged from ridgelines and hill tops where it is a significant scale to impact the landscape character of the area."**
12. **In Clause 21.05-1 introduce a new 'Policy guideline' as follows:**
- **Request applications for an additional dwelling in the Farming Zone provide the following information as appropriate:**
  - **A statement that describes the nature of the agricultural use, the extent of its operation, its current and proposed staffing levels, the need for on site management and how an additional dwelling meets the requirements of the planning scheme.**
13. **In Clause 21.05-2 insert a new strategy to discourage timber plantations from land identified for its scenic and landscape qualities in the Greater Ocean Road region as defined by the Rural Conservation Zone.**
14. **In Clause 21.05-4 (Overview) distinguish between the potential of farming and nature based tourism ventures in the Rural Activity Zone.**
15. **In Clause 21.05-4 amend the last two objective statements to read:**
- **To provide for a preferred mix of uses in the Rural Activity Zone to the west of Apollo Bay.**

- 
- To provide for a preferred mix of uses in the Otway Ranges.
16. In Clause 21.05-4 add 'Rezoning guidance' in a new section following strategies as follows:
- Rezoning guidance
  - Support the Rural Activity Zone on land west of Apollo Bay and in the Otway Ranges to provide for a mix of uses including: agriculture; tourist and recreational activities; group accommodation with tourist or recreational activities (including backpacker accommodation, camping and caravan park, cabins etc.); and restaurant in association with a tourist activity or recreational activity.
17. In Clause 21.05-4 delete 12th to 16th dot points under 'Strategies' and replace with 'Policy guidance' in a new section following strategies as follows:
- Policy guidance
  - Assess proposals for use and development in any Rural Activity Zone west of Apollo Bay or in the Otway Ranges against the following criteria:
    - Use and development for Equestrian supplies, Helipad, Hotel, Landscape gardening supplies, Motor racing track, Tavern, and other similar uses should be avoided.
    - The scale of development and use should relate to the land size and surrounding uses.
    - Development should be subservient to the landscape and not detract from the landscape quality.
    - Development should be of high design quality and the style should respect surrounding development.
    - Development should provide net environmental gain.
    - Development should be self sufficient in, or meet all the relevant costs of, infrastructure provision.
18. In Clause 21.06 rename the Clause 'General implementation' and revise the content to provide a general overview of how Zones and Overlays are applied in the Scheme.
19. In Clause 21.07 before the list of reference documents include the words:
- 'The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme and decisions makers should use these documents



for background research only. Material in these documents that potentially provides guidance on decision making but is not specifically referenced by the Scheme should not be given any weight.'

20. In the Schedule to Clause 35.07 insert under 'minimum setback from a road (metres)':

The following for roads with a 100m setback:

- A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1, including:
- Beech Forest Mt Sabine Road, Ferguson to Turtons Track
- Birregurra-Forrest Road
- Colac-Ballararat Road
- Corangamite Lake Road
- Forrest-Apollo Bay Road
- Great Ocean Road
- Lavers Hill-Cobden Road
- Lavers Hill-Colac Road
- Lighthouse Road
- Princes Highway
- Skenes Creek Road
- Turtons Track

The following for roads with a 20m setback:

- Any other road, including:
- Barham Valley Road
- Binns Road
- Blue Johanna Road
- Busty Road
- Carlisle-Gellibrand Road
- Hordern Vale Road
- Killala Road
- Mariners Lookout Road
- Melba Gully Road
- Phillips Track
- Red Johanna Road
- Sunnyside Road
- Tuxion Road

- 
- Upper Gellibrand Road
  - Wild Dog Road
21. In Clause 42.03-1 (SLO1) at 'Permit Requirements' insert the following statement;
- A permit is required to remove, destroy or lop any native vegetation.
22. In Clause 42.03-3 (SLO3) and 42.03-4 (SLO4) introduce the same permit exemptions as specified in Clause 42.03-1 (SLO1).
23. In Clause 42.03-3 amend the second dot point to Clause 6 to state:
- The 'Apollo Bay Coastal Valley and Hills Precinct Development Principles Incorporated Plan' from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81.
24. In Clause 42.03-4 amend the second dot point to Clause 6 to state:
- The 'Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles Incorporated Plan' from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81.
25. In Clause 43.02 amend DDO 3 to provide the set back from the proposed road widening.
26. In Clause 43.02 Schedule 5 replace the first objective with:
- To protect the existing low scale coastal character and identity of Apollo Bay.
  - To ensure that new development in Apollo Bay is consistent with and acts to consolidate the character of Apollo Bay as a coastal town.
27. In Clause 43.02 Schedules 5, 6, and 7 delete the objective 'To ensure that Urban Design principles expressed in the *Apollo Bay Structure Plan* are incorporated into new developments'.
28. In Clauses 43.02 Schedule 5, 6, 7 delete the objective 'To ensure that Environmentally Sustainable Development practices expressed in the *Apollo Bay Structure Plan* are incorporated into new developments'.
30. In Clauses 43.02 Schedule 5, 6, 7 move the decision guidelines relating to urban design to 'Buildings and works' and express them as 'standards' using the verb 'should'.

31. In Clause 43.02 Schedule 5 specifically list the exempt works.
32. In Clause 43.02 Schedules 6 and 7 replace the first objective with:
  - To protect the existing low scale coastal character and identity of Apollo Bay.
33. In Clauses 43.02 Schedule 5, 6 and 7 delete the 'Decision Guidelines' relating to ESD.
34. In Clause 43.04 consolidate exhibited DPOs to one schedule for Future Residential Areas, and that Schedule limit the matters to be addressed to:
  - Internal road network.
  - Public open space.
  - Connectivity to other residential land and public open space.
  - Diversity of lot sizes and proposed lot density.
  - Provision of community facilities.
  - Impact of development on flora, fauna and cultural heritage.

The Schedule to the Future Residential DPO allow for permits for subdivision to be granted prior to the completion of the DPO provided that any permit does not compromise the orderly planning and development of the area.

35. In Clause 52.01 delete the requirement for 10 per cent open space.
36. In Clause 81, introduce two new incorporated documents titled 'Apollo Bay Coastal Valley and Hills Precinct Development Principles' and 'Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles'.
37. On overlay maps:
  - Delete ESO1 be from the urban area of Colac, including the industrial areas to the east of Colac.
  - On the SLO3 map delete the overlay from the Great Ocean Green land between Apollo Bay and Marengo.
38. On the zone maps:
  - Delete lots known as 122 Main Street from the Business 3 Zone.
  - Delete the Business 1 Zone from land in Elliminyt not currently used or developed for commercial activities.
  - Delete the proposed Industrial 1 and 3 zoning on the east side of Forrest Street south of Hearn Road.

- **Align the northern boundary of the Business 4 Zone in West Colac with the northern boundary of lots 378 and 412 Princes Highway.**

## Appendix A Tables of Appearances and Submissions

**Table 1 Appearances**

| Submitter                                               | Represented By                                                                                                                                                                                                                  |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Colac Otway Shire                                       | John Keaney assisted by Yash Bono and Doug McNeil who called <ul style="list-style-type: none"> <li>▪ Shelly McGuinness on Rural issues</li> <li>▪ Paul Jemmeson on Colac</li> <li>▪ Michael Nelthorpe on Apollo Bay</li> </ul> |
| Frank and Andrew Buchanan (P6)                          | Frank Buchanan                                                                                                                                                                                                                  |
| Anthony McDonald (P7)                                   |                                                                                                                                                                                                                                 |
| Gary Riches (P8)                                        |                                                                                                                                                                                                                                 |
| Central Victorian Farm Plantations (198)                | David Fiskin                                                                                                                                                                                                                    |
| HVP Plantations (217)                                   | Terry McAliece                                                                                                                                                                                                                  |
| Douglas Richens (193)                                   |                                                                                                                                                                                                                                 |
| Simon Arundell (191)                                    |                                                                                                                                                                                                                                 |
| J A Spiers (216)                                        |                                                                                                                                                                                                                                 |
| Marea and John Bayes with Stuart Hart(170)              |                                                                                                                                                                                                                                 |
| Bryan and Ronda Conway (Moonlight Head Wilderness (206) | Andrew Lacey of Pierrepont Planning                                                                                                                                                                                             |
| Paxman Partnership (204)                                | Roz Hansen of Hansen Partnership                                                                                                                                                                                                |
| Uniting Church (177)                                    | Roz Hansen of Hansen Partnership                                                                                                                                                                                                |
| Greg Allen (221)                                        |                                                                                                                                                                                                                                 |
| John and Patrica Campigli (180)                         | Katy Bright                                                                                                                                                                                                                     |
| Karen Fidler, Maree Foster, Matthew Fidler (173)        | Ofer Freidberg of SM Urban                                                                                                                                                                                                      |
| John Clifford (182)                                     |                                                                                                                                                                                                                                 |
| John Evans (195)                                        |                                                                                                                                                                                                                                 |
| Desley Wilson (223)                                     |                                                                                                                                                                                                                                 |
| BM and RT Scanlon (224)                                 | Brendan Howard                                                                                                                                                                                                                  |
| Marc-Jean Seran (169)                                   |                                                                                                                                                                                                                                 |
| Rooney Partnership (189)                                | Katy Bright                                                                                                                                                                                                                     |
| John and Elaine Calder (176)                            | Chub Fadgyas                                                                                                                                                                                                                    |
| Lavers Hill Progress Association (184)                  | Steven Lawson                                                                                                                                                                                                                   |
| Neil Longmore (243)                                     |                                                                                                                                                                                                                                 |
| Colac Otway Residents and Ratepayers Association (181)  | Stephen Hart and Ray Ensley                                                                                                                                                                                                     |
| Robert Telford (P14)                                    | Stephen Hart                                                                                                                                                                                                                    |

---

|                                  |                                                                                                                                                                                        |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hans Fankhanel (235)             |                                                                                                                                                                                        |
| Wannon Water (188)               | Tim Harrold                                                                                                                                                                            |
| Alistair Watt (P2)               |                                                                                                                                                                                        |
| Robert Missen (P3)               |                                                                                                                                                                                        |
| Rob Evans (P4)                   | Trevor Ludeman                                                                                                                                                                         |
| Shelly Fanning (254),            |                                                                                                                                                                                        |
| Wayne Kennedy (255)              |                                                                                                                                                                                        |
| David Smith (168)                |                                                                                                                                                                                        |
| John Spencer (210)               |                                                                                                                                                                                        |
| Bill Alandis (209)               |                                                                                                                                                                                        |
| Mark Donovan (237)               |                                                                                                                                                                                        |
| Otway Forum (113)                | Tony Weber, Dorothy Garrett and Fern Rainbow                                                                                                                                           |
| Phillip and Margaret Lawson (72) | Phillip Lawson                                                                                                                                                                         |
| Elespeth Hickey (P10)            |                                                                                                                                                                                        |
| Bob and Carol Kanngieser (P12)   |                                                                                                                                                                                        |
| Urban Property Group (203)       | Henry Jackson instructed by Mimi Marcus Maddocks who called: <ul style="list-style-type: none"><li>▪ John Glossop on planning issues</li><li>▪ Brian Haratsis on land supply</li></ul> |
| Ngaira Smith (P24)               |                                                                                                                                                                                        |
| D J Watson (P5)                  |                                                                                                                                                                                        |
| Fletcher (late submission)       |                                                                                                                                                                                        |

---

**Table 2: Submissions from further notice**

|     | Submitter                     |
|-----|-------------------------------|
| P1  | Mr David Fisken               |
| P2  | Mr Alistair Watt              |
| P3  | Mr Robert Milton Missen       |
| P4  | Mr Trevor Hindeuen            |
| P5  | Mr D J Watson                 |
| P6  | Frank & Andrew Buchanan       |
| P7  | Mr Anthony McDonald           |
| P8  | Mr Gary Riches                |
| P9  | Mr & Mrs Justin & Jill Madden |
| P10 | Mrs Elespeth Hickey           |
| P11 | K E & L M Makings             |
| P12 | Rob & Carole Kanngieser       |
| P13 | Dr & Mrs Ken & Wendy Peverill |
| P14 | Mr Robert E Telford           |
| P15 | Judith Kennedy                |
| P16 | Cliff & Carolyn Cardinal      |
| P17 | Mr Robert McDowell            |
| P18 | Kay Hill                      |
| P19 | Mr Geoff Hunter               |
| P20 | Terry & Kaye Pitman           |
| P21 | Mr Ian W Downard              |
| P22 | Anthony & Jackie Zappelli     |
| P23 | Hon Secretary Val Higman      |
| P24 | Ngaira L Smith                |
| P25 | Max & Helen Robbins           |
| P26 | Ms Valda Bawden               |
| P27 | Mr John Verey                 |

**Table 3: Submissions**

|    |                          |    |                                  |      |                         |
|----|--------------------------|----|----------------------------------|------|-------------------------|
| 1  | Claire Smith             | 46 | T & S Truscott                   | 91   | M Harrison              |
| 2  | Tim Smith                | 47 | Debbie Plastow                   | 92   | Shelley Segal           |
| 3  | T Redmond                | 48 | Ngaira Smith                     | 93   | Paul Morrissy           |
| 4  | D Raval                  | 49 | Leslie Fisk                      | 94   | M Debevc                |
| 5  | Marilyn Langdon          | 50 | Fern Rainbow                     | 95   | Wells Family            |
| 6  | Philip Langdon           | 51 | Jesse Morrow                     | 96   | V Bottomley             |
| 7  | Kristin Demetrious       | 52 | Fraser Thorpe                    | 97   | A Campaner              |
| 8  | G F & D L Best           | 53 | Jeffrey Richardson               | 98   | M Sykes                 |
| 9  | Duncan Todd              | 54 | Rosmarie Stoeckli                | 99   | T & L D'apranc & Muscat |
| 10 | Rodney Lloyd             | 55 | John Borg                        | 100  | K Naoumidis             |
| 11 | Marianne Ablitt          | 56 | Terese Monteleone                | 101  | D Gordon                |
| 12 | Peter Shallless          | 57 | Wendy Dwyer                      | 102  | Ian Ferguson            |
| 13 | R Brown                  | 58 | K & J Sutton                     | 103  | Malcolm Shore           |
| 14 | L Attard                 | 59 | F L Henshaw                      | 104  | R & B Parkins           |
| 15 | Ann Yeung                | 60 | Mr & Mrs Van Berger              | 105  | A Beck                  |
| 16 | P & R Alysandratos       | 61 | Paul Johnson                     | 106  | Ian Roberts             |
| 17 | Dominic O'Leary          | 62 | Vicki Poke                       | 107  | M Lynch                 |
| 18 | Inge O'Leary             | 63 | Chris Dewey                      | 108  | E Haughton              |
| 19 | Judi Forrester           | 64 | Kurt Seeberg                     | 109  | J Urquhart              |
| 20 | Pam Dodsworth            | 65 | Cath Callahan                    | 110  | G & V Stahn             |
| 21 | Beatrice Gardner         | 66 | Josh Langdon                     | 111  | Lindsay Brown           |
| 22 | Narelle Tanis            | 67 | Beryl Adlam                      | 112  | M & S Blackwell         |
| 23 | Rosemary Tanis           | 68 | Heidi Lord                       | 113  | T & L Webber            |
| 24 | Martyn Holland           | 69 | Jay Watkinson                    | 114  | Edward Van der Veer     |
| 25 | Michele Weckmann         | 70 | C A Stevenson                    | 115  | R Wilmot                |
| 26 | Camilla Ablitt-Collins   | 71 | Jenny Sudholz                    | 116  | Deb Sestak              |
| 27 | Phil Piper               | 72 | P & M Lawson                     | 117  | Dianne Inglis           |
| 28 | Kathryn Cook             | 73 | Helen Connolly                   | 118  | John Mondello           |
| 29 | Pat Mackle               | 74 | Fiona Andrews                    | 119  | S Pateman               |
| 30 | Judith Clarke            | 75 | Dr M L Grayson                   | 119B | D Johansson             |
| 31 | Sylvia Nicola            | 76 | J R Dawson                       | 120  | J Coutts                |
| 32 | Jeanette Van Der Veer    | 77 | C Wright                         | 120B | D Stone                 |
| 33 | N I Harris               | 78 | Stephen Morsehead                | 121  | K Hitchings             |
| 34 | Stephen ???              | 79 | J Lawson                         | 122  | J Quinane               |
| 35 | David Cochrane           | 80 | C Courland                       | 123  | N Horwood               |
| 36 | S & N Stylianov          | 81 | M Leorke                         | 124  | William Lawson          |
| 37 | C Howard                 | 82 | G Micheno                        | 125  | Peter Kooy              |
| 38 | Sarah Neville-Lavingdale | 83 | Sandy H                          | 126  | S & H Laxton            |
| 39 | Sue George               | 84 | S George                         | 127  | D Trevillian            |
| 40 | I & M Gourlay            | 85 | B Loughnane                      | 128  | Neil Sammons            |
| 41 | C Nicola                 | 86 | Trisha James                     | 129  | Suzanne Mitchell        |
| 42 | Joy Burns                | 87 | Robert & Maree Sieminski & Nicol | 130  | Sue Lovelock            |
| 43 | R Burns                  | 88 | Esme Bell                        | 131  | Yvonne Francis          |
| 44 | Scott Boyd               | 89 | Anne Gordon                      | 131B | D Edwards & Y Francis   |
| 45 | Alice Webber             | 90 | L Eastgate                       | 132  | Margaret Dahlstrom      |



|     |                     |     |                       |     |                         |
|-----|---------------------|-----|-----------------------|-----|-------------------------|
| 133 | Madeleine Kempster  | 180 | John Campigli         | 226 | Andrew Buchanan         |
| 134 | The Occupier        | 181 | Stephen Hart          | 227 | Neil Harris             |
| 135 | The Occupier        | 182 | JM & GM Clifford      | 228 | Carol Wilmink           |
| 136 | The Occupier        | 183 | Valda Bawden          | 229 | Frank Buchanan          |
| 137 | D & M Bowman        | 184 | Chris Harkin          | 230 | Troy Clarkson           |
| 138 | Alison Shelton Nga  | 185 | D Johnson & L McQuire | 231 | Barbara Henriksen       |
| 139 | Julia Dilteich      | 186 | Jeffrey Gillam        | 232 | C & J Foster            |
| 140 | Vanessa Wighton     | 187 | P & E Callister       | 233 | Karen Hart              |
| 141 | Bettina McMurray    | 188 | Peter Wilson          | 234 | Fiona Nelson            |
| 142 | Russell Wanklyn     | 189 | S M Rooney            | 235 | Hans Fankhanel          |
| 143 | Liz Heath           | 190 | Robyn Gray            | 236 | Murray Champion         |
| 144 | Dennis Jones        | 191 | Simon Arundell        | 237 | M Donovan & D Hayes     |
| 145 | R Ericsons & J Dean | 192 | James Barry           | 238 | G Gigas                 |
| 146 | The Occupier        | 193 | Douglas Richens       | 239 | Nick Wynn               |
| 147 | Faye Hartnett       | 194 | Judith O'Shea         | 240 | William Tieppo          |
| 148 | Phillis Virgona     | 195 | J C & G A Evans       | 241 | Ray Hamill              |
| 149 | Ian Pimlett         | 196 | J Smith               | 242 | Judith Curtis           |
| 150 | Clare Servinis      | 197 | Mick Underdown        | 243 | Neil Longmore           |
| 151 | Robyn Freeman       | 198 | David Fiskin          | 244 | K & J Hill              |
| 152 | Katie Sutton        | 199 | Katy Bright           | 245 | Elizabeth Ryan          |
| 153 | Helene Teichmann    | 200 | A & P Hokin           | 246 | J & D Garrett           |
| 154 | I & J Spiden        | 201 | F R Gardiner          | 247 | Paul Northey            |
| 155 | Margaret Glance     | 202 | Gary Higgins          | 248 | Steve Blackley          |
| 156 | Hellen McNicol      | 203 | Derek Humphries       | 249 | Andrew Charles Buchanan |
| 157 | Andrea Chirgwin     | 204 | Roz Hansen            | 250 | To J Biddle & Others    |
| 158 | P & K Conlon        | 205 | John Coles            | 251 | Helen Speirs            |
| 159 | R Handley           | 206 | B A & R O Conway      | 252 | Sophie Walters          |
| 160 | K Smith             | 206 | Andrew Lacey          | 253 | Walters Family          |
| 161 | Peter Filice        | 207 | J Modra               |     |                         |
| 162 | Geoff Woods         | 208 | John Verey            |     |                         |
| 163 | Charles Brincat     | 209 | Bill Alamidis         |     |                         |
| 164 | Bob Smith           | 210 | John Spencer          |     |                         |
| 165 | Robert Learey       | 211 | Don Forysth           |     |                         |
| 166 | Mick Fennessy       | 212 | Chris Seels           |     |                         |
| 167 | Anita Scordia       | 213 | Tony Grogan           |     |                         |
| 168 | David Smith         | 214 | Alan Billing          |     |                         |
| 169 | Marc-Jean Seran     | 215 | Geoff Speirs          |     |                         |
| 170 | John & Marea Baynes | 216 | Jim Speirs            |     |                         |
| 171 | Russell Dawe        | 217 | T McAliece            |     |                         |
| 172 | Ken & Lynne Makings | 218 | E G Stuckey           |     |                         |
| 173 | L K & M Foster      | 219 | Dr David Churchill    |     |                         |
| 174 | Gary Riches         | 220 | Stuart Hart           |     |                         |
| 175 | Peter Lalor         | 221 | G & L Allan           |     |                         |
| 176 | C L G Fadgyas       | 222 | S & E Walker          |     |                         |
| 177 | Glen Mitchelson     | 223 | RD & DK Wilson        |     |                         |
| 178 | Frank Wouters       | 224 | Brendan Howard        |     |                         |
| 179 | M & T Whelan        | 225 | R Adams               |     |                         |

**OM082810-16 WEED MANAGEMENT**

AUTHOR: Stewart Anderson                      ENDORSED: Jack Green  
DEPARTMENT: Sustainable Planning and      FILE REF: GEN00127  
Development

**Purpose**

The purpose of this report is to provide Council with an update on issues associated with management of weeds within the Colac Otway Shire and to recommend actions for improving management of weeds in the future.

**Background**

Weeds are a serious threat to primary production and biodiversity within the Colac Otway Shire (COS). They reduce farm and forest productivity, displace native species and contribute significantly to land and water degradation. COS has been actively undertaking weed management for many years and an ongoing commitment is required to reduce the impact of weeds.

Understandably, an issue such as weed control can be difficult as it crosses over a number of different land tenures and encounters a number of different land managers with varying priorities. Weed management becomes further problematic as organisations aim to control weed infestations with a limited amount of resources. Control efforts can easily become ineffective as limited resources are spread too thin in an attempt to treat too many weed species at too many sites. Therefore, addressing a large problem with limited resources requires a strategic approach for any benefits to be gained.

To address these problems a number of informational documents have been provided to Councillors that examine each of the issues and discuss the options available to address them. These recent documents are listed below with the key points from each:

- Weed Management (16 November 2007)  
This memo identified the ambiguity in relation to the responsibilities for managing Regionally Controlled weeds on roadsides. From this a letter was sent to the Minister for Agriculture seeking clarification. To date no response has been received. The role of the Weed Consultative Committee (WCC) was also highlighted, that being to guide the decision making process of allocating Councils weed management budget.
- Managing Weeds on Council Owned and Managed Land (30 Jun 2008)  
On request from Council this memo investigated the cost of maintaining all Council land as weed free. The estimate produced equalled \$1,887,000 p.a. This figure included the current allocation and the estimates to control all weeds on all Council managed land and roadsides. Direction was given to provide options on how to proceed.
- Assessing Council Managed Land for Weed Infestations (4 September 2008)  
An executive memo investigated options available for assessing Council managed land for current weed infestations, and the costs and benefits associated with each. It was recommended that a revision of Council land management database be undertaken and an application of a budget bid to engage a botanist to undertake vegetation surveys on some land parcels be developed for 2009/10.

**Corporate Plan/Other Strategies/Policy**

Colac Otway Shire Council Annual Business Plan 08/09 - Environment

Strategy: 6.2.2 Focus on the control of weeds on both Council and privately owned properties.

Roadside Vegetation Management Plan (2003)  
Weed Management Strategy (2002)  
Roadside Weed Management Strategy (1996)

## **Issues/Options**

### Current Approach

The Colac Otway Shire's Environment Unit's current approach to managing weeds uses a criteria that prioritises works on environmentally significant areas of Council managed land, with a portion allocated to high conservation roadsides and emergent weeds. This approach has been supported by the WCC, which has representation from a range of land management agencies and individuals including a Colac Otway Shire Councillor (Chair), the Department of Primary Industry (DPI), Department of Sustainability and Environment (DSE), Parks Victoria, Southern Otway Landcare Network (SOLN), Upper Barwon Landcare Network (UBLN), Lismore Landcare Network (LLN) and regional land owners within the Shire.

The criteria prioritises Council managed land that either contains areas of significant conservational value or is adjacent to such. Examples of these include Barongarook Creek and Beeac Cemetery Grasslands. High Conservation Roadsides also receive an allocation under this system. These are identified through the Shire roadside conversation database, which is populated by an independent botanist. Roadsides of high conservation value are usually recognised as having an endangered or threatened species present. Both Poornett Station Road North and South are examples of roadside reserves that have attracted an allocation. This approach provides for an allocation to address new and emergent weed species that threaten land managed by Council, including roadsides. Examples of these include Serrated Tussock and Boneseed. The budget for the 2008/09 financial year equals \$30,000, with \$18,000 allocated to Council managed land and \$6000 allocated to both high conservation roadsides and emergent weeds.

The benefits of this new approach are illustrated as agencies can easily identify where works can be coordinated to achieve maximum benefit. This is the case between Council and DSE as discussions are taking place in relation to works along high conservation roadsides that transect both private and crown land. It is envisioned that all the weeds along the whole length of these roads will be addressed as both parties work together.

To organise the weed control works into a system that can be managed easily, the Shire has been broken into three areas or 'packages'. These include the Colac and Volcanic Plains Package, Otway Ranges and Plains Package and the Coastal Package. Each package contains details of the species to be controlled and maps of the areas to be addressed. The packages have been advertised to invite quotes from contractors. Each contractor is then evaluated against a standard criteria that assesses their training, experience, previous performance and price in undertaking targeted weed control works. It is expected that this process will be completed by late October or early November 2008.

### **Future Approach**

As identified in previous memos, there are many land parcels owned and managed by the Colac Otway Shire. In many cases the conservation values of these areas is unknown and a botanist is required to undertake a comprehensive vegetation survey. The need to undertake this survey has been discussed with Executive. Executive recommended that a budget request be submitted in the 2009/10 financial year to engage a botanist. The assessment would be targeted at a selection of land parcels where it is reasonable to expect weed control to be achievable within the next five years. The information produced from

such a project would not only have implications for prioritising weed control works, but also identify areas available for native vegetation offsets.

In the interim, there is an opportunity to revise Council's current land database system. As highlighted in previous memos, the current database is two years old and needs to be updated with information on newly acquired land. For this work to be undertaken, direction needs to be given to the appropriate department to undertake the task.

### **Roadside Weed Management**

The issue of responsibility for the management of Regionally Controlled and Regionally Prohibited weeds and established pests on roadsides is currently the subject of on-going discussions between DPI and MAV. To address this issue in the interim DPI, with support from the MAV, have developed a project called 'Building the Capacity of Local Government to Respond to Pests' or BCLG. This project enables Local Governments to apply to DPI to gain funding for 'on-ground' works on municipal roadsides and to build the capacity of Council to strategically manage invasive pest plants and animals.

Eligible project activities under the on-ground component include; controlling (spraying) Regionally Controlled and Regionally Prohibited weeds, controlling established pests and vegetation management through replacing weeds with native species. Applications for this round of funding are due on the 14 November 2008.

The second component of this program relates to building the capacity of Local Governments. Projects that would be funded include; mapping of declared invasive pests on roadsides or Council managed land, weed identification training, vehicle hygiene training and data collection systems. Applications for this round of funding close on the 13 February 2009.

In a letter from DPI it is stated that the 'BCLG project will proceed for the 08/09 financial year on a without prejudice basis with no inference that Local Government is responsible for the management of pests on roadsides'. This is supported by the MAV which stated that 'a decision on whether to participate in the grants program is a matter for individual councils, but participation will not infer that local government is responsible for the management of these pest species'.

The positives from such a program are obvious as a reduction in the number and severity of weed infestations on roadsides is achieved, thereby promoting the native vegetation and biodiversity values within the Shire. However funding is unlikely to be provided for all roadside weeds. Roadsides such as Poorneet Station Road (North and South), due to its exceptional conservation value and the recent management plan developed by Greening Australia would be a good choice to receive funding. Roads within the Pennyroyal Creek area would also be considered as they are part of the river health project incorporating DPI landscape protection, sustainable landscapes and the Corangamite CMA.

However, further information provided by DPI indicates the BCGL program will probably be running for four years to build partnerships with municipal councils. If a resolution is not reached on the roadside weed issue it is possible that further funding will be available next year. This could mean that Local Government could continue to undertake works on roadsides for the next two years. Although DPI and MAV state that no responsibility will be inferred under this program, it is likely that the community interpretation may be significantly different. If the Colac Otway Shire is successful in gaining funding, the community may well conclude that Council is responsible. Additional to this are the resources required to coordinate and implement an expanded weed control project, placing demands on the Environment Unit.

**Proposal**

That Council notes and supports the Environment Unit's current strategic approach to allocating resources in relation to weed management. Council recognises the importance of a current land asset database and considers the allocation of adequate resources to undertake a review through the 2008/09 budget process. Council supports the submission of a budget bid to engage a botanist to undertake vegetation surveys on some land parcels in the 2009/10 financial year.

Council recognises the issues associated with coordinating pest control works on municipal roadsides and supports the officers in identifying and making application for funding to undertake these works.

**Financial and other Resource Implications**

There are no immediate financial implications associated, however it is expected that expanding the weed spraying program will require more of the Environment Officers time which may lead to a need for reprioritisation of other responsibilities.

**Risk Management & Compliance Issues**

There are risks associated with not having an up to date land database system, as land parcels owned and managed by the Shire may not be maintained as they are not recorded. Similarly, areas of land that are no longer under the direct management of the Shire may potentially be continuing to receive an allocation of Council's limited resources.

As discussed, there are significant resources associated with the management of roadside pest plants and animals. Similarly the risks associated with this issue are significant. There is a clear identifiable risk that if Council undertakes control works on roadsides the community will take on the belief that Council are responsible for this issue. It is considered that this will lead to further requests from the community to manage their roadsides, which is unsustainable within existing resource levels.

**Environmental Considerations**

There are no other environmental considerations related to this project.

**Communication Strategy/Consultation**

The consultation function of the WCC will continue to be utilised to develop and review the direction for weed control within the Colac Otway Shire.

**Implementation**

Council will continue with the current approach to manage pests within the Shire. Upon direction from Council, the Environment Unit will apply for funding to undertake pest control works on roadsides.

**Conclusion**

Weed management is problematic due to the extensive established weed infestations, the ongoing challenge of preventing new infestations and the limited resources allocated to their management. To achieve any tangible results with limited resources a strategic approach is required for weed management. Therefore, continuing with a strategic approach has been identified as the most appropriate option for the Colac Otway Shire to achieve effective weed management outcomes.

**Attachments**

Not applicable

**Recommendation(s)*****That Council:***

- 1. Support the Environment Unit's current strategic approach to allocating resources for weed management.***
- 2. Support an update of the current land asset database.***
- 3. Support the development of a budget request to engage a botanist to undertake vegetation surveys on specific land parcels in 2009/10.***
- 4. Support the submission of a grant application to support weed control works on high conservation roadsides.***

-----U-----



- improved footpaths and trails to allow for active connectivity between places and people
- protection of local character
- protection and enhancement of the natural environment

Colac Otway Shire has responded to these pressures through the development of the Apollo Bay Structure Plan (February 2007) that provides a strategic guide to major changes to land use, built form, access and public space while protecting and enhancing valued aspects of the area. It was developed through extensive research and analysis and a community engagement process that identified local needs and aspirations balanced against the pressures of growth.

A key area of consideration in the Structure Plan is the Apollo Bay Harbour Precinct which includes the Port of Apollo Bay, Point Bunbury and surrounding Crown Land, much of which is leased to the Apollo Bay Golf Club. The Port is one of only three safe blue water harbours in Victoria west of Port Phillip Bay and the only safe haven in an exposed stretch of water between the safe harbours of Queenscliff and Warrnambool. The sustainability of the Harbour is essential to the local fishing industry with a fleet of 11 and the character of this robust working port is a key factor in the tourism appeal of Apollo Bay.

The Harbour Precinct is recognised in the Colac Otway Planning Scheme as a key development opportunity “to deliver economic benefits to the Shire and promote Apollo Bay as a tourist destination.” It has been identified in the Council Plan 2005 – 2009 as a community priority.

The Harbour Precinct is also a key focus of State Government and is supported in several strategic documents including the ‘Great Ocean Road Region – A land use and transport strategy 2004’, that states as an objective to “Assist council to undertake a feasibility study into the use of the harbour at Apollo Bay as a major tourism precinct, boating and recreational facility in the long term”.

While recent processes to identify opportunities for redevelopment have been motivated by inclusion as both Local and State Government strategic priorities, there have been a number of studies relevant to the Harbour Precinct produced since 1991 that provide information, concept ideas and strategic direction for the Harbour Precinct:

- Apollo Bay Harbour Study 1990
- Apollo Bay Coastal Processes 1996
- Apollo Bay South East Precinct Urban Design Study 1997
- Colac Otway Strategic Development Master Plan 2001
- Colac Otway Economic Development and Tourism Strategy 2004
- Great Ocean Road Region, A Land Use and Transport Strategy 2004
- Apollo Bay Sand Study 2005

The current Master Planning process commenced following a State Government Community Cabinet in July 2005 where the Premier acknowledged the significance of the project. Following Community Cabinet a “Pre-Planning Group” including Council and State Government departments formed and a number of new reports were commissioned at the same time as the work was being done to commence the Apollo Bay Structure Plan.

- Apollo Bay Marine Survey 2006
- Port of Apollo Bay Future Capacity Study 2006
- Archaeological Investigation Blackfella’s Well & Middens Apollo Bay Harbour 2006



Councillors, staff, and State Government representatives also conducted a study tour of harbour developments in NSW.

The Apollo Bay Structure Plan has taken into account previous studies; independent analysis and local community input and provides strategic justification and Guiding Principles for redevelopment of the Harbour Precinct including: "Develop the port vicinity with a tourism, fishing, boating, commercial and recreational focus strengthening links to the town centre and providing net community benefits" (Attachment 1)

In order to implement this key Structure Plan objective it was recognised that a detailed harbour precinct development plan was needed to enable a submission to State Government for a substantial public contribution and to provide the potential for private investment to fund the implementation. In September 2006 Council engaged Meinhardt Infrastructure and Environment to work in consultation with Council and Executive Officers, a State Government Interdepartmental Steering Group and local Community Reference Group to create a plan to guide development in the Precinct over the next 20 years. The Interdepartmental Steering Group included the Colac Otway Shire CEO, 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 underlying assumption of the Master Planning process has been that Apollo Bay can 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 in line with the Guiding Principles of the Apollo Bay Structure Plan.

The Vision for the Harbour Master Plan was created through consultation with Council and the Community Reference Group:

"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 approved for public exhibition and community consultation at the February 2007 Meeting of Council. The 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. More than 550 submissions, letters and feed back forms were received. A full summary of community input

is attached in the Meinhardt - Apollo Bay Harbour Precinct Master Plan & Feasibility Study Issues Paper Overview of Stakeholder Feedback. (Attachment 2)

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. 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.<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. 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 of 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.<br>Include a note in the text of the Master Plan to indicate further investigation is needed.                                                               |

A draft Apollo Bay Harbour Precinct Master Plan incorporating these amendments was adopted by Council on 27 June 2007 (Attachment 3). The draft Master Plan included 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 the 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 the 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 to 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 based commercial activity within the Harbour.
16. New public open space for recreational activity on the existing Golf Course.
17. Extension to the eastern breakwater.

(Attachment 4 - Apollo Bay Harbour Precinct Master Plan and Feasibility Study DRAFT Master Plan)

In adopting the draft Master Plan Council noted the following:

***“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.”

Since the draft Master Plan was adopted Colac Otway Shire has completed draft Design Guidelines, a draft Feasibility Study, a Department of Treasury and Finance (DTF) Strategic Review of the Master Plan process, a review of the Community Reference Group (CRG) and engaged in a further consultation process prior to preparing the final draft Master Plan in this report for adoption by Council.

The draft Design Guidelines document 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)

The Apollo Bay Harbour Redevelopment – Draft Economic Impact Evaluation 31 March 2008 indicates a positive outlook for both a public contribution and private investment. (Attachment 6). To add further weight to this report the State Government engaged Ernst and Young to conduct an internal confidential market testing for commercial investment in the Precinct which also produced a positive result albeit in consideration of the current global economic crisis and the impact on local investment.

The DTF Strategic Review of the Master Plan was stage one of a formal process to assess proposals on readiness for a submission for funds from State Government through the Expenditure Review Committee (ERC) of Cabinet.

- 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 Review 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.

The Strategic Review 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”.

The Strategic Review Team also recognised good practices being implemented by Colac Otway Shire in the:

- Appointment of Price Waterhouse Cooper to review key elements of the feasibility study and the
- Inclusion and support of Government stakeholders”.

A key recommendation of the Strategic Review Team supported Council’s June 2007 decision to seek further consultation on the draft Master Plan:

*“Council should undertake a community design workshop, facilitated by an experienced independent party, aimed at resolving key design issues of concern to stakeholders.”*

One of the key issues prior to any further consultation was the role of the CRG. In response to concerns expressed by some members of the community that it was not representative of diverse community views and that some members had not fully consulted with their own stakeholder groups, the CRG was reviewed and broadened to ensure that the people nominated are bone fide representatives of key stakeholder groups and committed to consult with their respective groups and feed back information from Reference Group meetings. The reformed CRG was endorsed by Council at the May 2008 Meeting and includes:

- 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
- Chris Thomas Apollo Bay Board Riders Club
- Will Cox Parks Vic
- John Verey Apollo Bay Golf Club
- Tony Webber Otway Forum

Further consultation with the community and key stakeholders was recommended by Council in June 2007 and by the Strategic Review Team in February 2008. In response to this the Interdepartmental Steering Group decided on a process called Enquiry by Design (EbD) that uses a series of professionally facilitated and inclusive design workshops in which a group of designers draft solutions to a design problem while integrating the aspirations and interests of the local community.

Ecologically Sustainable Design (ESD) was engaged to conduct the EbD over a 5 day period of intensive investigation and consultation with the Apollo Bay community in September 2008. The outcome is a new Master Plan for the Harbour Precinct that provides opportunity for redevelopment that reflects the character and cultural heritage of the town, respects the surrounding natural environment, and provides optimum community benefit while supporting

the fishing and boating focus of Port operations and enhancing the tourism appeal of the precinct.

The EbD Master Plan including four new development options has delivered on the Guiding Principles of the Apollo Bay Structure Plan for the Harbour Precinct and the Master Plan Vision statement. It deals with every issue raised over the past two year consultation process and includes a number of new elements. A full explanation of the new Master Plan is included in Issues/Options section below.

### **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 2002
- Victorian Coastal Council DRAFT Coastal Strategy 2007
- DSE Nature-based Tourism Strategy 2007 – 2011.

### **Issues/Options**

The EbD process resulted in two options for development each with a sub option for development. As it is impossible to determine the future location of the golf course at this time, it has been agreed to include both development options with a golf course included and golf course excluded sub option, in recognition of the importance of the golf course to Apollo Bay:

- Option 1A is a Master Plan with the golf course retained in its current location and includes a range of improvements to the precinct plus a number of new initiatives. The golf course would be retained with a possible alteration to the third fairway to enable the redevelopment of Nelson Street as the Harbour entrance road.
- Option 1B is a Master Plan with the golf course relocated from its current location and includes a range of improvements to the precinct plus a number of new initiatives. It includes:
  - New public open space for passive recreational activity.
  - A new public camping area adjacent to Trafalgar Street that removes the need to create these facilities on Point Bunbury and to build a new access road.
- Option 2 A is a Master Plan with the golf course retained in its current location and includes a range of improvements to the precinct plus a number of new initiatives including a Health and Well Being Centre with Accommodation. It includes a proposed alteration to the third fairway to enable the redevelopment of Nelson Street as the Harbour entrance road. It would also include:
  - A Health and Well Being Centre to be constructed to provide public access and private treatment along with accommodation of approximately 40 rooms.
  - A new public access heated saltwater swimming pool to be built in association with the Health and Well Being Centre.

- Option 2 B is a Master Plan with the golf course relocated from its current location and includes a range of improvements to the precinct plus a number of new initiatives including a Health and Well Being Centre with Accommodation. It includes:
  - New public open space for passive recreational activity.
  - A new public camping area adjacent to Trafalgar Street
  - A Health and Well Being Centre to be constructed to provide public access and private treatment along with accommodation of approximately 40 rooms.
  - A new public access heated saltwater swimming pool to be built in association with the Health and Well Being Centre.

Common to all of the options are the following:

- Nelson Street to be widened and enhanced to become the Harbour entry road, removing the need to create a new road through public open space.
- The sand dunes at Mothers Beach to be left in their current natural state.
- A new Fisherman's CoOp sales and interpretive centre including seafood restaurant, toilets, interpretive displays on maritime history of Apollo Bay to be located adjacent to the current building allowing the Mothers Beach car park to be formalised to enable more parking spaces and to be made safer.
- A new small recreational marina to be developed following demand on the eastern breakwater.
- The existing Fisherman's CoOp building to be retained with modified access to separate vehicles from pedestrians.
- The current boat ramp to be retained and enhanced along with a formalisation of the existing car park to enable more parking spaces and to be made safer.
- Port operations base to be rebuilt adjacent to the current site including enhanced facilities for Harbour Management, boat repairs, an upgraded slip and a sling berth for emergency access for Marine rescue.
- New Sailing Club facilities for club activities, race management, storage, repairs, toilets and showers.
- New space for water based commercial activity within the Harbour, possibly a floating restaurant.
- A new small extension to the western pier to be constructed to modify the wave surge impact on boat moorings and the proposed extension to eastern breakwater to be investigated.
- A new Great Ocean Road Aboriginal Interpretive Centre.
- Public toilets and change rooms to be provided at Mothers Beach car park, the Harbour Beach and within the harbour central precinct.
- Increased and formalised parking for cars and boat trailers by enhancing Mothers Beach Car Park, the Boat Ramp Car Park, and Nelson Street.
- A new open air amphitheatre to be provided for the Music Festival and other community events.
- A new loop walk for the Great Ocean Walk.
- Commercial opportunities in the Harbour precinct to be Port operations, fishing, Fishermens Coop activities and Aboriginal interpretive centre.
- The guiding principle for redevelopment will be public access and public benefit.

It is recommended that the Option that is adopted by Council is referred to a Planning Scheme Amendment process to introduce the Master Plan into the Colac Otway Shire Planning Scheme as an incorporated document. This will provide the community with another opportunity to comment on the proposed development plan during the amendment process, and for submissions to be considered by an independent panel.

**Option 1**

Option 1, including sub options to retain or relocate the golf course, includes all of the infrastructure improvements outlined above excluding the proposed Health and Well Being Centre with Accommodation and the heated saltwater swimming pool.

The Health and Well Being Centre with Accommodation is a proposal that emerged from two separate sources. The Apollo Bay Chamber of Commerce and Tourism (ABCCT) offered the concept in the initial consultation period for the draft Harbour Precinct Master Plan. As the process continued the concept converged with the proposal for an 80 room boutique Hotel. In submissions received through the draft Master Plan consultation process commercial development in the Harbour was least supported of all the elements of the proposed Plan and the Hotel was the most disliked of all of the commercial development. The idea of a Health and Well Being Centre and the development of a new industry for the region became lost in the public controversy over the proposed Hotel.

Concurrent with the Enquiry by Design, the State Government engaged Ernst and Young to conduct an internal confidential market testing for commercial investment in the Precinct. The response from potential developers indicated that the proposed 80 rooms would be too small for a major Hotel investment and too large for a boutique facility. It was suggested that 40 rooms would be more desirable for this market with the proviso that it was built around the Health and Well Being Industry.

The Health and Well Being Centre/Hotel remains the most controversial element of the Master Plan, however through the course of the Enquiry by Design it became clear that there was a greater acceptance of the proposal because it had the support of the ABCCT, it was supported by advice from the private investment market and the change from 80 to 40 rooms substantially reduced the footprint and scale of the development.

The implementation of Option 1 would involve Council seeking a major State Government contribution to public works such as enhancements to Nelson Street, the Harbour management and works area, new connecting pathways and beach access, or new Sailing Club facilities.

It may be possible to attract a Federal Government grant for parts of the proposed redevelopment such as GORAC, but the public works would need to be substantially funded by State Government. The State Government has made it clear that a substantial investment of public funds in Apollo Bay would only proceed if there was a subsequent increase in economic development in the region. This would be most clearly identified as an increase in tourism yield, or the amount of money each tourist spends in the region whilst visiting. The draft Master Plan Feasibility Study identifies that tourists stay on average 1.2 nights in Apollo Bay. Tourism Victoria, Geelong Otway Tourism and Otways Tourism all support the contention that adding to local amenity, providing new attractions and the opportunity for upmarket accommodation in the Harbour Precinct would influence visitors to stay longer, increasing the average stay beyond 1.2 days per person and increasing local and regional tourism yield

Any significant change to the Harbour Precinct will come from a combination of Government funds and private investment. The State Government has stated that private investment is needed to leverage public funds and it is clear that substantial public works would be required to in turn leverage private investment.

Option 1 will be unlikely to attract significant Government funding. The Health and Well Being Centre and new heated salt water Harbour Swimming Pool are vital elements in drawing more tourists into Apollo Bay and to encourage them to stay longer and to spend more of their holiday money in the town and the region



Option 1 is not recommended. It would result in piecemeal implementation over a long period of time without ever realising the full extent of proposed works. A gradual improvement to facilities and amenity in the Harbour Precinct would be welcome but would have a negligible impact on tourism numbers and yield and not deliver recreational and community benefits to Apollo Bay.

### **Option 2**

Option 2, including sub options to retain or relocate the golf course includes all of the infrastructure improvements outlined above including the proposed Health and Well Being Centre with Accommodation and heated salt water swimming pool. It includes all of the private investment options proposed by the community- a Health and Well Being Centre with Accommodation, new heated salt water Harbour Swimming Pool, a Fishermans Coop Restaurant and Interpretive Centre, an expanded Fishermans Coop and possibly a floating restaurant. All of these ideas came from members of the Apollo Bay community and key stakeholders such as the ABCCT Tourism and the Fishermens CoOp. These proposals would not be eligible for Government funding but the Government contribution to public infrastructure would leverage the private funds needed to develop these attractions

The private investment would not be possible until after the Government contribution to public infrastructure, so the public works would be guaranteed to come first. Without Government and private funds they may come in time but this would be a piecemeal process over a very long time and would have to be funded in a large part by ratepayer funds.

### **Preferred Option**

Option 2 is preferred as it provides the best strategy for implementation with the combination of Government funds and private investment. It incorporates most of the things that members of the community told us they wanted through the original draft Master Plan process and over the 5 day Enquiry by Design. It rejects most of the things the community told us it didn't want.

Option 2 balances the community's aspirations for social, economic and environmental benefit. It includes private investment opportunities proposed and supported by members of the local community. It includes the option of the golf course staying in the Harbour Precinct. It produces optimum community benefit and most importantly of all it is a redevelopment that fits the unique character of Apollo Bay.

It conforms to both the Apollo Bay Structure Plan Guiding Principles and the Harbour Precinct Master Plan Vision.

| <b>Master Plan Vision</b>                                                                                                                                                                                                                                                                                      | <b>Benefits of proposed Master Plan</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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.                                                                                                                                                            | <ul style="list-style-type: none"> <li>▪ New public infrastructure to attract for local people and tourists.</li> <li>▪ New harbour working facilities for fishing and port management to improve port functionality and enhance the harbour as its tourism attraction.</li> <li>▪ Exemplary design to create another attraction to the precinct.</li> <li>▪ Unique design of new Great Ocean Road Aboriginal Centre (GORAC) to create another 'must see' factor.</li> </ul>                                                                                                                                                                            |
| 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.                                                                                                             | <ul style="list-style-type: none"> <li>▪ Tourism - new facilities, enhanced aesthetic appeal</li> <li>▪ Fishing - Commercial and recreational facilities to be upgraded.</li> <li>▪ Recreational - boating facilities and swimming facilities to be upgraded.</li> <li>▪ Recreational - New Sailing Club facilities.</li> <li>▪ Recreational - New public heated salt water pool</li> <li>▪ Links - Improved Nelson Street and a new network of connecting pathways.</li> </ul>                                                                                                                                                                         |
| 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. | <ul style="list-style-type: none"> <li>▪ Upgraded Port management and works area to support the sustainability of the commercial Harbour.</li> <li>▪ New roads designed to provide memorable, safe and convenient circulation for pedestrians and vehicles.</li> <li>▪ Landscape that is both functional, natural and encourages walking, cycling, picnicking, games, and special events.</li> <li>▪ 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.</li> </ul> |
| 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."                                                                                                                                | <ul style="list-style-type: none"> <li>▪ New fishing/maritime interpretive centre in conjunction with the Fishermans CoOp.</li> <li>▪ New indigenous cultural heritage centre, GORAC.</li> <li>▪ A new Master Plan that respects and affirms the unique character of Apollo Bay</li> </ul>                                                                                                                                                                                                                                                                                                                                                              |

### **Golf Club Future Location**

Both Option 1 and 2 include provision for the golf course to remain in the Harbour Precinct. The current Crown Land lease between the Golf Club and the Apollo Bay Kennet River Public Reserves Committee of Management expires in 2016. While the lease is between the Apollo Bay Kennet River Public Reserves Committee of Management and the Golf Club, the Public reserves Committee of Management acts on behalf of the State Government. The decision on lease arrangements beyond 2016 would rest with the State Government advised by DSE.

The Golf Club Committee has purchased land adjacent to the Barham River and joined with the proponents of the proposed Great Ocean Green Development to construct a new 18 hole course if that proposed development is approved and proceeds. The Golf Club Committee has agreed to the inclusion of an option to remain in the Harbour Precinct on the proviso that any changes to the golf course to accommodate the redevelopment of Nelson Street as the Harbour access road are agreeable to the Golf Club Committee. Colac Otway Shire will convene a working group including the Golf Club, the Apollo Bay Kennet River Public Reserves Committee of Management and DSE to work through a solution to this issue.

### **Planning Scheme Amendment**

While much of the Master Plan could be delivered without a Planning Scheme Amendment, uses such as the Health and Well Being Centre and Hotel would require a change to occur. There is also a significant benefit of incorporating the Master Plan into the Planning Scheme as it will “lock-in” aspects of the Master Plan to the extent that if significant changes were proposed at any stage, such as a significant increase in the size of the hotel, a further planning scheme amendment would be required, necessitating public engagement and consideration of submissions by an independent Panel. This will assist in overcoming some reservation that exists in the community about confidence that the Master Plan will be delivered without key elements being changed. It was evident from the EbD process, that whilst there seemed to be broad support for the new Master Plan, some in the community did not trust that it would be followed through in that form.

Prior to exhibition of an amendment to the planning scheme, further investigations will need to be undertaken, including but not limited to:

- Cultural Heritage Management Plan
- Traffic Analysis
- Visual Impact Assessment
- Environmental Assessment
- Climate Change assessment (i.e. effects of future sea level rise)
- Testing for Acid Sulphate Soils
- Landslip assessment

These investigations are necessary to provide a degree of detailed analysis that was not possible during the EbD process, and which can only be undertaken by suitably qualified professionals. They will be used to draft an Incorporated Document for inclusion in the Planning Scheme that is a more Detailed Master Plan, based on the Master Plan to be adopted by Council but with further information that is required for its implementation. It is envisaged that this document will be presented back to Council for consideration along with the draft Amendment documents prior to exhibition.

### **Proposal**

That Council note the outcomes of the recent ‘Enquiry by Design’ consultation process and adopt the revised Apollo Bay Harbour Master Plan based on Option 2 which includes 2A the golf course remaining and 2B the golf course relocated.

That Council note that the Golf Club Committee has agreed to the inclusion of an option to remain in the Harbour Precinct on the proviso that any changes to the golf course to accommodate the redevelopment of Nelson Street as the Harbour access road are agreeable to the Golf Club Committee. Colac Otway Shire will convene a working group including the Golf Club, the Apollo Bay Kennet River Public Reserves Committee of Management, DSE to work through a solution to this issue.

That subject to receiving external funding, Council authorise the commencement of a Planning Scheme Amendment to introduce the Master Plan into the Colac Otway Shire Planning Scheme as an incorporated document.

That Council note that the Planning Scheme Amendment will include another stage of community engagement to finalise community input into the development of a Detailed Harbour Precinct Plan and the final Planning Scheme provisions.

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

The Apollo Bay Harbour Master Plan and Feasibility Study has been funded through State Government and Council contributions.

Grant Funds received:

|                            |                 |
|----------------------------|-----------------|
| DSE                        | \$ 49,545       |
| Tourism Vic                | \$ 60,000       |
| RDV                        | <u>\$ 7,500</u> |
| Total grant funds received | \$117,045       |

Grant funds anticipated

|                                |                  |
|--------------------------------|------------------|
| Tourism Vic                    | \$ 45,000        |
| RDV                            | <u>\$ 40,000</u> |
| Total received and anticipated | \$202,045        |

|                       |                  |
|-----------------------|------------------|
| Expenditure           | \$211,466        |
| Committed expenditure | <u>\$ 13,835</u> |
| Total expenditure     | \$225,301        |

Council funds \$ 23,256

The cost of developing the more Detailed Master Plan including detailed investigations noted above and undertaking the Planning Scheme Amendment process will be significant, in the order of \$500,000, which includes the cost of any independent panel appointed to hear submissions. Discussion is taking place with the above State Government Departments on further assistance in completing a Planning Scheme Amendment and the Detailed Harbour Precinct Plan. Council does not have the resources to undertake the work, and it will be reliant on external funding being received.

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

A Risk Management Plan is attached (Attachment 8).

At this point the major risk in the Master Planning process that is designed to be a precursor and catalyst for implementation is lack of funding. There is a risk that funding will not be achieved through either Government or the private market. Adoption of Option 1 increases this risk.

A next stage of the process if funding is achieved is a Business Case that will further outline risk issues what bodies 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.

Further investigations during the Planning Scheme Amendment and detailed design stage would take into account specific environmental impacts.

It is worth noting that the current proposed Master Plan has a significantly lower impact on the environment as a number of interventions are no longer included such as the formerly proposed new harbour entrance road, the modification of sand dunes, the roadway around Point Bunbury and the deepening of the Harbour. It also proposes recycling of the currently unused steel frame in the Harbour works area as the frame for construction of the proposed new Sailing Club facility.

### **Communication Strategy/Consultation**

The community consultation strategy for the Harbour Precinct Master Plan has over the past two years delivered a number of newsletters, individual letters to residents and ratepayers, media releases, radio interviews, public forums and consultations. It is proposed that this process continue. An 8 page colour brochure will be produced and sent to residents and ratepayers of Apollo Bay describing the EbD process, outcomes, options and the preferred option adopted by Council that will include the sub options of the golf course remaining and the golf course relocated.

Further consultation opportunities will be available during the Planning Scheme Amendment process when the 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 an independent panel hearing during the process.

### **Implementation**

The next step once Council adopts the Master Plan is to communicate the process and the outcomes in an 8 page brochure to be produced and sent to residents and ratepayers of Apollo Bay.

Next stages if approved include:

- Planning Scheme Amendment including a range of specialist reports/investigations as described above and associated community contribution
- Development of a Detailed Harbour Precinct Plan that will form the basis for a document to be incorporated in the Planning Scheme by the amendment
- Business Case preparation for an ERC bid
- Stage 2 of the Gateway Review Process: Business Case Assessment
- State Government Expression of Interest (EoI) process to seek private investment.

It is anticipated that it will take at least 6-8 months to draft the amendment and undertake suitable investigations before presenting the documents to Council for review prior to formal exhibition of the amendment commencing.

The revised Master Plan demonstrates maximum capacity for development over the next 20 years. 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 will 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**

Apollo Bay is a small coastal township experiencing growth pressure on infrastructure, facilities and open space. It is a small community experiencing growth pressure on sense of identity, character, and local ownership. It is part of a region in transition from a traditional economy based on primary production in fishing and forestry, to one driven by tourism which brings with it opportunity but also pressure for change.

Colac Otway Shire has been responding to these pressures through the development of the Apollo Bay Structure Plan (February 2007) and the drafting of the Apollo Bay Harbour Precinct Master Plan. The Harbour Precinct is recognised in the Colac Otway Planning Scheme as a key development opportunity “to deliver economic benefits to the Shire and promote Apollo Bay as a tourist destination”, and has been identified in the Council Plan 2005 – 2009 as a community priority.

The Harbour Precinct is also a key focus of State Government and supported in several strategic documents including the ‘Great Ocean Road Region – A land use and transport strategy 2004’. (Attachment B)

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.

There is growing demand in this Region for high quality tourist and community facilities, heritage and environment interpretation, food and wine and associated tourism product. The proposed final Master Plan creates a precinct in Apollo Bay where all of these things can happen within a development plan that integrates with the main shopping area and is designed to identify and fit the unique local character of Apollo Bay.

It is anticipated that the Master Plan would be implemented by a combination of public funds through both State and Federal Government and private investment in the Health and Well Being Centre and other commercial options including the Fishermans CoOp. The injection of a combination of public and private funds into Apollo Bay will assist in reducing the region’s economic seasonality by providing a new tourist attractor. It will also boost local business growth by encouraging visitors to extend their length of stay and spend in the region.

The ‘Enquiry by Design’ process has delivered a Master Plan that has been underpinned by the Guiding Principles of the Apollo Bay Structure Plan and meets all of the stated objectives of the Master Plan Vision. Council is encouraged to adopt its preferred option, and subject to receipt of external funding, move to undertake a Planning Scheme Amendment that incorporates the Plan into the Planning Scheme.

**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 Master 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
9. Apollo Bay Harbour Enquiry by Design Master Plan Options
10. Enquiry by Design PowerPoint presentation.

**Recommendation(s)**

***That Council:***

1. ***Acknowledge the outcomes of the 'Enquiry by Design' consultation process that have led to development of a revised Harbour Master Plan.***
2. ***Adopt the revised Apollo Bay Harbour Master Plan based on Option 2 which includes 2A the golf course remaining and 2B the golf course relocated.***
3. ***Subject to receipt of external funding, Council proceed to develop a more Detailed Master Plan for incorporation into the Planning Scheme,***
4. ***Consider an officer's report presenting the draft planning scheme amendment and Detailed Master Plan prior to exhibition of the amendment.***
5. ***Note that the Planning Scheme Amendment process provides the community with a further and comprehensive opportunity for input to the plan and once incorporated into the Planning Scheme would limit development to that described in the plan and any additional development would only occur if there was a further planning scheme amendment process.***

~~~~~\ ~~~~~





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
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.
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.
Would be used for storage, race control facilities, toilets and other facilities.
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.
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.
Public access would not be permitted for safety reasons.
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.
The dunes would be revegetated with indigenous species.
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:
- designed to ensure low scale and low visual impact
- designed after extensive community consultation
- 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.
They would not all be built at once. They would be developed in response to commercial demand.
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.
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.
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.
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. |

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**

Meinhardt Infrastructure & Environment Pty Ltd
A.C.N. 100 868 979

501 Swanston Street, Melbourne 3000
Tel: (03) 8676 1200 Fax: (03) 8676 1201

Project no: 3005

Revision: 00

Date of Issue June 2007



Copyright

© Meinhardt Infrastructure & Environment Pty Ltd 2007

This document is subject to copyright. Use or copying of this document in whole or part without the written permission of Meinhardt Infrastructure & Environment Pty Ltd constitutes an infringement of copyright.

Disclaimer

Information in this document is current as of June 2007. While all professional care has been undertaken in preparing the document, Meinhardt accepts no liability for loss or damages incurred as a result of reliance placed upon its content.

The mention of any company, product or process in this report does not constitute or imply endorsement by Meinhardt.

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 |

TABLE OF CONTENTS

| | | |
|-----------|---|----------|
| 1. | INTRODUCTION | 1 |
| 1.1 | WHAT IS A MASTER PLAN? | 1 |
| 2. | ASSESSMENT OF STAKEHOLDER FEEDBACK | 2 |
| 2.1 | MASTER PLAN VISION | 2 |
| 2.2 | CHANGES TO PRELIMINARY MASTER PLAN | 3 |
| 3. | NEXT STEPS..... | 5 |

APPENDIX A – ANALYSIS OF STAKEHOLDER FEEDBACK

APPENDIX B – OVERVIEW OF KEY ISSUES RAISED IN STAKEHOLDER FEEDBACK

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 |
| TOTAL | 280 | 54.9 | 225 | 44.1 | 5 | 1.0 | 510 | 100.0 |

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 |
| TOTAL | 250 | 54.0 | 209 | 45.1 | 4 | 0.9 | 463 | 100.0 |

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.

| Proposal | First | Second | Third | Fourth | Fifth | TOTAL |
|---|-------|--------|-------|--------|-------|-------|
| 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**

| New Access Road | Resident | Non Resident | Address Unknown | TOTAL |
|---------------------------------------|-----------------|---------------------|------------------------|--------------|
| 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 |

| Public lawn (modified dunes) | Resident | Non Resident | Address Unknown | TOTAL |
|-------------------------------------|-----------------|---------------------|------------------------|--------------|
| Retain sand dunes | 7 | 7 | | 14 |
| Sand movement/wind | 9 | 3 | | 12 |
| Keep family swimming beach | 4 | 1 | | 5 |
| Requires specialist advice | | 3 | | 3 |

| New Fishermans Co-operative Building | Resident | Non Resident | Address Unknown | TOTAL |
|---|-----------------|---------------------|------------------------|--------------|
| Locate in existing building | 5 | 1 | | 6 |

| Community & commercial buildings along harbour edge | Resident | Non Resident | Address Unknown | TOTAL |
|--|-----------------|---------------------|------------------------|--------------|
| 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 |

| Recreational boating marina | Resident | Non Resident | Address Unknown | TOTAL |
|---|-----------------|---------------------|------------------------|--------------|
| Will never be fully utilised | 11 | | | 11 |
| Would require blasting - environmental concerns | 8 | 1 | | 9 |
| Not necessary/viable | 6 | | | 6 |

| 50 metre salt water pool | Resident | Non Resident | Address Unknown | TOTAL |
|-----------------------------------|-----------------|---------------------|------------------------|--------------|
| 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 |

| Redeveloped Fisherman's Co-operative | Resident | Non Resident | Address Unknown | TOTAL |
|--|-----------------|---------------------|------------------------|--------------|
| Improve existing building - minimise expansion | 10 | 1 | | 11 |
| Retain Co-op functions in one building | 2 | | | 2 |

| Boat launching and trailer park facility | Resident | Non Resident | Address Unknown | TOTAL |
|---|-----------------|---------------------|------------------------|--------------|
| 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 |

| Boat repair and Port operations base | Resident | Non Resident | Address Unknown | TOTAL |
|---|-----------------|---------------------|------------------------|--------------|
| Keep in current location and improve | 8 | | | 8 |
| Need commercial boat slip | 4 | 4 | | 8 |
| Retain current slip repair | 4 | | | 4 |

| Sailing Club facilities | Resident | Non Resident | Address Unknown | TOTAL |
|--------------------------------|-----------------|---------------------|------------------------|--------------|
| Need better facilities | 4 | 5 | | 9 |
| Need toilets and change rooms | 3 | | | 3 |
| No shared club rooms | 2 | | | 2 |

| Seasonal camping area | Resident | Non Resident | Address Unknown | TOTAL |
|---|-----------------|---------------------|------------------------|--------------|
| 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 |

| Hotel/visitor accommodation | Resident | Non Resident | Address Unknown | TOTAL |
|---|-----------------|---------------------|------------------------|--------------|
| 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 |

| Heritage theme market space | Resident | Non Resident | Address Unknown | TOTAL |
|------------------------------------|-----------------|---------------------|------------------------|--------------|
| Retain present market site | 17 | 1 | | 18 |
| Dangerous, surrounded by roads | 4 | 3 | | 7 |
| Need access to adjoining buildings | 6 | | | 6 |

| Community precinct | Resident | Non Resident | Address Unknown | TOTAL |
|---|-----------------|---------------------|------------------------|--------------|
| Council/community facilities should be in town centre | 13 | | | 13 |
| No council/community buildings on foreshore | | 8 | | 8 |
| Have enough meeting rooms | 2 | | | 2 |

| Potential water based commercial development | Resident | Non Resident | Address Unknown | TOTAL |
|---|-----------------|---------------------|------------------------|--------------|
| Not required | 4 | 4 | | 8 |
| Too vague | | 5 | | 5 |

| Informal public open space | Resident | Non Resident | Address Unknown | TOTAL |
|-----------------------------------|-----------------|---------------------|------------------------|--------------|
| Good | 3 | 2 | | 5 |

| 60 metre extension to eastern breakwater | Resident | Non Resident | Address Unknown | TOTAL |
|---|-----------------|---------------------|------------------------|--------------|
| 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>New Access Road (Item 1 on preliminary master plan)
 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>Public lawn (modified dunes) (Item 2)
 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>New Fisherman's Co-operative building (Item 3)
 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>Community and commercial buildings along harbour edge (Item 4)
 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>Recreational boating marina (Item 5)
 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>50 metre salt water pool (Item 6)
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>Redeveloped Fishermans Co-operative building (Item 7)
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>Boat launching and trailer park facility (Item 8)
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>Boat repair and Port operations base (Item 9)
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 inadequate for the functional requirements of the repair and Port facilities. 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>Sailing Club facilities (Item 10)</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>Seasonal camping area (Item 11)
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>Hotel/visitor accommodation (Item 12)
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.</p> <p><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>Heritage theme market space (Item 13)
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.
This area is to be renamed Heritage and Memorial Park.</p> |
| <p>Community precinct (Item 14)
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.
The design of the building will be dependent on a more definite brief of Council's requirements.
The proposed new building previously shown on the preliminary master plan (on the east side of this space) has been deleted.</p> |
| <p>Potential water based commercial development (Item 15)
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.
The commercial possibilities should be explored and no change is proposed.</p> |
| <p>Informal public open space (Item 16)</p> | <p>No changes proposed.</p> |
| <p>60 metre extension to eastern breakwater (Item 17)
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.
Further investigation into the engineering and environmental issues associated with the various options will be required.</p> |

| ISSUE | RESPONSE |
|---|---|
| <p>Other Issues
 Traffic management issues
 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 egress. It is kept frontage. It is also kept to a low level along the waterfront. The road is designed to be a high quality pedestrian and cycle route. The road is designed to be a high quality pedestrian and cycle route. The road is designed to be a high quality pedestrian and cycle route.
2. **New public lawn**
The public lawn will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The public lawn will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
3. **New waterfront cafe and interpretive centre**
The cafe and interpretive centre will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The cafe and interpretive centre will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
4. **Harbour edge community and commercial buildings**
The community and commercial buildings will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The community and commercial buildings will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
5. **New recreational facilities**
The recreational facilities will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The recreational facilities will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
6. **New waterfront outdoor lap pool**
The outdoor lap pool will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The outdoor lap pool will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
7. **Existing waterfront Co-op building**
The Co-op building will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The Co-op building will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
8. **Boat launching and trailer parking**
The boat launching and trailer parking will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The boat launching and trailer parking will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
9. **Boat repair & boat operations base**
The boat repair and boat operations base will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The boat repair and boat operations base will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
10. **Boat club building**
The boat club building will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The boat club building will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
11. **Clamping area and access road**
The clamping area and access road will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The clamping area and access road will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
12. **Heritage and historical park**
The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
13. **New community precinct**
The new community precinct will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The new community precinct will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
14. **Heritage and historical park**
The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
15. **Heritage and historical park**
The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
16. **Heritage and historical park**
The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
17. **Heritage and historical park**
The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
18. **Heritage and historical park**
The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
19. **Heritage and historical park**
The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
20. **Heritage and historical park**
The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
21. **Heritage and historical park**
The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.
22. **Heritage and historical park**
The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route. The heritage and historical park will be located adjacent to the waterfront and will be a high quality pedestrian and cycle route.



Colac Otway
SHIRE



APOLLO BAY HARBOUR PRECINCT - DEVELOPMENT GUIDELINES

DRAFT FOR DISCUSSION



Figure 1 : Aerial View of Apollo Bay Harbour Study Area

APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES

Aerial View
 CLIENT Colac Otway Shire
 DRAWING
 STAGE Feasibility
 DIVISION B
 DATE 14.08.2007
 SCALE

DRAFT FOR DISCUSSION



Colac Otway Shire
 Infrastructure & Environment
 MEINHARDT INFRASTRUCTURE & ENVIRONMENT
 mgs



- 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

REVISION
B

STAGE
Feasibility

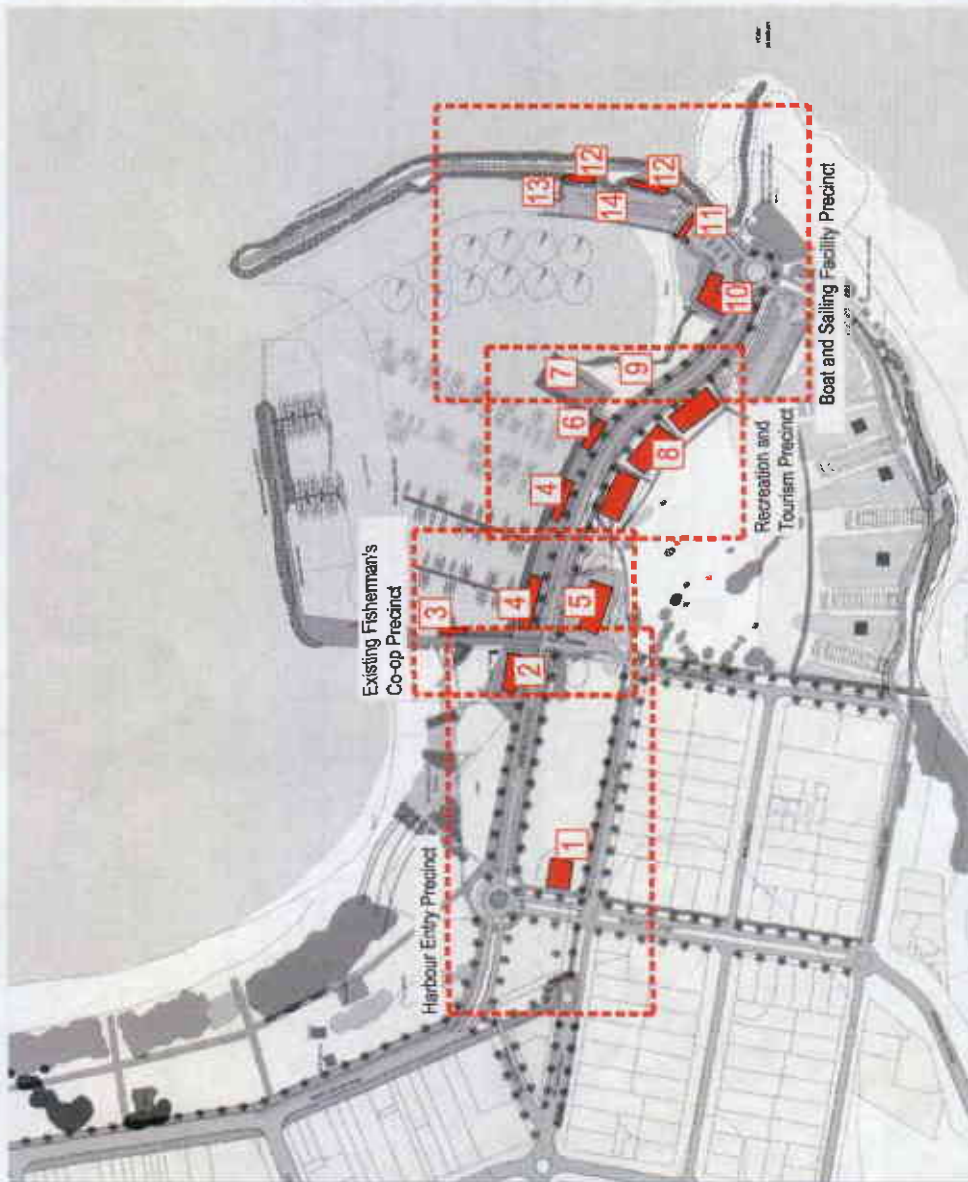
DRAWING

CLIENT
Colac Otway Shire

Figure 2 : Apollo Bay Harbour Master Plan

APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES

Master Plan



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
 Feasibility
 REVISION
 B

DATE
 14.08.2013

SCALE



DRAFT FOR DISCUSSION

CONTENTS

1.0 INTRODUCTION 1

2.0 PURPOSE OF GUIDELINES 2

3.0 APOLLO BAY HARBOUR PRECINCT: DEVELOPMENT PRINCIPLES 3

 3.1 CLIMATE CHANGE..... 3

 3.2 SUSTAINABLE STRATEGY 3

 ENVIRONMENTAL/ECOLOGICAL PRINCIPLES 3

 SOCIAL PRINCIPLES 5

 ECONOMIC PRINCIPLES 5

4.0 DEVELOPMENT GUIDELINES 6

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 spaces 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

DATE
08 08 2007

REVISION
A

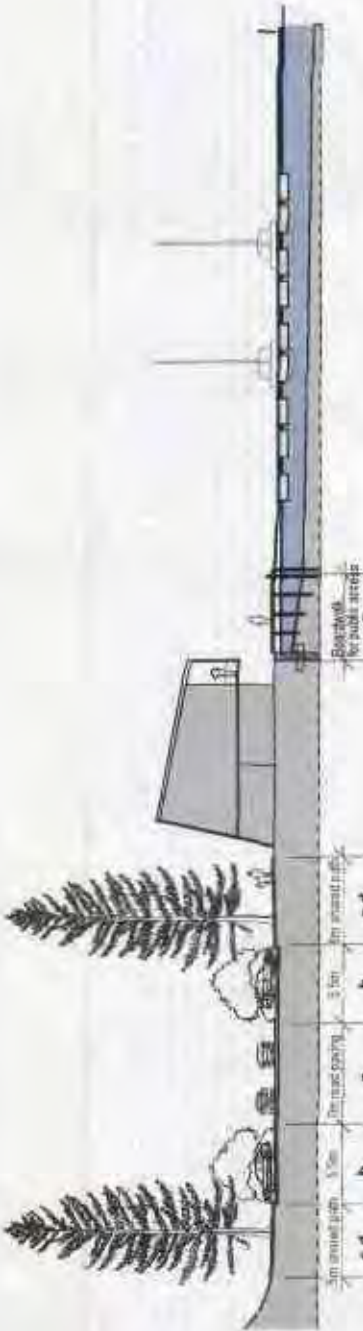
STAGE
Feasibility

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 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 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 hot 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 sheltered 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. Careful consideration of materials and structural 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 shared path system will be bitumen connections through this area and a high quality coastal walk that focuses views on the natural coastline. Elevated viewing decks, beach access tracks and interpretive displays will be developed.

APOLLO BAY HARBOUR PRECINCT - DESIGN GUIDELINES

CLIENT
Colac Otway Shire

PREPARED BY
LAL

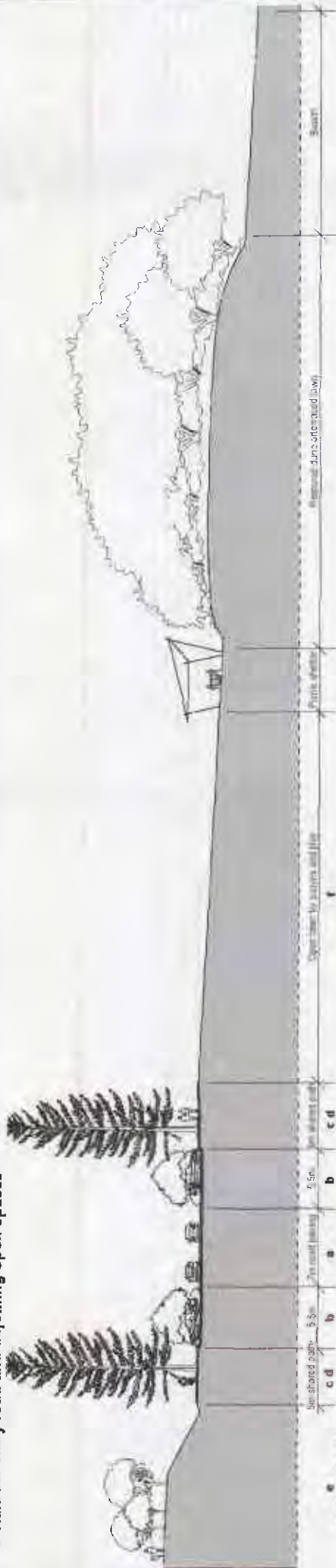
STAGE
Feasibility

REVISION
A

DATE
06 06 2007

SCALE
1:50000:4

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 lawn pavements to capture water for lawn and landscaped display 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 microclimate for pedestrians in selected locations.

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 mossy water, indigenous coastal vegetation, open lawn and high quality shelers and furniture will be the design vocabulary for this area.

4 Extended Great Ocean Road and adjoining landscapes



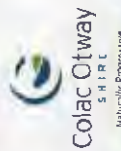
Design objective

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 graded nature strips could accommodate narrow piles or similar large formal concrete 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

CLIENT
Colac Otway Shire

DRAWING
L03

STAGE
Feasibility

REVISION
A

DATE
08.08.2007

SCALE
1:500 @ A4



Typical layout of camping area

Camping Sites

The site planning concept for the camping area is to develop five camping aprons similar to this typical layout. They will be carefully sited to fit the landform and existing vegetation. Each apron will be developed over the existing golf course so that all available substantial vegetation 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 apron is organized around a narrow road loop connecting from the public access road. Drive through camp sites are provided between the two carriageways of the loop.

Out of holiday periods camping aprons could be closed to vehicle access while footpaths would remain open for public access.

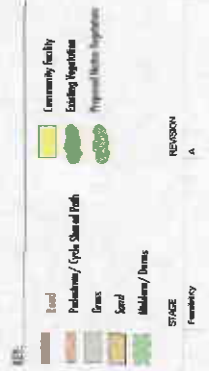
- 1 Open grass area for non powered tent sites**
This area will use the existing golf fairway to provide a walk in tent only camp sites that will be marked with flush ceramic markers at the site corners. No other infrastructure will be provided in this zone with all campers required to walk in from the adjoining car parking area.

- 2 Carparking Area**
A compact gravelled parking area for tent campers and visitors. Footpaths behind all parking aprons will provide convenient access to facilities. Limited use of fixed bollard lights in camping aprons.

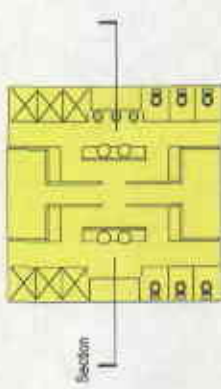
- 3 Amenities Area**
Communal toilets, showers, laundry and dish washing facilities would be provided in architect designed amenities blocks located between camping access aprons. Adjoining open space would accommodate picnic shelters, barbecues and fixed picnic tables.

- 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 sites with power and waste outlets. All services will be installed below ground so underground points can be removed out of season. Adjoining footpaths will provide access to amenities and walking paths. Vegetation will separate each site.

- 5 Revegetation Area**
Space between the camping aprons will be revegetated with coastal associations including canopy trees.



Location



Section



Section



Amenities block (indicative)



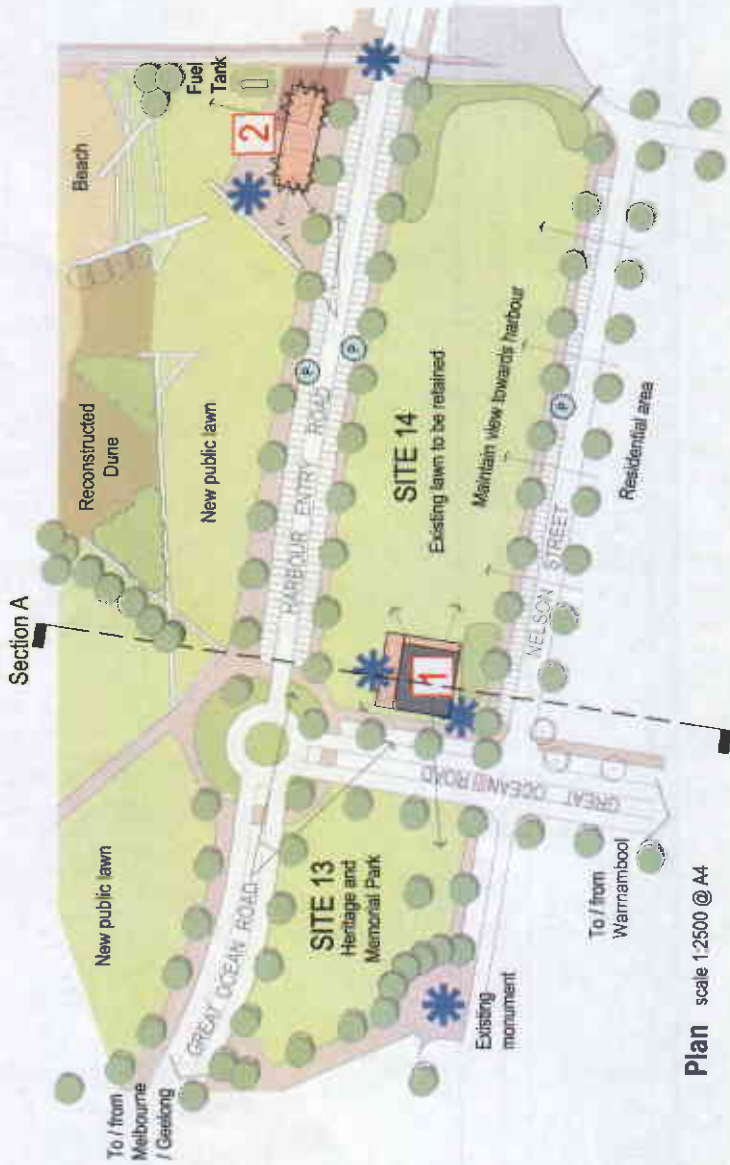
SCALE
1:1000
14.11.2017





- 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



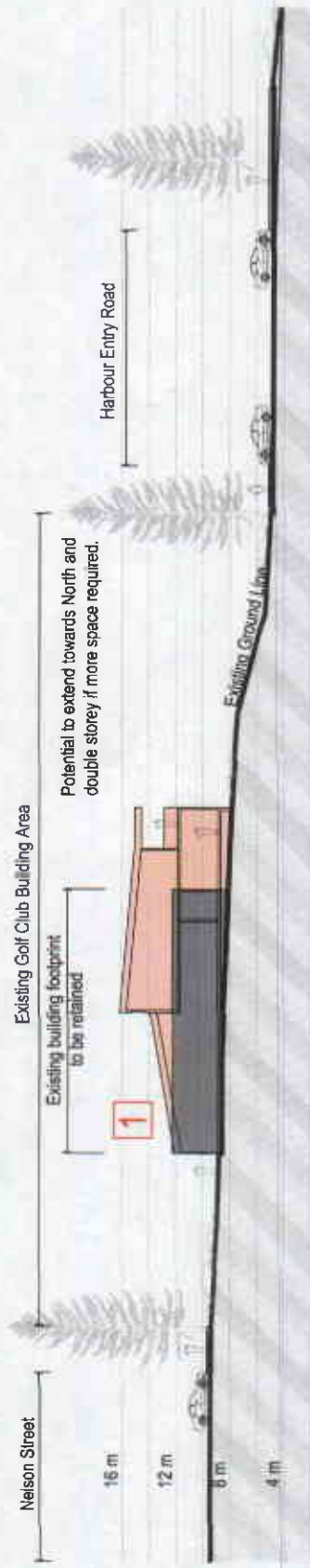
Plan scale 1:2500 @ A4

Public Realm :

- www Frontage activation
- * Nodes / 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 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 Sales | Feasibility | 14/12/2018 |

SCALE: As Above

DRAFT FOR DISCUSSION





Existing Golf Club Building and Lawn



Articulated facade
Timber and glass as materials



Library

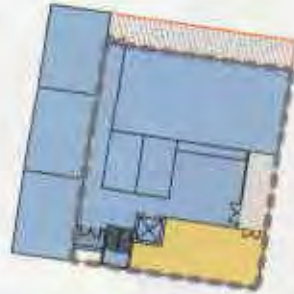


Display area, Melbourne Museum

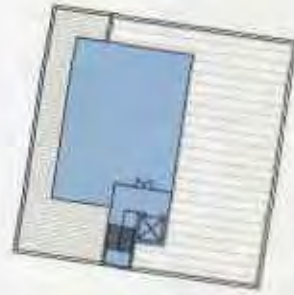


Information Area, Monterey
Aquarium California

1 Existing Golf Club Building



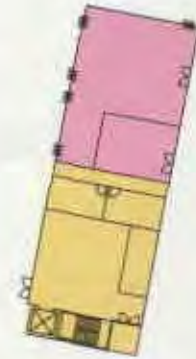
Ground Floor - 664 sqm



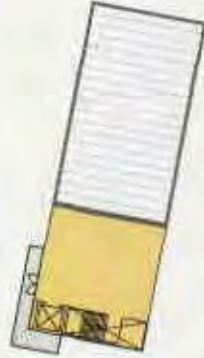
First Floor - 366 sqm

- Building footprint should be retained and re-used. Building's function 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.

2 New Fisherman's Co-op Sales and Interpretive Centre



Ground Floor - 360 sqm



First Floor - 120 sqm

- Potential to house new interpretive centre, public toilets and hospitality facilities such as restaurant or cafe

APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES - BUILT FORM & SPACE REQUIREMENT

Existing Golf Club Building / New Fisherman's Co-op / Sales Restaurant / Interpretive Centre

DATE
14.08.2007

SCALE
As Shown

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

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



Portion, Docklands, Melbourne

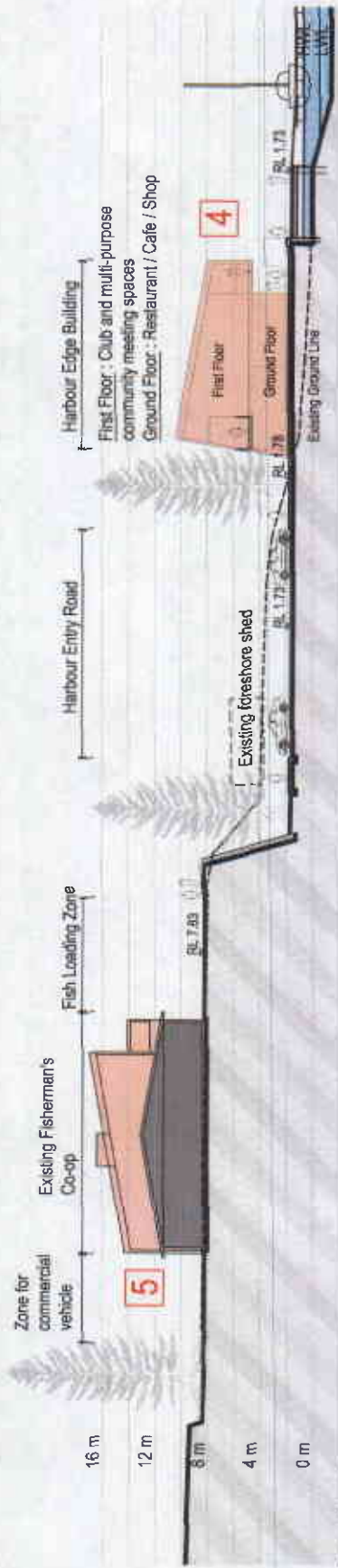
Handscape open space, Hobart Waterfront, Tasmania

Sculpture, Docklands, Melbourne

Existing Fisherman's Co-op



Plan scale 1:2500 @ A4



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 |
|--------|-------------------|---------|-------|-------|-------------|----------|---|------|------------|-------|----------|

Colac Otway Shire

MEINART INFRASTRUCTURE & ENVIRONMENT

mgs

DRAFT FOR DISCUSSION



Articulated facade - glass and louvres as building's skin



An interconnected facade



Frontage activation 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



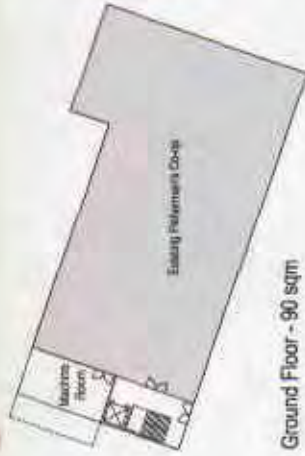
Ground Floor - 560 sqm

First Floor - 690 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.

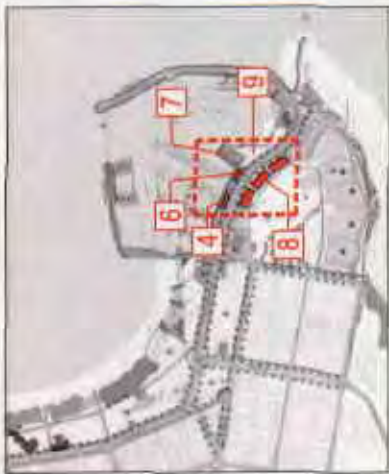


RECREATION AND TOURISM PRECINCT - BRANDED HOTEL / HARBOUR EDGE BUILDING EAST / SALTWATER SWIMMING POOL



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 requirements refer to drawing no. SK006



Structured swimming area interlinked with coastal promenade



Recreations and play



Dining and meeting places



Frontage activation by having outdoor dining / seating area and grass flexible seating 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



Plan scale 1:2500 @ A4



Section C scale 1:750 @ A4



DRAFT FOR DISCUSSION

APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES - PUBLIC REALM & LANDUSE

CLIENT: Colac Otway Shire
 DRAWING: SK006
 STAGE: Feasibility
 REVISION: B
 DATE: 14.08.2007
 SCALE: A4 Show



Transparency flexibility, operable and transparent, hermetic skin



Frontage activation



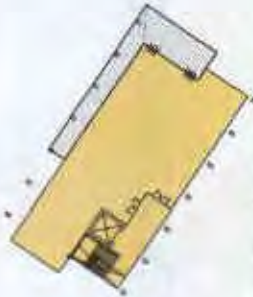
Light and shade, activity, surveillance and range of uses

- Community facility
- Hospitality / Commercial
- Office / Council Services
- Boat facility

6 Harbour Edge Building East



Ground Floor - 240 sqm



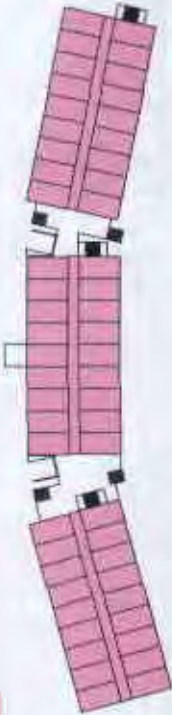
First Floor - 245 sqm

- 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.

APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES - BUILT FORM & SPACE REQUIREMENT

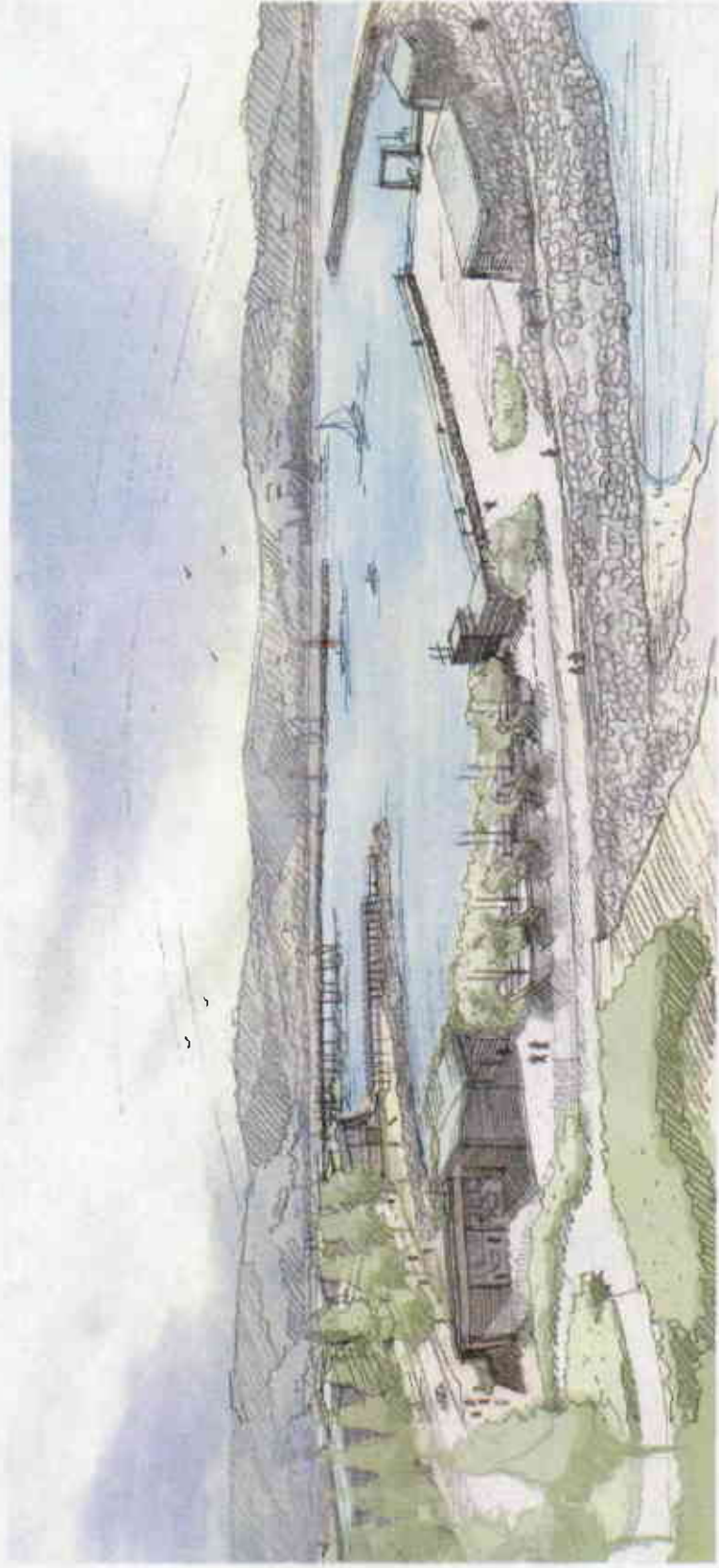
Client: Colac Otway Shire
 Project: Apollo Bay Harbour Precinct
 Drawing: 5000
 Stage: Feasibility
 Date: 14.02.2017
 Scale: As Shown

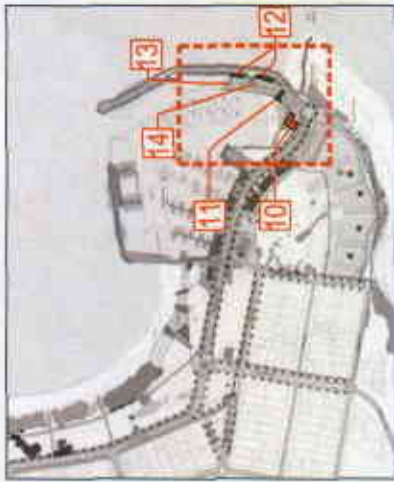


TRAILER FOR DISCUSSION



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
 - Note / 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

STAGE Framework

REVISION 0

DATE 02.10.2019

SCALE As Drawn



DRAFT FOR DISCUSSION





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.



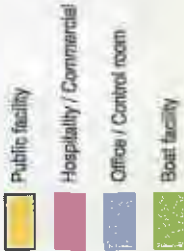
Total Area - 180 sqm

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
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

| Assumptions | Source | Rationale |
|--|---|---|
| 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"> • Stage 1 18.9% p.a. • Stage 2 14.9% p.a. • Stage 3 4.8% p.a. 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.

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. |
| Branded hotel site rental. | 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
International – All expenditure
Domestic overnight – 75% of expenditure
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
\$m 2007 | Net Present
Value of revenue
and expenditure
2008 to 2034
\$m 2007 | Benefit cost
Ratio |
|---|---|--|-----------------------|
| Continue current operations | | - \$20.7 | n.a. |
| Redevelop harbour | Stage 1 \$14.23
Stage 2 \$30.09
Stage 3 \$32.08 | - \$65.1 | |
| Residual value 2034 | \$25.63 | | |
| Value of incremental tourism
expenditure in Victoria | | \$107.4 | |
| Net impact of harbour
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 | | | | Sensitivity Case 1 25% lower growth in 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 day visits | 4,976,000 | 4,350,972 | 3,777,190 | 3,628,353 | 4,976,000 | 4,350,972 | 3,777,190 | 3,428,353 |
| 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 overnight 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 | 12 | 104 | 150 | | | | |
| 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 | \$800.00 | \$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 | 1250 | 485 | 0 | | | | |
| \$ per sq metre per month rent | | \$25.00 | \$29.00 | \$32.00 | Stage 1 Construction cost | \$2,700,000 | | |
| \$ per sq metre per month rent main street | \$22.50 | | | | Sq metres | 1250 | | |
| Mean price comm prop COS 2005 per sq m | \$340.74 | | | | Cost per sq | \$2,160 | | |
| Estimated mean 2007 | \$350.35 | | | | 8% return | \$172.80 | | |
| 8% rent per sq m | \$28.63 | | | | | | | |
| 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

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

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
1 | Minor
2 | Moderate
3 | Major
4 | Catastrophic
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 (Almost Certain) | Is expected to occur in most circumstances |
| B (Likely) | Will probably occur in most circumstances |
| C (Possible) | Might occur at some time |
| D (Unlikely) | Could occur at some time |
| E (Rare) | May occur only in exceptional circumstances |

Consequence Scale

| Level | Rating | Potential Impact
<i>In terms of the success measures of the activity</i> |
|-------|----------------------|---|
| 1 | Insignificant | Very small impact rectified by normal processes or financial impact manageable within jurisdictional budget. |
| 2 | Minor | Easily remedied, success measures able to be achieved with some effort or some reworking of the jurisdictional budget would be required. |
| 3 | Moderate | Some success measures affected, considerable effort necessary to rectify or some reworking of the corporate budget required. |
| 4 | Major | 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 | Catastrophic | 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.
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
Ensure feasibility sound through PWC review
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
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.
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
Ensure feasibility sound through PWC review
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:
Meetings
Documents
Media
Public statements
Agreements | March 09 |
| Governance arrangements | Precinct development may negatively impact outcomes. | High | Transfer governance of whole Master Plan Precinct to Colac Otway Shire.
If not possible negotiate joint governance arrangement based on COS/AB&KRFCM MOU.
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.
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.
Market sounding in preparation of the Business Case will add further information.
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
1 | Minor
2 | Moderate
3 | Major
4 | Catastrophic
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
<i>In terms of the success measures of the activity</i> |
|-------|---------------|---|
| 1 | Insignificant | Small benefit, low financial gain. |

| | | |
|----------|--------------------|--|
| 2 | Minor | Minor improvement to image, some financial gain. |
| 3 | Moderate | Some enhancement to reputation, high financial gain. |
| 4 | Major | Enhanced reputation, major financial gain. |
| 5 | Outstanding | Significantly enhanced reputation, huge financial gain |

Attachment 9

Option 1A Golf Course retained no Health & Well Being Centre/Hotel

Option 1B Golf Course relocated no Health & Well Being Centre/Hotel

Option 2A Golf Course retained and including Health & Well Being Centre/Hotel

Option 1B Golf Course relocated and including Health & Well Being Centre/Hotel

OPTION 1A



1 to 1000 Aerial Sunnegate Golf

OPTION 1A

OPTION 1A



OPTION 1A









Apollo Bay Harbour Precinct Master Plan Review

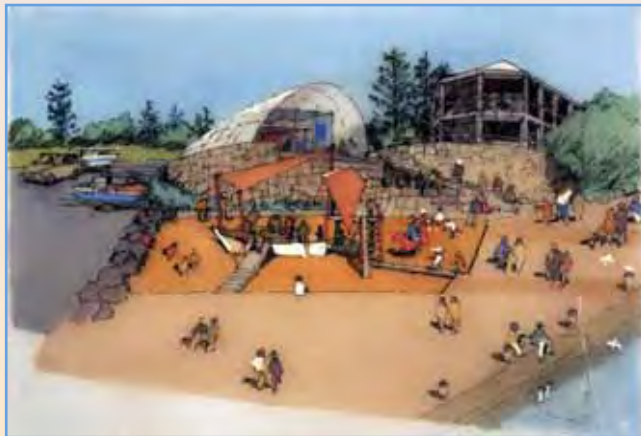
Closing Presentation

ENQUIRY BY DESIGN

Outcomes

Monday 22nd September 2008

**Wendy Morris and Chip Kaufman
Ecologically Sustainable Design Pty Ltd**



This is an annotated and slightly expanded version prepared after the Closing Presentation

The Apollo Bay Harbour Precinct Study Area



Harbour, golf course, and monument corner



Apollo Bay Harbour Vision

“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 optimum 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.”

As re-endorsed by the Apollo Bay Harbour Community Reference Group, July 2008

**The Five
EBD
Objectives**

Objective 1: To produce a widely-supported revised Harbour Precinct Plan through a process which acknowledges community concerns, is transparent to all stakeholders, and respects competing priorities.



*Community Reference Group welcome to attend most EBD meetings, to ensure transparency and community representation.

Objective 2: To optimise environmental, community and economic benefits to the Harbour Precinct and Apollo Bay, now and into the future.



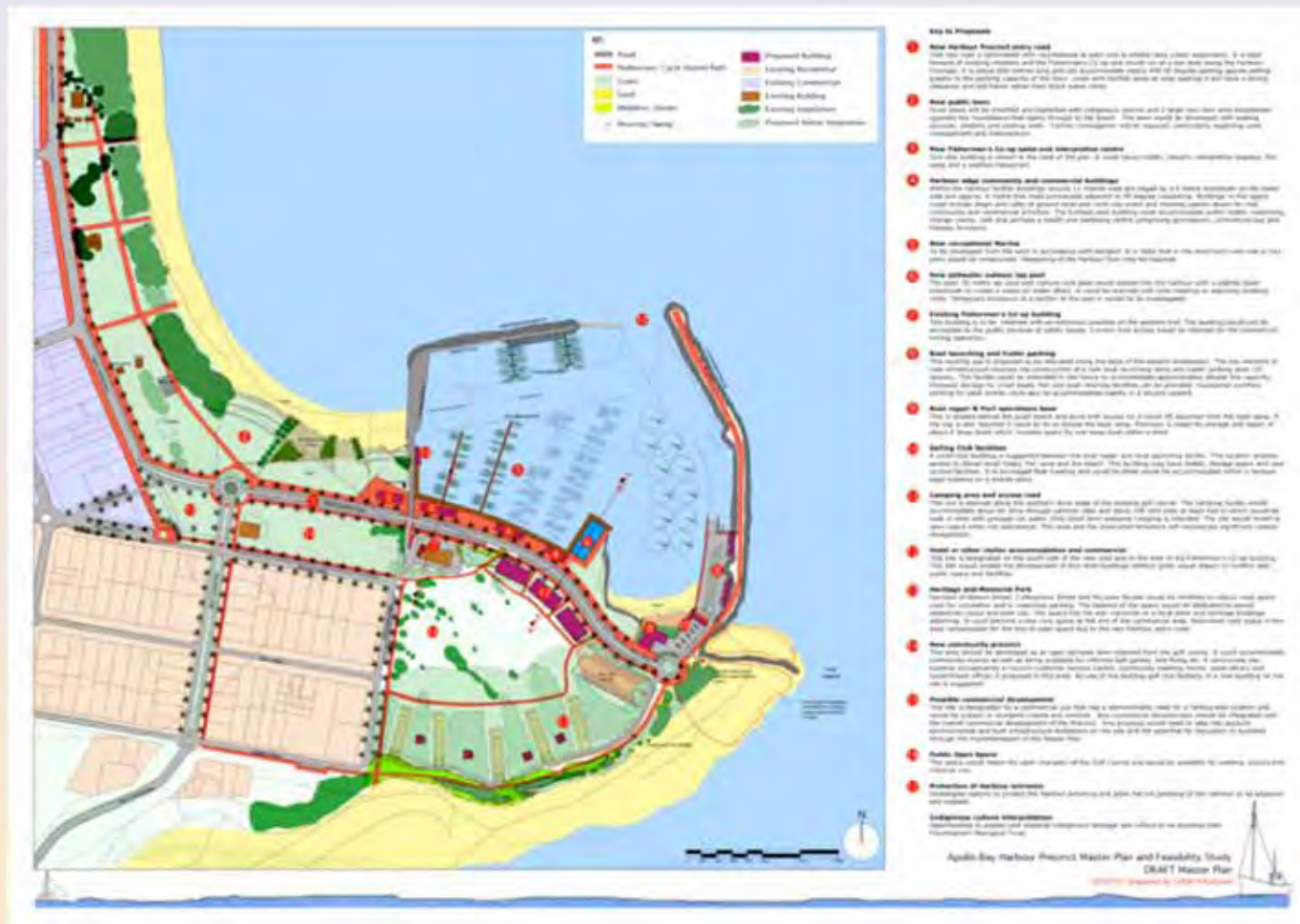
Objective 3: To ensure that the EBD proposals are feasible and achievable.

(This means the EBD proposals should inspire public funds, along with some private development, to help pay for the public improvements and benefits to the community).



Budgetary and Feasibility cards on the table during EBD

Objective 4: To review the 2007 Apollo Bay Harbour Master Plan, and specifically its 17 key infrastructure recommendations, and to produce a revised set of proposals for the Harbour Precinct, which are broadly supported by the Apollo Bay community, the Council and the relevant Government Agencies.



Objective 5: To ensure that Climate Change impacts are taken into account, both in the specific design of the Precinct and in its long-term impacts.



Melting glaciers will dominate sea-level rise 📺
Ice melt from smaller sources will be the main contributors to sea-level rise this century, not the larger ice sheets of Antarctica and Greenland
Breaking News - 19 July 2007



Photo courtesy of Jim Kunstler, author of The Long Emergency

100 years from now, sea level rise is anticipated to be almost 1m above current AHD (habitable floor levels may be 0.5m higher?)

What have we done in the last five days?

| | |
|----------|---|
| Thursday | Opening Public Meeting |
| Friday | Government Agencies briefings
Design Session 1
Community groups meeting |
| Saturday | Topical group meetings
Design Sessions
Open design studio |
| Sunday | Design sessions
Open design studio
Costing and perspectives |
| Monday | Design finalisation
Preparation of presentation
Closing Public Meeting (NOW!) |



We Learnt, Listened, Discussed & Designed



Apollo Bay Harbour Precinct Community Newsletter

A NEW OPPORTUNITY FOR COMMUNITY INVOLVEMENT

The redevelopment of Apollo Bay Harbour has been a priority of Colac Otway Shire Council over many years because whenever consulted the people of Apollo Bay have told Council that this is an area of major concern.

The growth in tourism numbers and the change from a primarily fishing based local economy to a tourism based economy has increased the pressure on the Harbour precinct.

There is a need to increase the capacity of the Harbour for commercial and recreational boating uses.

There is a need to expand township infrastructure to enable visitors to stay longer in Apollo Bay and spend their tourism dollars in the township and the Otways.

There is a need for more quality jobs for local and regional residents in a growing tourism industry.

There is a need to ensure that natural processes in the harbour precinct are protected and enhanced for future generations.

There is a need to protect the unique character of Apollo Bay and the Harbour Precinct.

There is a need to redevelop the Harbour Precinct and in doing so optimise community benefit.

Council is currently working on a concept plan for the redevelopment of the Harbour Precinct. (A full summary of the History of the Apollo Bay Harbour Precinct Master Plan is on page 2.)

As part of this process Council has engaged Wendy Morris and Chip Kaufman of Ecologically Sustainable Design to involve the Apollo Bay community and other stakeholders in an 'Enquiry by Design'.

ENQUIRY BY DESIGN

'Enquiry by Design' (EBD) is a short and intensive, highly integrative and transparent design process, which enables participating stakeholders to design a Vision for their place, which is worthy of their support.

The EBD team will engage with and learn from the community, to update and deepen everyone's understanding of all factors affecting the Harbour Precinct's future.

The EBD will work from the existing Harbour Precinct Master Plan and agreed Harbour Precinct Objectives, to forge an achievable and widely supported Vision for the short and long-term future of the Harbour Precinct.

The collaborative Enquiry by Design process should enable most participating Apollo Bay stakeholders to see and understand the designs as they evolve, thereby enabling them to sensibly inform the outcomes.

For more information on Enquiry by Design, and Chip Kaufman and Wendy Morris, the people who will be conducting it, go to www.ecologicallysustainabledesign.com

'Enquiry by Design'

Apollo Bay Youth Club

- Thurs Sep 18 Evening Introductory Public Meeting
- Fri Sep 19 Topical Meetings for business (people and government agencies)
- Sat Sep 20 Collaborative Design Meetings for citizens.
- Sun Sep 21 Design Studio Open to the Public for 2 hrs.
- Mon Sep 22 Evening Concluding Public Meeting



The draft Apollo Bay Harbour Precinct Master Plan

Council initiated this EBD review because:

- Resolved to conduct more public consultation before adoption
- Recognition that previous consultation processes had not been effective
- Acknowledgement of community concern about several key elements.

Additional reasons for Master Plan review:

- The need to reduce costs overall, and to increase the private to public sector investment ratio (was \$20m:\$60m)
- The need to enable incremental improvements to occur
- The need to review the timing of golf course relocation, and option to stay
- Changed investment conditions.



2007 Draft Plan

Apollo Bay Harbour 2007 Draft Master Plan - Broad Cost Allocation by Component

| | | Total Cost
\$'000s | Public cost
\$'000s | Private cost
\$'000s | |
|----|--|-----------------------|------------------------|-------------------------|-------------------------------------|
| 1 | New Harbour Precinct Entry Road | \$2,945 | \$2,945 | | |
| 2 | New Lawn | \$1,268 | \$1,268 | | |
| 3 | New Fisherman's Co-operative Sales and Interpretive Centre | \$1,320 | \$1,320 | | |
| 4 | Harbour Edge Community and Commercial Buildings * | \$6,800 | \$6,800 | | Not including fit out |
| 5 | New Recreational Marina (including deepening) ^^ | \$8,100 | \$8,100 | | |
| 6 | New Saltwater Outdoor Lap Pool | \$1,500 | \$1,500 | | |
| 7 | Existing Fisherman's Co-operative | \$765 | \$765 | | |
| 8 | Boat Launching and Trailer Parking | \$4,070 | \$4,070 | | |
| 9 | Boat Repair and Port Operations Base | \$1,020 | \$1,020 | | |
| 10 | Sailing Club Facilities | \$150 | \$150 | | |
| 11 | Camping Area and Access Road | \$4,880 | \$4,880 | | Including landscaping of open space |
| 12 | Hotel or Other Visitor Accommodation and Commercial | \$19,080 | \$0 | \$19,080 | |
| 13 | Heritage and Memorial Park | \$27 | \$27 | | |
| 14 | New Community Precinct | \$2,710 | \$2,710 | | |
| 15 | Possible Commercial Development | \$423 | \$0 | \$423 | All private costs if it proceeds |
| 16 | Public Open Space | \$1,116 | \$1,116 | | |
| 17 | Protection of Harbour Entrance | \$570 | \$570 | | |
| | Site preparations, services, roads and landscaping | \$12,701 | \$12,701 | | |
| | Other fees and charges | \$11,175 | \$8,218 | \$2,957 | |
| | Total | \$80,620 | \$58,159 | \$22,460 | |

Source: Saturn Corporate Resources Pty Ltd September 2007

Notes

*Could also be funded by private sector.

^^ Maximum of 88 marina berths included in costings - cost allows for all of harbour to be deepened to allow for future additional berths/moorings.

What We Have Learnt



Golf Club

- Beloved course with proud heritage
- Important to tourism
- Relocation uncertainty.
- Lease on land ends 2016
- Widespread wish to stay
- Ball risks to cars and pedestrians along edge of holes 3 and 9
- Community would like more access to parkland and Point Bunbury



The Harbour



Fishing Industry

- Fishing Industry is significant but changing
- Crayfish plus abalone is current focus
- Abalone operators use boat ramp area and DPI controls catch inspections. Truck collection and wash down areas required.
- Powerful tourist and visitor attraction



Apollo Bay Fisherman's Co-op

- Lease expires in 2016, so can't justify new investment without renewal
- Abalone is key focus now and could expand with more storage
- Building is substantial with significant infrastructure
- Identified as of heritage significance
- Expansion potential and requirements if lease extended
- Could add linked fish café and restaurant
- Possible Marine and Fishing Industry Interpretation Centre



Boat Works Yard

- Current location works well, but needs more space
- Slipway can be retained and increased from 33 tonne to 100 tonne capacity
- Travel lift alternative not viable
- People focus and interest
- Opportunity to integrate with Harbourmaster's facilities



Harbour Master Operations

- Harbour management
- Sand dredging from land
- Eastern breakwater extension?
- Dredge sand removal



Boat Ramp & Trailer Parking

- Recreation users – around 80 trailers at peak times
- Abalone divers and their refrigerated trucks use it
- DPI inspectors use it to certify abalone catches
- Boat wash-down area needed
- Widespread concern about relocating ramp to eastern wall
- Extra ramp capacity desirable
- Rationalise and mark out trailer parking area to improve efficiency
- New fish cleaning table recently installed



Sailing Club

- Current club rooms are very small
- No shower facilities
- Need to store rescue boat and smaller boats
- Want to be next to eastern beach as boats launch from it
- Could steel frame be relocated?



Marine Operations Rescue Group Needs

- Current rescue boats stored at Police Station
- New boat is large and heavy and takes time to launch
- Want storage space and easy uncongested launch space at Harbour



Marina berths, dinghies and swing moorings

- Berth demand modest
- Need lower cost berth infrastructure, including Mediterranean option
- Options for marina location includes eastern breakwater area



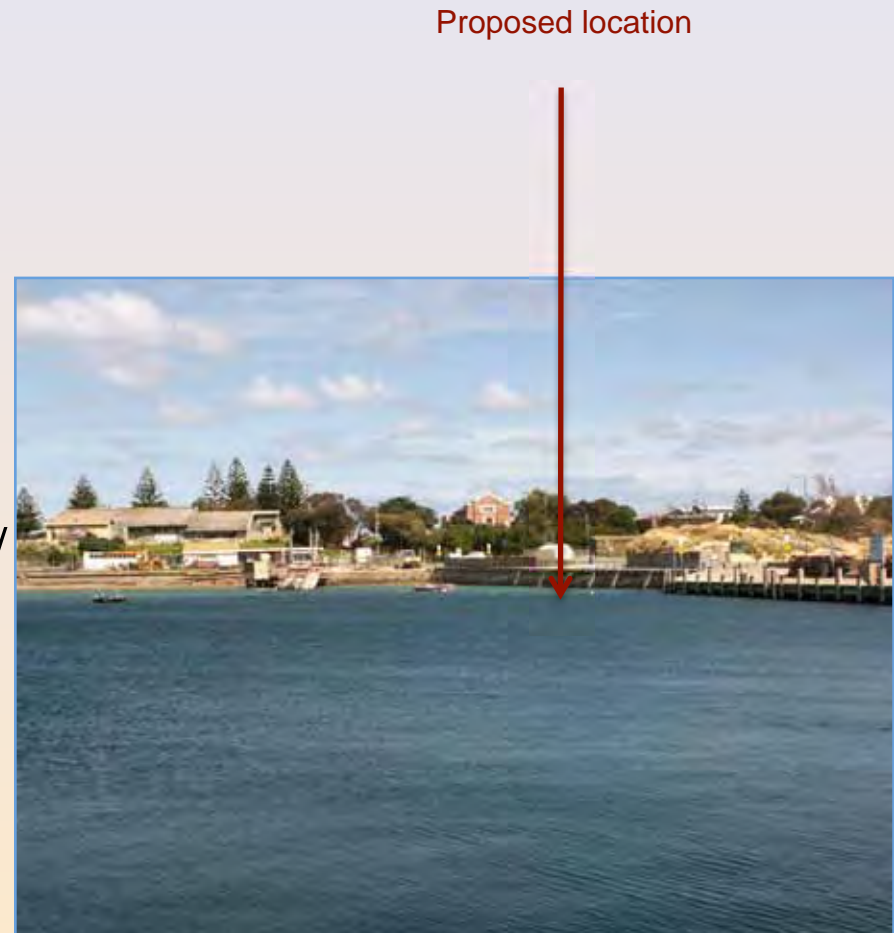
Recreational (non-boating) Use of Harbour Area

- Change rooms & toilets needed
- Mother's Beach and car park are very important
- Eastern breakwater is popular
- Fishing
- Harbour beach
- Want more public jetties for walking over water
- Great to view stingrays in harbour



Floating Restaurant Proposal

- Comprehensive planning application, just lodged with Council in September 2008
- Temporary permit sought.... ideally 5 years + 5 years option
- Shallow draft boat from Murray River
- Dinghies may need relocation
- Sixty seat - mixed indoor and outdoor seating
- Proposed to be located near western harbour edge, north of the works yard/slipway, in location indicated for possible commercial development in Draft ABH Master Plan 2007



Aboriginal Heritage

- Likely drinking well site, possibly under Harbourmaster's Works Office
- Middens around harbour, but probably highly disturbed
- Middens around southern edge of Point Bunbury likely to be undisturbed
- Active local Aboriginal community
- New legislation



Whilst the Harbour Precinct contains some known sites of Aboriginal significance (middens and drinking well), the full extent of Aboriginal heritage sites is unknown. Redevelopment of the Precinct will require further archaeological investigation in selected areas, in order to decide on appropriate protection/management measures.

Aboriginal Cultural Centre Concept

- GORACC - Great Ocean Road Aboriginal Cultural Centre
- Possibly containing interpretation, history, culture, music studio, bush food café, eel pondage, and contain or be linked to a retail centre for indigenous products
- Would have indoor and outdoor areas
- Proposed by Kuuyang Maar community... the eel community



Rising Sea Levels & Storm Surges

Some direct site issues

- Platform height... existing platform is currently only 1.5-2m above high tide level ...
- Building types and floor levels on platform.. not suited to hotel, which would need to be at a higher elevation
- Platform building design to allow for temporary storm inundation. Techniques designed in Venice and Miami



Apollo Bay Accommodation

- Currently around 600 rooms in 91 motel, b&b, serviced apartment and cabin establishments
- Including camping and caravan sites, there are a total of around 4450 bed spaces
- Substantial number of cafés and restaurants
- Lots of local businesses in tourism industry
- The local tourism industry needs support to extend the average length of stay of 1.2 nights per person. An increase to 1.8 nights would have significant economic benefit
- An enhanced Harbour Precinct is vital to lifting overall length of stay in Apollo Bay
- The Apollo Bay tourism industry and Chamber of Commerce support the establishment of an appropriate high end boutique hotel in the Harbour Precinct



Health & Well-being Centre

- Strong interest in establishment of a Health and Well-being Centre, including a heated salt water pool as part of the Harbour development
- Recognition that this is not likely to be viable or achievable without being linked to a boutique hotel

Harbour Environs & future use of Golf Course Land



Access to Harbour

- New street in Draft Master Plan is widely opposed
- It is expensive to build on sand, is low down, and divides park
- Golf relocation is required
- However, we still need to improve legibility to the harbour
- Can we adapt Nelson St to provide improved and more direct access?
- Need to address Nelson St junction with Great Ocean Rd to improve turning and safety
- Can we enhance monument area?
- Can we significantly improve the currently poor pedestrian environment?



Possible Great Ocean Walk Portal in Harbour Precinct

- Starts in Apollo Bay
- Little current profile
- Move National Parks office to Harbour Precinct?
- Or re-use Golf clubhouse as Walk Portal?
- Add Point Bunbury loop to the GOW, including the Harbour Precinct



Surfers Needs

- Beach and parking access
- Mothers Beach
- Barham Beach



Strong sustainability emphasis

Some key opportunities

- Building design
- Energy use
- Walkability
- Coastal vegetation
- Reuse of facilities and materials



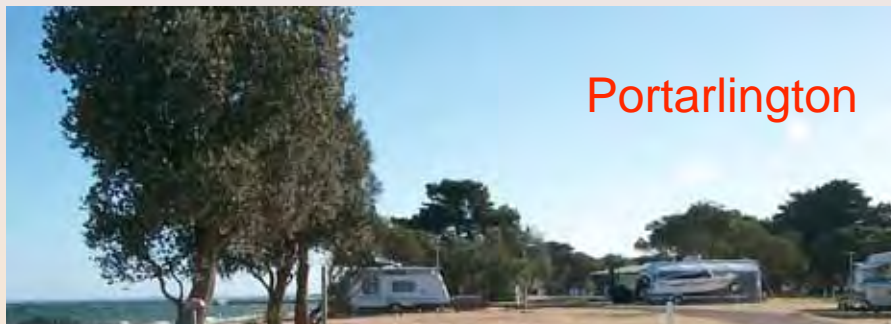
Possible Music Amphitheatre

- For use during the music festival
- Other uses and public events
- Casual recreation



Seasonal Camping

- Will be needed to provide \$\$ income for Foreshore Committee
- Where?
- Size
- Visual impact
- Worry about permanence?
- Portarlington example of temporary camping



Boutique high end hotel in Harbour Precinct



- Significant community concern in principle
- Significant community concern about larger 80 bed master plan proposal, including impact on golf course
- Concern about impact on views.
- Concern about intrusion to working harbour character
- Are there private sites?
- Others in community are supportive
- Most recognise a hotel is nexus to chance of gaining large scale funding for harbour upgrade



Cumberland in Lorne – NOT WANTED!

Revised Hotel Market Requirements

- Recent market sounding study of potential hotel developers done for Tourism Victoria
- Reduced size – 40 bedrooms rather than 80, though some operators prefer site with option to expand later
- Boutique, special, unique but branded
- Needs to incorporate a Health & Wellbeing Centre
- Would need wow factor
- Separation from the town
- Legible address needed

Policy Context

Strategic Context

- **2002** - The Victorian Coastal Strategy noted that coastal growth was to be directed to Torquay and Warrnambool.
- **2004** - The Great Ocean Road Region Strategy added Apollo Bay as a town where substantial new development would be directed.

Action 2.2.2 states that Apollo Bay is to be developed as a preferred coastal township for residential and visitor accommodation growth and community services.

- **2006** - The DSE Coastal Spaces Recommendation Report, prepared to guide implementation of the Victorian Coastal Strategy 2002, confirms Apollo Bay as a town with moderate growth capacity.
- **2007** – The updated Victorian Coastal Strategy (draft, 2006) confirms the town's growth status and designates the harbour as a regional boating facility.

Tourism Victoria

- Tourism Victoria views Apollo Bay as a regionally-significant destination for State Tourism and supports development that encourages tourism growth and increased tourism yield.



Apollo Bay Structure Plan (2007)

- The Apollo Bay Structure Plan establishes the following objective for the Harbour Precinct:

“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 for the Harbour Precinct include:
 - Maintain the function of the harbour as a commercial and recreational fishing facility.
 - Develop the port as a year round destination of State significance for tourism and recreation.

Apollo Bay Structure Plan (2007)

- Guiding principles (Cont):
 - Encourage uses that provide activity at different times of the day.
 - New uses should be complementary to the function of the town centre as the retail core.
 - Ensure that the essential port and maritime character prevails.
 - Locate and design structures to minimise impact on views to Point Bunbury.
 - Respect and protect, as appropriate, existing aboriginal archaeological sites and other heritage.
 - Strengthen pedestrian/cyclist and visual linkages between the Harbour and town centre.

Apollo Bay Structure Plan (2007)

- With regard to tourist accommodation, the Structure Plan notes that:
 - There is currently a lack of 4+ star accommodation in the area, so there is an opportunity to meet the high demand for this type of accommodation.
 - Maintaining camping and caravan park facilities and other lower cost accommodation options will be important.



Aboriginal Cultural Heritage

- The Aboriginal Heritage Act 2006 came into effect on 28 May 2007.
- A Cultural Heritage Management Plan (CHMP) will be required to implement most (if not all) of the elements within the revised master plan.
- The CHMP will provide a plan to identify and protect any known sites within the Precinct and a framework to manage any new sites found during any works within the Precinct.

Victorian Coastal Strategy 2002

- **Decision making is to be consistent with the following hierarchy of principles:**
 1. Provide for the protection of significant environmental features.
 2. Ensure the sustainable use of natural coastal resources.
 3. Undertake integrated planning and provide direction for the future.

When the above principles have been considered and addressed:

4. Facilitate suitable development on the coast within existing modified and resilient environments where the demand for services is evident and requires management.

Community Views and Input



Draft ABH Master Plan Stakeholder Feedback

(Meinhardt, June 07)

At the conclusion of the eight week consultation period on the draft Master Plan, the Shire received 555 submissions. Feedback 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-op Building (item 3)
- Redevelop Fisherman's Co-op 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).



Thursday Evening Consultation

- Presentations from Council, State Government, and ESD
- Broke into small groups of about 8 people, each with a facilitator an aerial photo, and the draft Master Plan
- Each group discussed three questions, as follows, with community responses summarised in next slides



Question 1: What do you especially value about Apollo Bay, particularly the Harbour Precinct?

- Harbour is un-sanitised and has an authentic feel. It's slightly rugged
- Working harbour and fishing port
- Multiple uses of the harbour
- Stingrays in the harbour
- Harbour is a reflection of the town character
- Apollo Bay harbour is unique in not being surrounded by development
- Heritage and history – indigenous and fishing industry
- Great views of fishing, ocean and hills
- Serene, unspoilt, tranquil
- Golf course. A great course in a beautiful location near the ocean
- Village feel, sense of community
- Close to the Otways

Question 2: What are the specific problems or dislikes you have about Apollo Bay, particularly the harbour precinct?

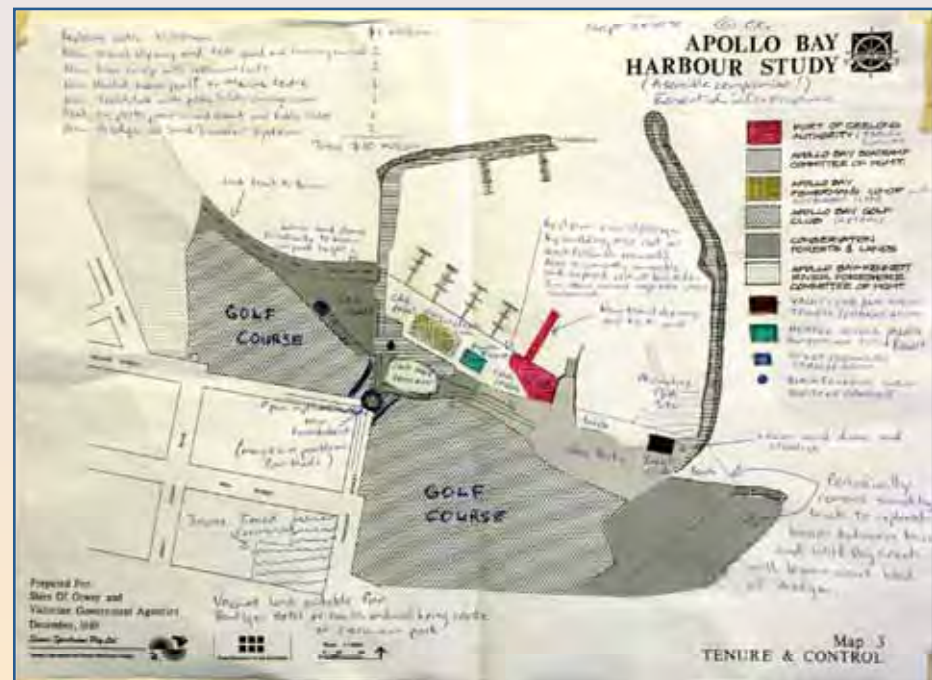
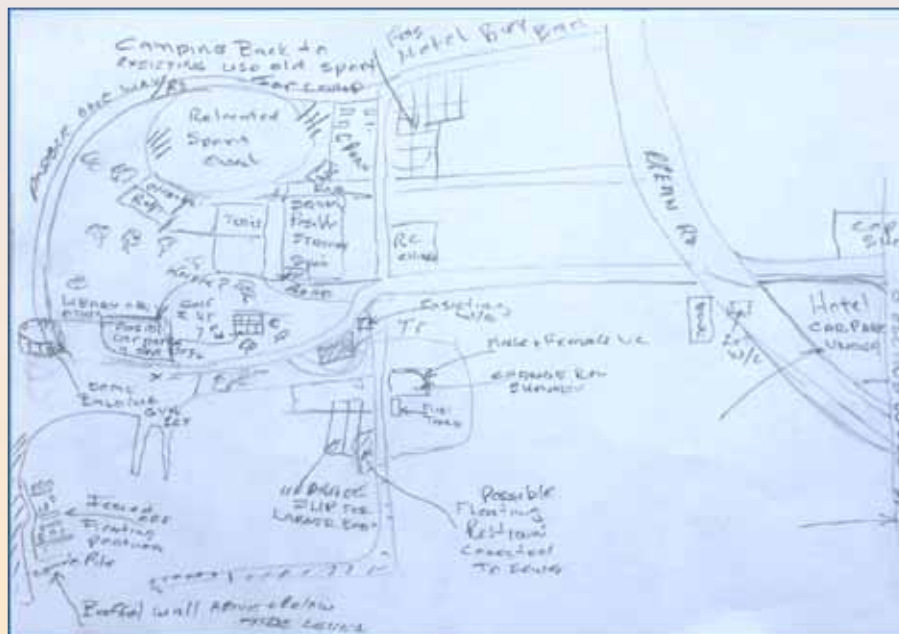
- Parts of the harbour could use a facelift
- Co-op and golf club have no guarantee of tenure beyond 2016
- 15 year old shed frame in the harbour is unsightly and a waste of space
- Marina in the Master Plan is too big
- Lap pool in the Master Plan is not a good idea
- Don't want over-commercialisation of the harbour, including major hotel. Don't want it to be taken over by the 'white sandshoe brigade'
- Northerly winds would affect the new boat ramp location in the Master Plan
- Extension of jetty and location of pool (in the Master Plan) questionable in light of climate change
- Lack of amenities (toilet, shower, change rooms) and trailer parking at the boat ramp and Mother's Beach
- Don't like the proposed new road to the harbour in the Master Plan. It would cut off the area to the south and is unsympathetic to the landscape. It would be better to widen and upgrade the existing road
- Poor pedestrian access between the town and the harbour
- Parking around harbour could be generally better organised
- Don't want the Cumberland Hotel (Lorne) in Apollo Bay
- Hotel will negatively impact economically on other accommodation businesses
- Mixed feelings about camping proposed on Point Bunbury

Question 3: What is your future vision (short or longer term) for the Apollo Bay Harbour Precinct?

- Harbour to be better maintained, but kept as an authentic working harbour
- Harbour should be a place for everyone
- Well-being precinct, with conference rooms and accommodation
- Aquaculture potential, for both marine animals and seaweed
- Integration of tourism, community and working harbour uses
- Marine research and interpretive centre
- Permanent sailing club facilities including clubroom/meeting room facilities available on a shared basis for other community based groups
- Camping only on Point Bunbury. No cabins. Point Bunbury to remain a natural feature
- Put hotel on Waratah site behind the Catholic Church
- New hotel at harbour would help to provide employment
- Maintain golf course as green space
- Add toilets and showers for the public and yachties
- Development should be low-level and ecologically sustainable
- Development should be incremental
- Upgrade of co-op, including a seafood restaurant, fish and chips, and possibly café
- Heated pool (not a saltwater pool in the harbour)
- Strengthen the pedestrian landscapes
- Harness the story, history and heritage of Apollo Bay, particularly the indigenous heritage
- Nothing ritzy. Enhance what's already there by minor developments over time
- Indigenous plantings preferred

Community plan suggestions

Plans prepared by community members and provided to the EBD team, including idea for hotel near monument with Great Ocean Road diverted, with a sports complex on Point Bunbury; and a plan for modest improvements derived from an earlier Apollo Bay Harbour Study, and estimated to cost \$10m.



Open Design Studios



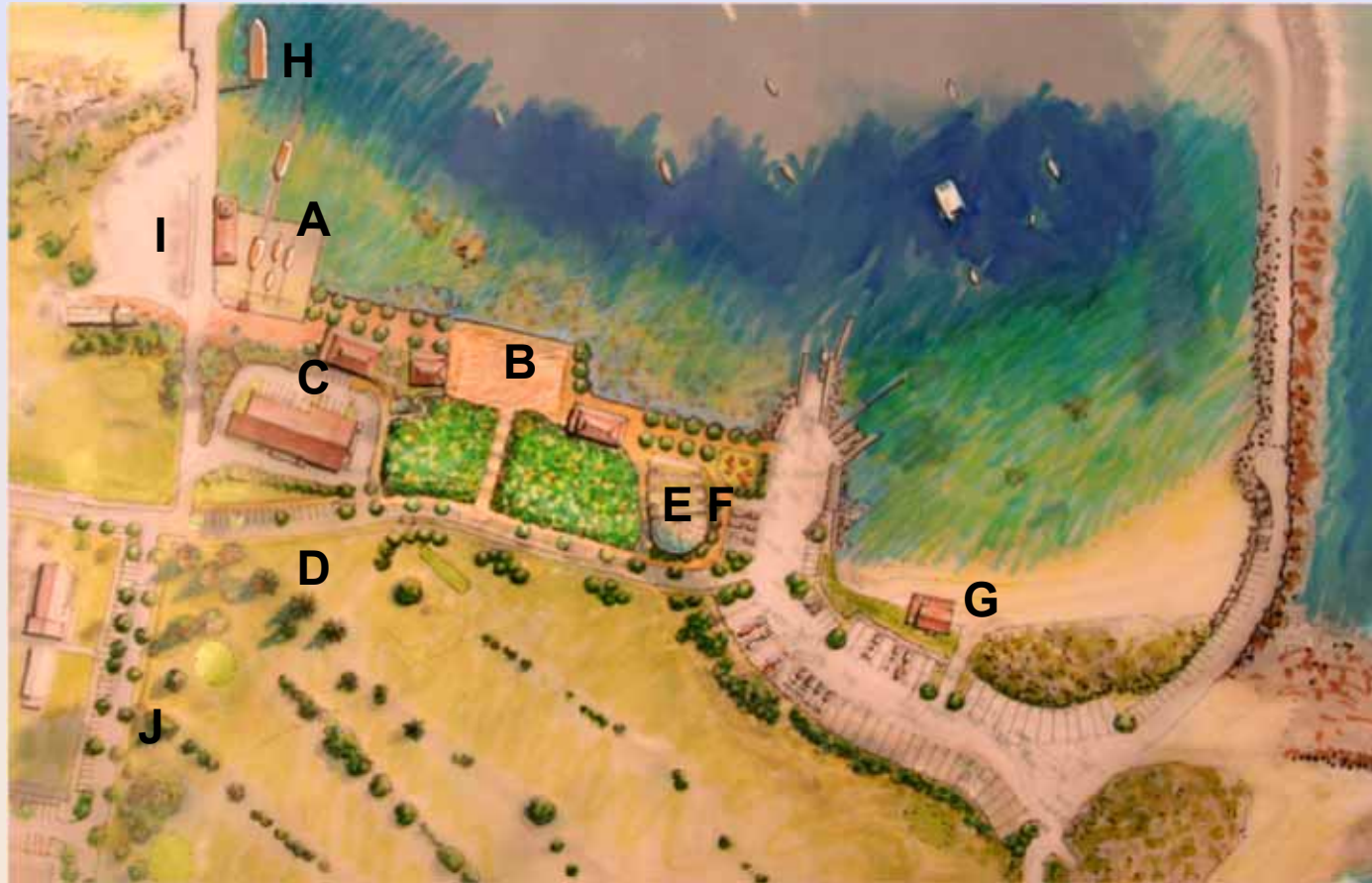
On Saturday and Sunday afternoons, the community came into the EBD design studio and contributed to the evolving designs



Design Investigations

Working Harbour Improvements

Key Elements



- A. Expanded works area with new Harbourmasters yard and marine rescue boat storage
- B. New public promenade with well site and possible small commercial buildings
- C. Expanded Co op building and new Co op building on promenade
- D. Nelson St extended as main harbour access
- E. Possible GORACC Aboriginal Cultural Centre
- F. Expanded boat ramp and formalised boat trailer parking
- G. New sailing club and public change rooms, re-using steel frame
- H. Possible floating restaurant or other marine-related berth facility
- I. Enhanced car park with public change rooms added
- J. Trafalgar St modified to add extra right angle parking

As a base case, the EBD team prepared a revised Master Plan for the Harbour area that focussed on the 'working harbour' and community use aspects of the harbour. This plan could be used to guide incremental improvements to the harbour over time. It is a much more modest set of proposals than the 2007 Draft Master Plan, and endeavours to re-use as much of the existing infrastructure as possible. The Golf Course can be retained post 2016 if required, with minor adjustments to it.

Working Harbour Improvements



Enlarged plan of the promenade area

Possible Hotel with health and well-being centre - Sites and Size

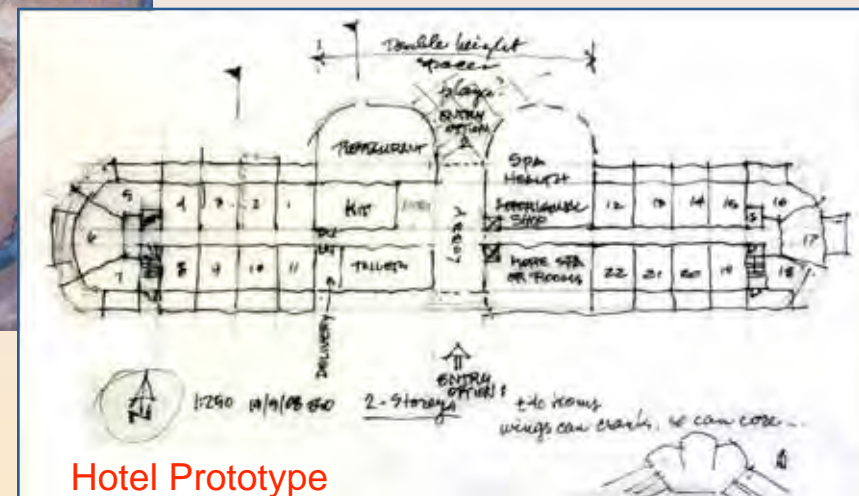


Six options for siting a boutique hotel of around 40 to 50 rooms were investigated.

These sites were:

- Monument corner
- Nelson St 5to9 site
- Waratah Caravan Park site
- Golfcourse hilltop site
- Harbour site on promenade
- Harbour site next to Co op

A two storey prototype with basement parking was developed



Working Harbour with Hotel on hilltop

Assumes golf course is relocated. This hotel could be nestled in behind the existing trees and could not be easily seen from either the main town beach or from Marengo. If the Golf Course relocates, and no hotel has been built at the harbour, this site could be considered.



Hotel Character/Design Principles

Any hotel in the harbour precinct will need special design to ensure it is unobtrusive and blends with the Point Bunbury setting



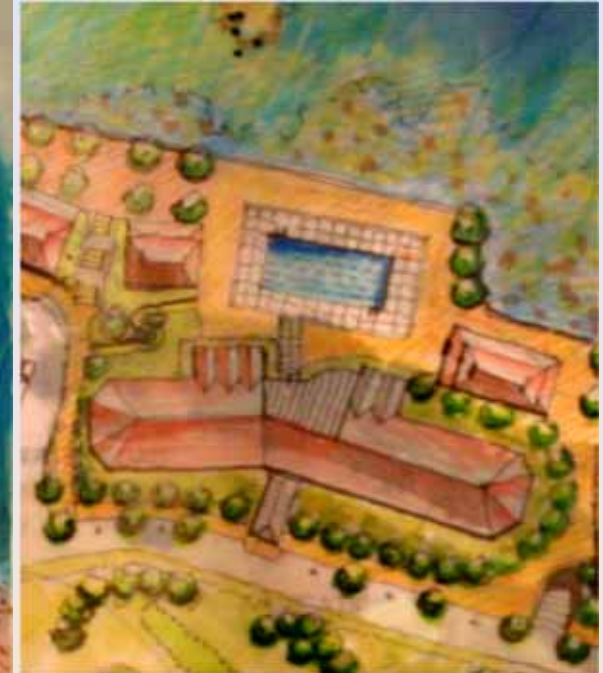
Not bright and strong in character like the red and white house above.....

but soft and subtle, blending in, and relating to simplicity of the Co-op building, possibly more like the YHA building at right



**Recommended
Apollo Bay Harbour
Master Plan**

Master Plan for Harbour Area



The EBD team recommends, on balance, that the core area of the Harbour Precinct contain a site for a health and well-being centre-focused boutique hotel of two storeys and around 40 rooms (K), located next to the Co op, with a heated saltwater pool and spa on the lower promenade level. The pool would be enclosed but not fully sealed, and would be able to be used by the local community.

The golf course could be retained long term if required, as only minor adjustments are required to the third hole to accommodate the Nelson St extension and the hotel site.

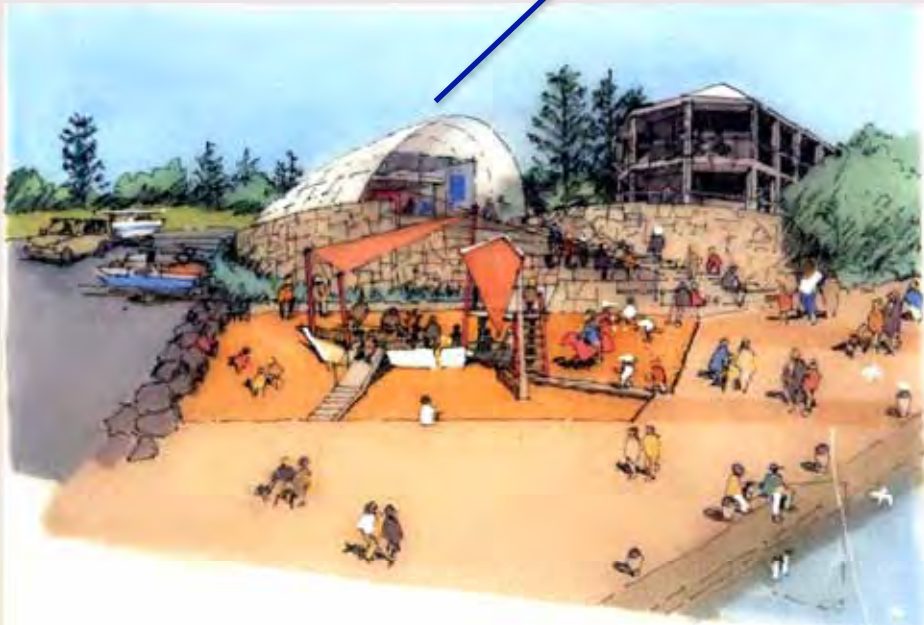
Illustrations of the proposed core of the harbour precinct



Proposed sailing club at harbour beach



View to harbour promenade, expanded Co-op building, new works yard, GORACC, and health and well-being centre/boutique hotel, with possible floating restaurant at right



GORACC 'abalone shell' tent-like structure facing north across harbour, with children's playground on the promenade



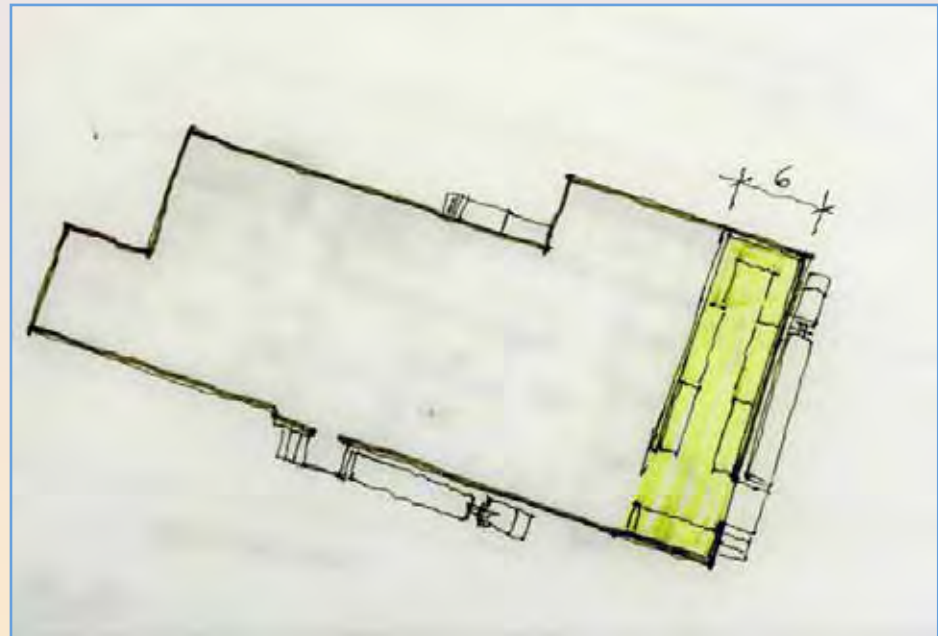
View east along promenade, with Harbourmaster buildings relocated and probable site of drinking well celebrated. New double-storey Co op restaurant, café and marine interpretation centre building.

Co op expansion



New Co op building in front of existing Co op, to contain restaurant, fish café and Marine Interpretation Centre

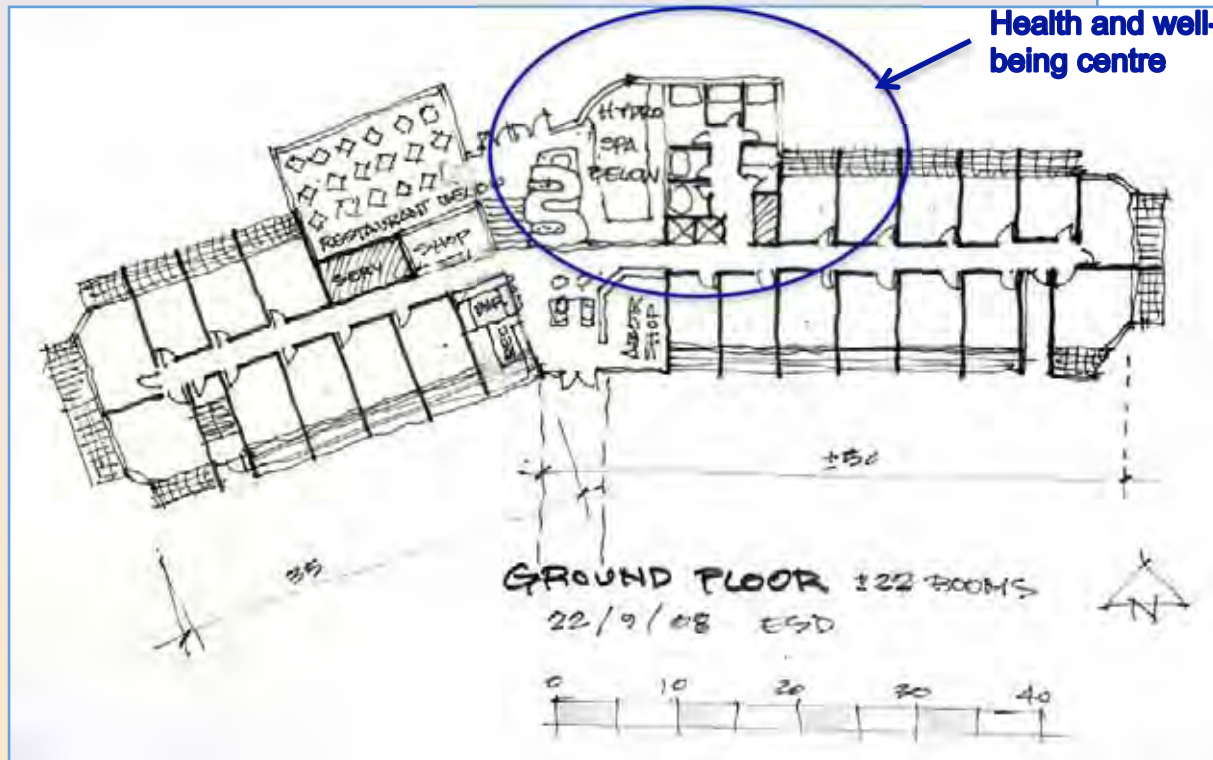
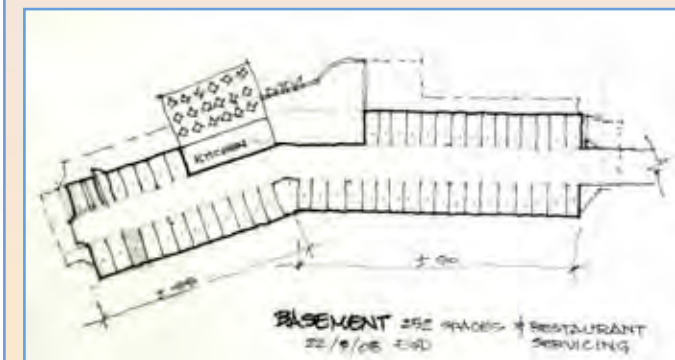
Existing Co op building extended to east and access around building separated from Nelson St extension



Health and Well-being Boutique Hotel Resort

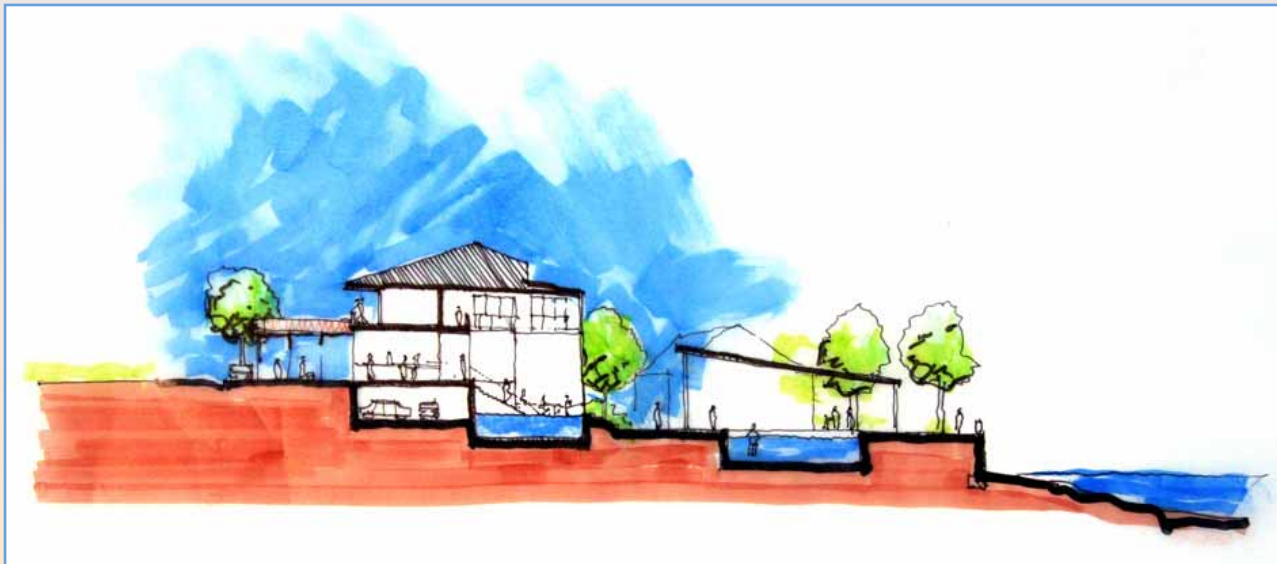
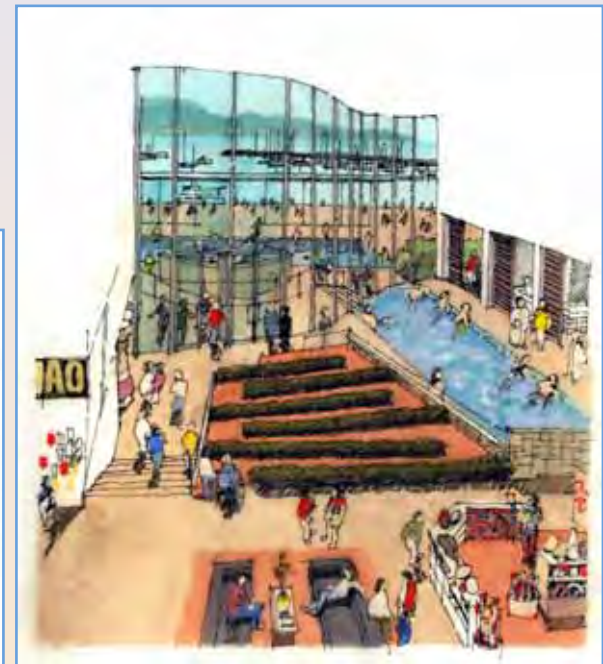


Indicative plans for ground and upper floors, and basement car park





View through lobby
past Well-being
Centre Hydrotherapy
Pool to heated
saltwater pool



Recommended Master Plan for the Overall Harbour Precinct

The key issues relating to the broader precinct related to the future of the golf course, the major street access, and the future use of the golf course land should it relocate. The EBD team recommends:

- That the Master Plan contain two alternatives for the Golf Course – one showing how it could be retained beyond 2016 if that becomes necessary, and a second plan showing post golf course uses.
- That Nelson St be upgraded and extended as the main access to the Harbour and that the Great Ocean Rd/Nelson St intersection be changed to a T-junction with turning pockets, and high quality pedestrian crossing points.
- That following relocation of the golf course, the western part be retained as informal parkland, and the Point Bunbury part incorporate some temporary peak-period camping and caravan areas near Trafalgar St, and the remainder become public parkland.

The following plans illustrate these recommendations, and show additional details.

Overall Master Plan with Golf Course retained



For keynotes see next slide

Overall Master Plan with Golf Course retained



1. Monument Park and new Amphitheatre
2. Nelson Street Access and Extension
3. Mothers Beach Car Park
4. Floating Restaurant site or other marine related mooring
5. Consolidated Harbour Works Operations
6. Expanded Fisherman's Cooperative
7. Public Promenade
8. Great Ocean Road Aboriginal Cultural Centre (GORACC)
9. Expanded Boat Launching and Formalised Trailer Parking
10. New Sailing Club
11. New Recreational Marina with mediterranean berths and swing moorings
12. Protection of Harbour Entrance with extended groyne (if warranted after detailed technical study)
13. Great Ocean Walk - Point Bunbury Loop
14. Health spa with pool and boutique hotel, with aboriginal shop

The retention of the golf course post 2016 would essentially require modifications to holes 3 and 9 to allow the Nelson St extension and enhancements, and modification to provide protection at the ends of holes 2, 3, 5, and 7 to enable walking paths to be created to Mothers Beach and around Point Bunbury.

West end precinct enhancements



Nelson St modified between GOR and Pascoe St to improve safety and legibility, and increase parking. McLaren St becomes main link to Barham Valley attractions, and can have turning lane added to GOR if warranted.

Re-striping of parking in Pascoe St to increase number of spaces.

New park in Nelson St, linking to Monument.

New grassed north-facing amphitheatre just south of existing playground.

T-junction with turning pockets at Nelson St/Great Ocean Rd intersection

Amphitheatre for music festival and other purposes near Memorial, created by reshaping the Lions Club mounds



Overall Plan with Golf Course relocated



For keynotes see next slide

Overall Master Plan with Golf Course relocated



In addition to previous features listed...

15. New informal park with dune vegetation retained and new path to harbour provided.

16. Golf clubhouse retained as memento to Golf Club and used for coastal tourism-related use such as Great Ocean Walk Portal, Music Festival office or similar.

17. Nelson St converted to right angle parking, to enable removal of golf club car park and public toilet block.

18. Temporary peak season camping and caravan spaces (around 60 to 70 sites).

19. Area near harbour developed as open grassland park

20. Point Bunbury area re-vegetated to natural bushland

New Costings

| | |
|--|---------|
| Total Cost of improvements with
Golf Course still present | \$44.7m |
|--|---------|

| | |
|---------------------|---------|
| Public Improvements | \$25.7m |
|---------------------|---------|

| | |
|-------------------------------|-------|
| Health spa/hotel/pool complex | \$19m |
|-------------------------------|-------|

This equates to 44% private funding, and a significant reduction in the total amount of public funds required (down from \$60m to \$25.7m).

Master Plan Implementation

Base Case Harbour improvements with Golf Course retained and no hotel.

Cost of around \$25.7m. Implementation uncertain with very limited funding. However, plan allows for incremental upgrading to occur as funds become available through normal funding sources. This includes:

Amphitheatre

Nelson Street Extension

Mothers Beach Car Park and change rooms

Consolidated Harbour Works Operations

Fisherman's Cooperative expansion

Public Promenade

Great Ocean Road Aboriginal Cultural Centre (GORACC)

Boat Launching and Trailer Parking

Sailing Club and public change rooms

New Recreational Marina

Protection of Harbour Entrance

Great Ocean Walk - Point Bunbury Loop

Small Building on Promenade (use to be determined)

With Health and Wellness Centre with Boutique Hotel and Pool

State funding for major public works more likely and sooner.

What Happens Next?

Colac Otway Council will advise on the next steps in the near future.

Contact Mike Barrow at mike.barrow@colacotway.vic.gov.au or on 03 5232 9450 for further information.

This Enquiry by Design to inform the Apollo Bay Harbour Precinct Master Plan Review has been conducted by Ecologically Sustainable Design Pty Ltd and Colac Otway Shire, with additional contributions from:

Jim Higgs, TTM traffic consulting
Lidia Orsini, Meinhardt Infrastructure & Environment
Bruce Echberg, Urban Initiatives
Anthony Prowse, Prowse Quantity Surveyors
Geoff Falk, Graphic Illustrator
Suzanne Barker, design team volunteer



Our thanks to the team for a great effort over the past five days!

And our thanks to the Apollo Bay Community, other local stakeholders and government agency representatives for your very valuable contributions to the EBD

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

| ITEM | D | W |
|---|---|---|
| <p><u>GENERAL BUSINESS</u></p> <p><u>OM082810-18.1 Item for Signing and Sealing - Instrument of Agreement Contract 0813 - Bituminous Sealing Works in Colac Otway Shire</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Instrument of Agreement between the Colac Otway Shire Council and Boral Resources (Vic) Pty. Ltd.</i></p> | | |
| <p><u>OM082810-18.2 Item for Signing and Sealing - Section 173 Agreement, 27 Harrington St, Separation Creek</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and BC & PR Jacobs covenanting Certificate of Title Volume 10472 Folio 019, that the owner agrees that Lot 3 shall, to the satisfaction of the Responsible authority, be preserved and maintained as a native vegetation reserve within which no development shall occur. This does not apply to that part of Lot 3 that is within the notional square that is constituted by extending the 77.13 metre boundary of Lot 3 to intersect with the extension of the 72.01 boundary of Lot 3 and generally depicted diagrammatically in Schedule 1 of the Agreement as hatched land.</i></p> | | |

Recommendation

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

MOVED

SECONDED

OM082810-18 GEN ERAL BUSINESS**OM082810-18.1 *Item for Signing and Sealing - Instrument of Agreement Contract 0813 - Bituminous Sealing Works in Colac Otway Shire***

Council awarded the 2008/2009 bituminous sealing contract to Boral Resources (Vic) Pty. Ltd. at the September, 2008, council meeting. The contract sum is \$827,730.40 (excluding gst). An *Instrument of Agreement* is now required to be signed and sealed.

Recommendation

That Council sign and seal the Instrument of Agreement between the Colac Otway Shire Council and Boral Resources (Vic) Pty. Ltd.

~~~~~



**OM082810-18.2      *Item for Signing and Sealing - Section 173 Agreement, 27  
Harrington St, Separation Creek***

. The applicant agreed to enter into a Section 173 Agreement as per condition 19 of Planning Permit PP348/04 that allowed for three (3) lot subdivision. .

Condition 19 reads:

19. 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 part of lot 3 outside the notional square within which the existing dwelling is located, shall be preserved and maintained as a native vegetation reserve within which no development shall occur. The land 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 BC & PR Jacobs covenanting Certificate of Title Volume 10472 Folio 019, that the owner agrees that Lot 3 shall, to the satisfaction of the Responsible authority, be preserved and maintained as a native vegetation reserve within which no development shall occur. This does not apply to that part of Lot 3 that is within the notional square that is constituted by extending the 77.13 metre boundary of Lot 3 to intersect with the extension of the 72.01 boundary of Lot 3 and generally depicted diagrammatically in Schedule 1 of the Agreement as hatched land.***



~~~~~U~~~~~

PLANNING PERMIT

TO:
FADYGAS PLANNING
ASSOCIATES PTY LTD
PO BOX 801
BELMONT 3216

Assessment No. - 2704 027 00
Permit No - PP348/04
Planning Scheme - Colac-Otway Scheme
Responsible Authority - COLAC OTWAY SHIRE

ADDRESS OF THE LAND:

27 HARRINGTON STREET, SEPARATION CREEK
DELETED COMBINED WITH 250902700, PARISH OF KAANGLANG

THE PERMIT ALLOWS:

REMOVAL SECTION 173 AGREEMENT & THREE (3) LOT SUBDIVISION IN ACCORDANCE WITH THE ENDORSED PLANS.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

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. Access onto and within each property must be constructed to the satisfaction of the Responsible Authority. Individual access to the building envelope on Lot 1 and Lot 2 must be provided from Harrington Street to each envelope and the subject access must be constructed in accordance with the Geotechnical Investigation and Report prepared by Bruce Hollioake and Partners, dated 16th July 2004, and their further letter and plans dated 28th July 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: 12/1/07

**Signature for the
Responsible Authority**



Council/Delegate

CONDITIONS CONTINUED FOR PERMIT NO. PP348/04

4. 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.
5. 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.
6. 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.
7. All works and development associated with this permit must be carried out in strict conformity with the recommendations contained in the Geotechnical Investigation and Report prepared by Bruce Hollioake and Partners, dated 16 July 2004, and their further letter and plans dated 28 July 2006, and to the satisfaction of the Responsible Authority.
8. 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.
9. 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.
10. The land adjacent to the proposed building envelopes must be landscaped predominantly with native plants of species suitable to the locality to preserve and enhance the natural beauty of the area and to provide an effective visual screen to the area.
11. The landscaping must be established within 12 months of commencement of the development hereby permitted and must be maintained to the satisfaction of the Responsible Authority.
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 on the subject Planning Permit in relation to the subdivision being complied with to the satisfaction of the Responsible Authority.

Date Issued: 12/1/07

**Signature for the
Responsible Authority**



Council/Delegate

CONDITIONS CONTINUED FOR PERMIT NO. PP348/04

15. 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.
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. Rights of Carriageway or Common Property shall be designated in favour of both lot 1 and lot 2 to ensure legal access rights apply to each lot.
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. Plans lodged for certification pursuant to the provisions of the subdivision Act 1988, as amended, must include a separate sheet which delineates a building envelope within each proposed lot, to the satisfaction of the Responsible Authority.
19. 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 part of lot 3 outside the notional square within which the existing dwelling is located, shall be preserved and maintained as a native vegetation reserve within which no development shall occur.

The land owner shall meet the Responsible Authority's reasonable costs of the preparation, execution and registration of the Section 173 agreement.

CONDITIONS REQUIRED BY POWERCOR:

20. 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.
21. 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.

Date Issued: 12/1/07

**Signature for the
Responsible Authority**


Council/Delegate

CONDITIONS CONTINUED FOR PERMIT NO. PP348/04

- 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.
- 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 powerline 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:

22. 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.
23. 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.

NOTES:

- a. 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.

Date Issued: 12/1/07

Signature for the
Responsible Authority


Council/Delegate

CONDITIONS CONTINUED FOR PERMIT NO. PP348/04

- b. As the proposed location is within a Wildfire Management Overlay, at the time any building is to be constructed on any or all three lots, all CFA conditions relating to vegetation management, access, water supply and any other related matter must be on any permit issued.
- c. The existing dwelling on 1-5 Bass Avenue appears to be constructed over the boundary of the proposed Lot 1 and would need to be verified/rectified at the time of subdivision.

Expiry of permit:

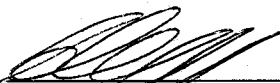
In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- The development and use are not started before 12 January 2009
- The development is not completed before 12 January 2011

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.

Date Issued: 12/1/07

**Signature for the
Responsible Authority**



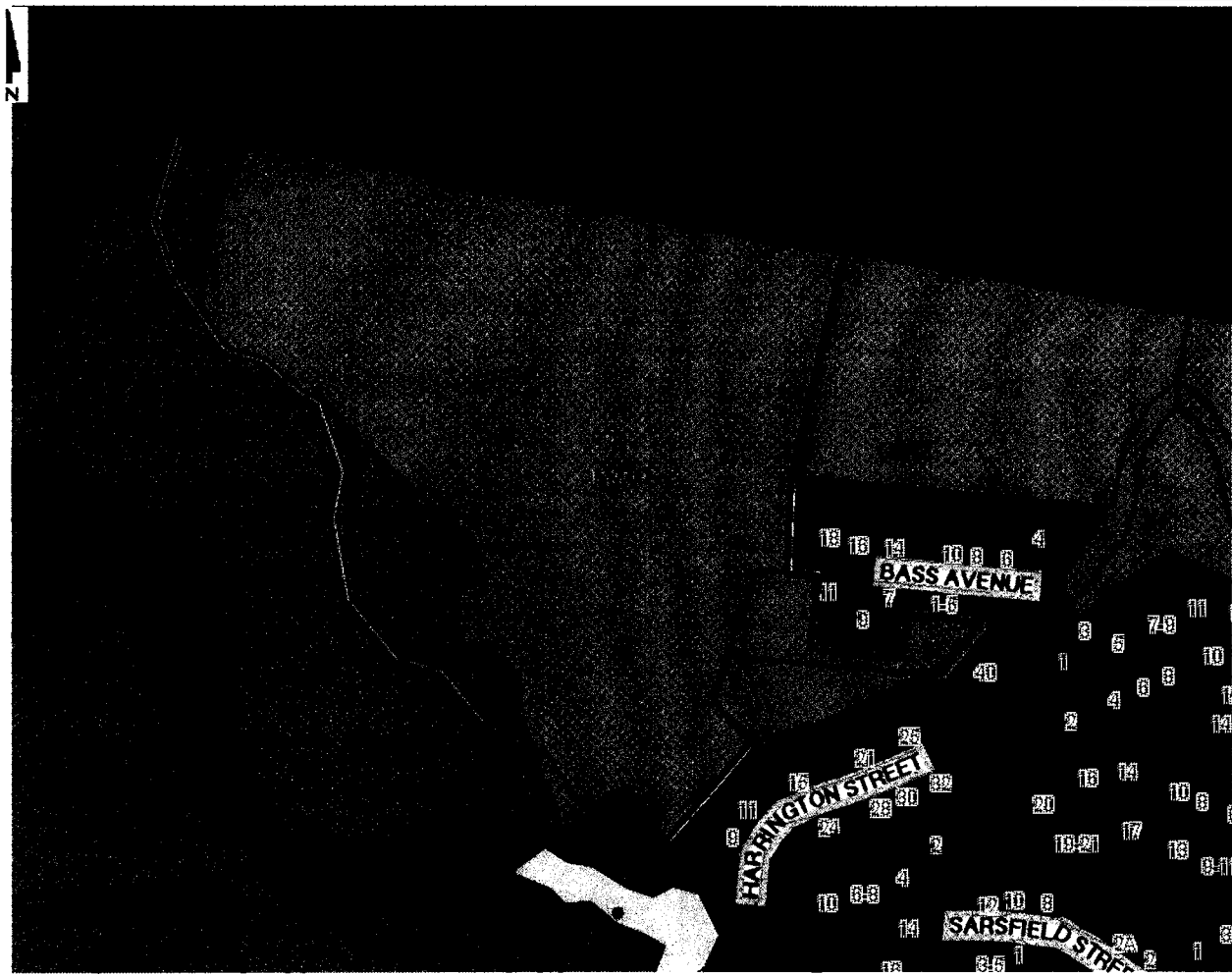
Council/Delegate



PLANNING DEPARTMENT
Admin Map



Title :



Map Zoom: 762.1 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 |
| | Floodplain (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 **

Disclaimer

Contains VICMAP Information
©The State of Victoria, Dept. of Sustainability & Environment, 2003
Reproduced by permission of the Dept. of Sustainability & Environment.

This material may be of assistance to you but the State of Victoria, Colac-Otway Shire and its employees do 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 any error, loss or consequences which may arise from your relying on any information contained herein

Colac Otway Shire
2-6 Rae Street.
COLAC. VIC. 3250
Ph: 03 5232 9400
Fax: 03 5232 1046
Email:
info@colacotway.vic.gov.au
Web:
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.

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:

| SUBJECT | REASON | SECTION OF ACT |
|---------------------------------------|--|--|
| <i>Confirmation of Minutes</i> | <i>Matter may prejudice Council or any person</i> | <i>Section 89(2)(h)</i> |
| <i>Road Management Issue</i> | <i>Matter may prejudice Council or any person</i> | <i>Section 89(2)(h)</i> |
| <i>Waste Management Issue</i> | <i>Contractual Matter</i> | <i>Section 89(2)(d)</i> |
| <i>Land Management Issue</i> | <i>Contractual Matter
Legal Advice
Matter may prejudice Council or any person</i> | <i>Section 89(2)(d)
Section 89(2)(f)
Section 89(2)(h)</i> |