

**Colac Otway  
SHIRE**

**AGENDA**

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

**25 MARCH 2009**

**at 6.00 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

25 MARCH 2009

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##### **OM092503-13 GENERAL BUSINESS**

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NOTICE is hereby given that the next **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in the COPACC Meeting Room, Rae Street, Colac on 25 March 2009 at 6.00 pm.

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## **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 acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

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 show respect to each other and respect for the office of an elected representative.

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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. DECLARATION OF INTEREST

## 7. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 25/02/09.

### Recommendation

That Council confirm the above minutes.

## OFFICERS' REPORTS

### Chief Executive Officer

OM092503-1 CEO'S PROGRESS REPORT TO COUNCIL  
OM092503-2 COUNCIL MEETINGS AND COMMUNITY FORUMS

### Corporate and Community Services

OM092503-3 BEECHY PRECINCT - JOINT USE LIBRARY AGREEMENT  
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### Infrastructure

OM092503-10 EPA ASSESSMENT OF THE POTENTIAL FOR METHANE GAS  
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2008

### Sustainable Planning and Development

OM092503-12 APOLLO BAY HARBOUR PRECINCT MASTER PLAN

## **GENERAL BUSINESS**

### **OM092503-13    General Business**

- OM092503-13.1 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 419 PRINCES HWY, COLAC WEST
- OM092503-13.2 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT 605 BARHAM RIVER ROAD, APOLLO BAY
- OM092503-13.3 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 195 MCDONALDS ACCESS, KAWARREN
- OM092503-13.4 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT - 275 ROBINSONS ROAD, BARONGAROOK
- OM092503-13.5 ITEM FOR SIGNING AND SEALING - LEASE TO DEPARTMENT OF PRIMARY INDUSTRIES - PREMISES: 69-71 NELSON STREET, APOLLO BAY

**Jack Green**  
**Chief Executive Officer**

## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CHIEF EXECUTIVE OFFICER</u></b></p> <p><b><u>OM092503-1 CEO'S PROGRESS REPORT TO COUNCIL</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council receive the CEO's Progress Report to Council for information.</i></p>		
<p><b><u>OM092503-2 COUNCIL MEETINGS AND COMMUNITY FORUMS</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That:</i></b></p> <p><b><i>1. All ordinary and special meetings of Council continue to be conducted at COPACC in Colac with 2 meetings per year being held in Apollo Bay.</i></b></p> <p><b><i>2. That Council confirm the meeting dates and times for the balance of 2009 Council Meetings as:</i></b></p> <ul style="list-style-type: none"> <li><b><i>• Wednesday 22 April 2009, at 3.00 pm at the Apollo Bay Senior Citizen's Centre, Apollo Bay.</i></b></li> <li><b><i>• Wednesday 27 May 2009, at 3.00 pm at COPACC, Colac.</i></b></li> <li><b><i>• Wednesday 24 June 2009, at 3.00 pm at COPACC, Colac.</i></b></li> <li><b><i>• Wednesday 22 July 2009, at 3.00 pm at COPACC, Colac.</i></b></li> <li><b><i>• Wednesday 26 August 2009, at 3.00 pm at COPACC, Colac.</i></b></li> <li><b><i>• Wednesday 23 September 2009, at 3.00 pm at COPACC, Colac.</i></b></li> <li><b><i>• Wednesday 28 October 2009, at 3.00 pm at COPACC, Colac.</i></b></li> </ul>		

<ul style="list-style-type: none"> <li>• <i>Wednesday 25 November 2009, at 3.00 pm at the Apollo Bay Senior Citizen's Centre, Apollo Bay.</i></li> <li>• <i>Wednesday 16 December 2009, at 3.00 pm at COPACC, Colac.</i></li> </ul> <p><i>3. That the schedule of Council Meetings, dates and times for 2010 be considered at the December 2009 Council meeting.</i></p> <p><i>4. That a program of Community Forums in smaller townships be established and implemented.</i></p>		
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**Recommendation**

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

**MOVED** .....

**SECONDED** .....



**OM092503-1 CEO'S PROGRESS REPORT TO COUNCIL**

AUTHOR:	Jack Green	ENDORSED:	Jack Green
DEPARTMENT:	Executive	FILE REF:	GEN00460

**EXECUTIVE****Great South Coast Municipalities Group**

The Acting CEO has been involved in interviews for the Executive Officer position for the Great South Coast Regional Strategic Plan. This has been funded through Regional Development Victoria to provide for an Executive Officer, project officer and some research/administrative support for the GSC Regional Strategic Plan and the Mayors and CEO's meetings. The major challenge is to find agreement between councils on the key regional strategic issues. This will be essential to ensure access to funding as indications are that significant funding will be administered through both the Federal and State Governments based on regional priorities. Preliminary advice indicates that Regional Development Australia are aligning their boundaries with RDV and that the State and Federal Governments will be allocating significant funding through these bodies.

**VicRoads Municipal Visit**

The Acting CEO, General Manager, Infrastructure and General Manager, Sustainable Planning & Development met with VicRoads Regional Director, Manager Program Development and Manager Program Delivery on Friday 13 March 2009. Discussions were held regarding road programs and strategic issues in the Shire. This included Road Safety Funding, the Colac Lavers Hill Road Upgrade, Geelong Ring Road & Geelong Ring Road Section 4, the Victorian Transport Plan duplication of the Princes Highway to Winchelsea and planning for a future Colac By-pass and Heavy Vehicle Route.

**Shire Tour for Councillors**

A tour of the Shire was held on Tuesday, 17 March 2009 for Councillors. Areas visited included Lavers Hill, Apollo Bay, Forrest, Birregurra and Colac. The purpose of this tour was to highlight to Councillors projects being undertaken by Council and also to provide an opportunity for Councillors to raise issues with officers.

**CORPORATE AND COMMUNITY SERVICES****Electoral Services Report**

The Victorian Electoral Commission have provided their final report into the conduct of the general elections held in November 2008. The report provides information on the election and the various parts of the process. This includes:

- Returning Officer
- Election Office
- Voters Roll
- Communication Campaign
- Candidates
- Voting
- Obtaining a Result
- Complaints
- Post Election

The report indicates that the number of ballot papers counted (formal and informal), as a percentage of the total enrolment for Colac Otway was 83.01% compared with 81.40% at the last elections held in November 2004.

The informal voting rate was 6.10% compared with 1.26% at the November 2004 elections. It is noted that higher informality rates can generally be expected where there are more candidates standing for election.

Apparent failure to vote notices have been forwarded to 943 people.

The VEC will continue to communicate with Council during the management of compulsory voting.

## Recreation

### Council Community Grants

Representatives from community, sport and recreation organisations have been advised that the 2009/2010 Council Community Funding Program will open on 27 March 2009 and applications will close on 8 May 2009. This program includes three funding categories:

- Community Recreation Facilities
- Community Projects
- Colac Otway Performing Arts and Cultural Centre (COPACC) Hire Assistance

Two community information sessions regarding these funding programs will be held to discuss the funding criteria, application process and any specific project queries. Representatives from community, sport and recreation organisations and clubs are invited to attend these information sessions which will be held on:

Monday 6 April 2009 at 7:00pm	COPACC Meeting Rooms 1 and 2 Gellibrand Street, Colac
Tuesday 7 April 2009 at 7:00pm	Marrar Woon Community Centre Pengilley Avenue, Apollo Bay

Clubs and community organisations have been reminded that any community project involving construction, extensions, renovations, refurbishments and/or upgrading of venues and facilities will require compliance consideration. Groups planning any of these activities have been advised to contact Council to seek advice regarding their proposal prior to lodging a funding application to ensure all relevant requirements are met.

### Leisure Networks and Colac Otway Shire Partnership

During the next 12 months, Leisure Networks will conduct a series of workshops for sports & recreation groups within the municipality in partnership with the Colac Otway Shire. The aim of these workshops is to provide a consistent and face to face mechanism to train and develop groups and encourage the sharing of best practice. Two free Working with Children Information Sessions were offered to community, sport and recreation organisations on Thursday 12 March at COPACC as part of this process.

### Multi-purpose sports field legacy project

Turfcare Pty Ltd was announced as the successful contractor for the hockey field upgrade. Works commenced in the week beginning 16 February. The total project which includes a significant maintenance period will be completed August / September 2009 and this is subject to the response of the new turf.

All hockey field user groups, schools and local residents have been advised of the works.

**Drought Relief for Community Sport and Recreation Funding 2009**

A funding application has been submitted under the Sport and Recreation Victoria Drought Relief for Community Sport and Recreation 2009. The proposed project is to install new automated irrigation infrastructure and drought tolerant grass species at the Lake Colac Cricket Ground and water tanks for water harvesting at the Lake Colac Cricket Ground, South Colac, Eastern Reserve and Central Reserve Colac and Irrewillipe Recreation Reserve.

**Regional Trails Masterplan Project**

A draft project report has been received from the Project Consultants. A workshop is to be held on 27 March 2009 with representatives from all stakeholders to work through the draft report and determine future directions. It is proposed that after this workshop the draft report will be distributed by each of the project stakeholders seeking further local and organisation input acknowledging the majority of the recommendations will rely on specific area input and endorsement.

**Birregurra Skate Park**

Tenders for the construction of the Birregurra Skate Park are currently being called.

**Youth Council**

Youth Councillors have been elected for 2009, comprising ten students from the two secondary schools in Colac, who were sworn in at a formal investiture ceremony on Monday 2 March 2009.

This year sees the return of the majority of the 2008 Youth Councillors with new students filling the positions left vacant from the departure of last year's Year 12 students, Lakeisha Harding, Monica Hall and Thomas Szmidel.

The 2009 Youth Councillors are:

Brittnee Colbourne, Victoria Andres, Jessica Westlake and Taylar Stephens from Colac Secondary College – Murray Street Campus, Tracey Richardson, Jake Kennedy, Jenna Kettle from Colac Secondary College – Hearn Street Campus, and Ashley Dunn, Hillary Woodcroft and Tim Smith from Trinity College.

All students made the following pledge to undertake the role of Youth Councillor for the Colac Otway Shire Youth Council in 2009, and to perform this task to the best of their skill and ability. The Youth Council investiture was well attended by family and friends of the Youth Councillors and the Colac Otway Shire Councillors and Council Officers.

**FReeZa**

The FReeZa Committee attended the Push Over Concert in Melbourne on 8 March, 2009. The first FReeZA event for 2009, will be the FReeZa stage at the Apollo Bay Music Festival late March. Plans are commencing for the Battle of the Bands at the end of August as well as two other events during the year.

**Events****Events- Make Them Your Business**

The Colac Otway Shire recently obtained support under the Rural Economic Development Opportunities Fund, a Small Towns Victoria Program initiative funded by Regional Development Victoria for the "Events – Make Them Your Business!" project.

The project aims to equip business and community groups with information and skills to maximise the impact of the increasing number of events taking place across the Municipality.

It will identify ways local businesses and groups can take advantage of the economic, marketing and public relation opportunities afforded by events.

The first component of the project is to identify the specific issues for each of the communities - Colac, Birregurra/Forrest and Apollo Bay. A community meeting was conducted for business and community groups from the townships of Forrest and Birregurra on 10 March 2009.

The purpose of the meeting was to determine:

- What activities are currently taking place with event organisers and participants?
- What can be done to create greater benefits to all involved?
- What opportunities exist to develop marketing activities to increase benefits?
- What resources and support is required to achieve the desired outcomes?

### **Kana Festival – 14 & 15 March 2009**

The 52<sup>nd</sup> Kana Festival was a community event focusing on celebrating the diverse region of the Colac Otway Shire with a “Totally Wild” theme in 2009. Highlights were a traditional street parade and a fair-in-the-square with events organised by other community groups.

### **Apollo Bay Music Festival – 27 & 28 March 2009**

The Apollo Bay Music Festival is a true celebration of arts, culture, community and diversity. Jazz, world, folk, country, rock, reggae, blues, theatre, film, comedy, street performers, workshops, visual arts and poetry - the Apollo Bay Music Festival has something for everyone. The first FReeZA event for the year will be held in conjunction with the Festival with 3 bands performing on Saturday 28 March.

### **Great Ocean & Otway Classic Ride – 28 March 2009**

This SuperSprint event will only briefly enter Colac Otway Shire as it travels on the Birregurra Deans Marsh Road through the Otways Ranges on the way to Lorne. A recreational ride for all levels of cyclist, designed to increase participation in recreational cycling within the community as well as showcase the wonderful surrounds of Surf Coast Shire and Colac Otway Shire.

### **Festival and Events Support Scheme**

The 2009/10 round of the Festival and Events Support Scheme will open on 27 March and close 8 May 2009. Letters will be mailed to all current Event Organisers with the Application Form and Application Guidelines. Evaluations will take place between May and July 2009.

### **Upcoming Events**

Events which will be held throughout Colac Otway in April/May include Shakespeare’s “Much Ado About Nothing” (4 & 5 April) in the Botanic Gardens, Keen Adventure Race (28 April to 2 May), Great Ocean Marathon (16 & 17 May) and the Duck Drop Derby (17 May).

## **COPACC**

### **Test Drive the Arts – free tickets to COPACC shows**

COPACC is offering free tickets for first-timers to selected performances, as part of the State Government’s new *Test Drive the Arts* initiative. The new program gives Victorians the chance to ‘try before you buy’ and check out the wealth of arts experiences on offer across Victoria. Test Drive the Arts is part of the Government’s commitment to developing the local arts scene and ensuring that all Victorians have the opportunity to experience the arts. The model has been used as a successful audience builder in the UK, New Zealand and Adelaide.

COPACC is one of 26 leading Victorian arts companies and venues participating in the program, which offers tickets across the performing arts including theatre, music, dance, circus, cabaret, opera and more.

COPACC is offering people the chance to Test Drive upcoming performances of 61 Circus Acts in 60 Minutes in May, Teuila Postcards - a Polynesian dance/comedy/theatre production, and Perth Theatre Company's Baby Boom Blues in July.

### **Bluewater Fitness Centre**

#### **Programming**

The Go For Your Life Seniors Strength Training program currently being delivered in Gellibrand, Forrest and Colac has reached the first physical assessment period for all participants. Term 1 Learn to Swim Program enrolments continue to grow with 350 children currently enrolled and School aquatic programs commenced in February.

The crèche will extend its operating hours an extra 30min each day to assist parents and children involved in other Centre programs such as learn to swim and group exercise classes. This addition is consistent with existing licensing agreements for the facility.

The next gym challenge commencing in March is the Kokoda Trail Challenge. This challenge will raise funds in support of the Good Friday Appeal concluding in early April.

A swimming program for the Colac Specialist School is to be held during Term 2, 2009 to provide an individualised and tailored aquatic program for the students. This program will include a broad range of water safety and swim techniques.

The *Whipper Snappers* is a swimming program for juniors including professional training and stroke techniques from 7-9 April 2009.

#### **Apollo Bay Pool**

School term operating hours commenced in February with the return of school. 370 community patrons used the pool facilities during the community hours. Predominant community usage is during the afternoon timeslot as opposed to the early morning session.

Christ the King Catholic Primary School successfully utilised the pool facilities during February as a component of their School camp program held in Apollo Bay.

User group enquiries have been received and processed during February from community sporting associations and it is expected that these activities will commence in early March.

#### **Lavers Hill**

Programs available during February include physical therapy and gentle group exercise classes conducted by Otway Health and Children Learn to Swim lessons conducted by a local private provider. Community use predominantly is in the form of general and lap swimming purposes.

## **INFRASTRUCTURE AND SERVICES**

#### **Waste**

'Families Go Green' is an information session being run for families by the Department of Sustainability & Environment. Colac Otway Shire has participated in this program by providing information for their booklet and attending sessions to give information on Green Scheme Waste Management. The group showed particular interest in both Organics and

Recycling. A second group has also attended this session on 21 March 2009. The Australian Conservation Foundation held an information day in Colac on 22 March, which included a waste education session with an officer in attendance to run this session.

Officers are in the process of finalising a Best Value Review for Waste Management and are anticipating presenting this report to the April Council meeting.

Contract documents are being prepared in anticipation of calling tenders for the Waste Services which expire in September 2010.

### **Capital Works Progress**

- Security fence at Wye River Transmission Tower is complete.
- Works are underway on the Swan Marsh-Irrewillipe Road with land acquisition, vegetation and road works well underway.
- Asphalt corner of Gallop and Darcy Street, Colac completed. Further asphaltting work proposed in April at the intersection of Gallop Street and the Princes Highway.
- South Colac oval underground drain replaced.
- Material cartage for Binns Road resheet commenced.
- Colac area gravel road resheeting program is 70% completed.
- Christies Road guardrail installation completed.
- Extensive budget work has been carried out on the development of the 2009/10 Capital Works Program for various asset classes.

### **Special Charge Schemes Update**

#### Pound Road, Colac - Road Construction

Works associated with the construction of the unsealed section of Pound Road commenced on Monday 9 February 2009. During the stabilisation of the existing road pavement, some issues were identified with the existing pavement. Compaction did not meet the required levels.

The contractor has left the site until further pavement testing results are known. It is anticipated the results will be available by the end of March, which will detail the remedial works required to improve the pavement strength to the necessary standard.

While the delay was unforeseen and unfortunate it is still anticipated the works will be completed within this year's Capital Works Program.

#### Morrison Street, Colac - Road Construction

A meeting of the Residents Representative Committee was held on the 10 December 2008, at which residents raised concern with the level of support for the implementation of a special charge scheme for the construction of the unsealed sections of Morrison Street, Colac.

In order to further determine the level of support for the project another survey was conducted asking if the residents wanted the proposal to be further investigated. The survey period ended on 27 February 2009.

The results of the survey indicate that the majority of property owners abutting Morrison Street did not wish Council to further investigate the implementation of a special charge scheme. It is intended to present a report to the April 2009 Council Meeting to discuss this project.

**Western Reserve**

The Western Reserve Football changerooms have been painted.

**Saleyards**

Preliminary works have commenced for the installation of security gates and fencing at the entrance to the Saleyards.

**Apollo Bay Transfer Station**

A meeting was held with Sustainability Victoria (SV) on 19 February 2009 to discuss the progress of the Apollo Bay Transfer Station project. Plans and contract documents have been prepared by GHD Consultants. The project is subject to the tendering process and a contract awarded in order to claim the funds. Accordingly, tenders have been invited through advertisements in newspapers. Tenders close on 8 April 2009 after which tender evaluation will be carried out and a report tabled at the April or May Council meeting for selecting the best tender.

Aboriginal Affairs Victoria (AAV) have notified Council of approval of the Cultural and Heritage Management Plan (CHMP) thereby enabling the land purchase to be finalised. A planning permit has been issued for the project. Council will be concurrently applying for the building permit in order to have the permit issued in time for contractors to commence work immediately after awarding of the Contract.

**Port of Apollo Bay – Meeting with DSE for discussing future projects**

A meeting was held with officers of Department of Sustainability and Environment (DSE) on 12 March 2009 to discuss the future priority Capital Works Projects for the Port of Apollo Bay. The upgrade of the existing slipway to a higher capacity to cater for larger boats, installation of a boom gate at the access road to the harbour to control the movement of unauthorized vehicles and improved signage within the harbour are some of the projects that DSE is supportive of. Confirmation has also been received from DSE of allocation of funds for upgrade of slipway rails (\$140,000) under a Risk Mitigation Program in the current financial year.

**Asset Management**

Modelling has been completed on the renewal expenditure as part of the preparation of Council's long term financial plan and the 2009/10 Budget.

**SUSTAINABLE PLANNING AND DEVELOPMENT****New Building Standards for Bushfire Prone Areas and State Review of Native Vegetation Provisions**

In response to the recent fires across Victoria, the State Government has announced new building standards targeting high bushfire risk areas. The Government has brought forward adoption of the Australian Standard for Design and Construction of Buildings in Bushfire Prone Areas, effective immediately. The new standards apply to sites according to their level of risk identified by the standards under six Bushfire Attack Level (BAL) categories from low to extreme. A BAL assessment is required as part of the application for a building permit. This then determines the method of construction and materials to be used to improve protection for properties under threat of bushfires.

The new standards apply to:

- new homes
- rebuilding of homes
- repair of buildings or outbuildings, and
- additions to homes and outbuildings within six metres of a dwelling

The Municipal Association of Victoria (MAV) is examining the details of the new standards and has sought further information from the Government about how they will be applied and implications on existing declared bushfire prone areas and areas under wildfire management overlays. The previously designated Bush Fire Prone Area maps have been removed, and all building permit applications regardless of location will be assessed against the new standard. There are some transitional provisions for circumstances where buildings are not yet approved but have been through a significant part of the design process. To assist communities to understand the new standards, the Building Commission has released "*A guide to building in Victoria after the bushfires*", copies of which can be obtained from [www.buildingcommission.com.au](http://www.buildingcommission.com.au).

The Government has also announced a review of the State's Native Vegetation Framework in the context of fire prevention and how it is applied by local government through Planning Schemes. The Government will examine what further action may be appropriate for landowners to manage property vegetation to reduce bushfire risk, while also balancing the needs of the environment and significant landscapes and local neighbourhood character. The Department of Planning and Community Development, the Department of Sustainability and Environment and the Country Fire Authority will review the effectiveness of current approaches to development approvals and native vegetation management in bushfire risk areas. The review will establish if changes are required to current vegetation controls and management practices to take account of the increased bushfire risk in parts of Victoria; how exemptions might be more uniformly applied by councils; and whether landowners have sufficient capacity and understanding of the current regulations to manage vegetation to reduce bushfire risk around their homes.

The MAV is seeking further information on the review process to ensure appropriate involvement of local government and opportunities for council input. Whilst some individuals in this Shire have called for immediate changes to vegetation provisions in the coastal towns following the recent fires, it is far better that a review be undertaken at the State level so that any local changes are made in a consistent and thought out manner.

In addition to these measures, the State Government has recently amended Planning Schemes across Victoria to exempt works in bush fire affected areas from requiring planning permits in certain circumstances, as well as a broader exemption from planning permit requirements for buildings and works in all areas undertaken by or on behalf of Councils that have a value under \$1,000,000. Whilst this measure will assist Councils in bushfire protected areas to replace damaged infrastructure in a timely fashion, it has broader long term implications for Colac Otway Shire by removing permit requirements that current apply to several capital works projects. Whilst it removes a formal permit requirement in some cases, it is important however that Council projects continue to respond to environmental, heritage and other constraints appropriately. The new exemption does not apply to removal or damage to native vegetation.

### **Funding for Climate Change Projects**

The Federal Government recently announced a \$500,000 grant program for Climate Change Risk Mitigation, aimed at assisting risk mitigation projects proposed by rural and remote local governments throughout Australia. A maximum of \$75,000 can be allocated under the program to one Council by itself or up to \$120,000 for two Councils or up to \$140,000 for three or more Councils. An Expression of Interest was lodged by the Shire at the end of February 2009 for a project focussed on the effects of climate change on Lake Colac. A further EoI was lodged on behalf of the G21 regional alliance and Great South Coast group of Councils for a wide ranging project.



**Heathfield Estate Reserve Public Consultation**

A public meeting was held on 24 February 2009 for the purpose of consulting with community organisations and interested parties on how the Heathfield Estate Reserve at Marengo may be used on an interim basis, until such time as the land is required for the Great Ocean Green development or other Council use. Approximately 30 people attended the public meeting and proposed a range of possible uses for the reserve including:

- Pony club
- Community Garden
- Lease for grazing
- Golf Driving range
- Football club/training ground
- Bike track
- Archery Club/Model Plane Club/Kite club/Dog friendly park
- Revegetate site to create Botanical or Native Gardens
- Leave as passive open space

Written submissions outlining possible interim uses for the site must be received by Council before close of business on Friday 17 April 2009. The issues identified will be included in the report prepared for Council consideration together with analysis of any written submissions received.

**Amendment C12 (Update of Flood Mapping)**

Amendment C12 updates the mapping of flood overlays in the Colac Otway Planning Scheme. Public exhibition of Amendment C12 finished on the 31 October 2008 with 13 submissions received. The CCMA have provided feedback on the submissions received and a report is being prepared for the next Planning Committee meeting seeking Council endorsement to refer the submissions to an independent panel.

**Beeac Broiler Farm Proposals**

Council resolved at the Planning Committee meeting on 11 March 2009 not to support either of the broiler farms proposed at 210 Pierces Road, Beeac. Council Officers have since been informed that an agreement has been reached between the Applicant and the Consultant who is acting on behalf of the objectors, in relation to a modified proposal.

It is understood that the agreement is based on the proposal being modified to a single broiler farm with a 640,000 bird capacity setback 200 metres from the south boundary, centrally located between the eastern and western property boundaries.

While a negotiated position is supported by Council Officers "in principle", and could save significant resources for all parties, it is necessary to ensure that all objectors agree to the modifications proposed and that the amended proposal complies with the current Victorian Code for Broiler Farms and any other relevant planning provisions. A revised layout of the farm has not yet been received.

There is a need to determine whether the existing Environmental Risk Assessment (ERA) is acceptable as it models the broiler farms as separate complexes, 500 metres apart, the single farm in its new location (southern boundary setback of 200m) does not comply with the current Code and consideration of the sheds in one location could create different odour conditions.

Council Officers will require sufficient time from the receipt of new material to review the amended proposal and report to the Planning Committee to determine whether the position of Council as resolved at the March 2009 should change.

In the meantime Council Officers have requested that the VCAT hearing scheduled for April 2009 be postponed until a Directions Hearing has been held to resolve a range of matters relating to the amended proposal.

### **Fire Prevention**

The strategic fire prevention inspection process has been completed. Routine inspections will be carried out for the rest of the fire danger period. Over 1300 fire prevention notices have been issued, and so far only 52 properties have not been managed in accordance with the requirements of the notice. Contractors have been organised to clean up these properties. Accordingly Infringement notices will be sent to the owners of these properties and a bill for the cost of the clean-up operations will be added to their rates notice. Some blocks are very difficult to clean up due to the rubbish on site and other factors that make using the slashing equipment difficult such as access and slope. There are only a few of these cases but each one has to be considered carefully in order to identify a suitable management approach.

The fires on 7 February 2009 have significantly increased the amount of enquiries relating to fire prevention. Council Officers are working hard to respond to these enquiries in a timely fashion but many of the complaints being made do not warrant the issuing of a fire prevention notice. This is upsetting some of the people who made complaints but the approach to issuing notices needs to remain consistent even though there is a heightened level of anxiety in the community.

### **Lake Colac Revegetation and Weed Control Plan**

The final draft of the Lake Colac Revegetation and Weed Control Plan was presented to the Lake Colac Consultative Committee on 12 March 2009. The plan provides strategic direction for revegetation and weed control on council managed land for the next three years. The aim of the plan is:

- To improve the amenity of the area for the public;
- To improve water quality by stabilising banks, preventing channel incision and reducing sediment and organic matter entering the waterway; and
- To improve the conditions for native flora and fauna by re-establishing suitable habitat.

The plan provides a balanced approach to managing environmental, recreational and safety issues on Council managed land adjoining Lake Colac and Barongarook Creek. The first actions that will be carried out in accordance with the plan involve the removal of exotic trees along the banks of Barongarook Creek between the Murray Street Bridge and the foot bridge. The area will then be replanted with indigenous species. Council Officers are working with Corangamite CMA river health officers on this project. The exotic trees are being removed because they drop all of their leaves at once in autumn creating a spike in the nutrient load going into the waterway which changes the water temperature and the amount of dissolved oxygen available to fish and macro-invertebrates. Greater nutrient loads in the waterways also means an increase in the likelihood of blue-green algae outbreaks in Lake Colac. The leaves of native trees are deposited regularly and break down slowly. This initiative will make the area safer, more attractive and improve the health of both the creek and the lake. The works are expected to start in March and take two weeks to complete.

### **Visitor Information Centres**

The Great Ocean Road Visitor Information Centre (VIC) provides a variety of income streams to Council including computer hire for internet access; the on line accommodation booking service, phone cards, Otway Fly and Cape Otway Light House Tickets, V-Line tickets, retail sales of souvenirs, books and other products and wall panel advertising. Congratulations to VIC Coordinator Kelly Miller who has rented out all panels with an

expected annual return of \$7,000. A full report on VIC income will be presented to the April 2009 meeting.

### **Colac Men's Shed**

The Colac Men's Shed is progressing. The shed has been purchased (a prefabricated colourbond 10m x 15m shed from West Vic), planning permits have been obtained and the building permit is in the process of being obtained. The Shed will then be erected by subcontractors of West Vic and there will be a public meeting welcoming people to join the shed and become participants and/or supporters.

### **Federal Funding for Community Infrastructure**

Due to an influx of applications and the second Federal Government economic stimulus package, an extension was granted to all Australian Councils from the Federal Government's Department of Infrastructure, Transport, Regional Development and Local Government for the Regional and Local Community Infrastructure Program – Strategic Projects. Council's \$6m application for the redevelopment of the Bluewater Fitness Centre Stadium was submitted in December and the Government has confirmed that this application would still be considered as is, irrespective of the extension.

Council is still waiting on notification from the Federal Government regarding the projects submitted under the \$525,000 grant that Council received under the Regional and Local Community Infrastructure Program and from Regional Development Victoria for matching grants that are being sought for three of the projects.

### **Business Database goes Online**

The Colac Otway Shire business database has now gone online on the Colac Otway Shire website. This will offer local people the opportunity to access the details of businesses in the Shire, and promotes the businesses to people outside of the Shire.

### **Business Development Events**

#### *Starting Your Business Workshop*

A workshop to assist prospective new business owners will be held at COPACC on 26 March 2009 from 5:30pm – 9:00pm. The workshop is funded by the Victorian Government's Office of Small Business to assist people with information on the do's and don'ts of setting up their own small business.

#### *Working Women's Networking Event*

The Working Women's Network met on 24 March 2009 at COPACC with Vanessa Schernikau from Intrinsic People coming to speak to the network on Assertiveness and Time Management. Events are planned monthly for the rest of 2009 with some great guest speakers lined up.

### **Action Agenda for Economic Development**

The consultant group is drafting the strategy with the aim of it being delivered to Council at the April 2009 meeting to approve a period of public display and allow for feedback from the community.

### **Colac Turf Club**

The Council's Economic Development Unit has worked closely with the Colac Turf Club in developing its submission to the Racing Victoria Future Directions Paper. The Council submission that was reported to the February Council meeting has also been lodged. Submissions closed on 27 February 2009.

**Trade Training Centre**

The Manger Economic Development is representing the Shire on the Colac Otway Secondary Cluster Project Management Group for the development of a Trade Training Centre (TTC) application. If successful the TTC will develop a number of fixed and mobile facilities as well as flexible learning and technology based methods to include both Colac secondary school age students and those from Lorne, Apollo Bay and Lavers Hill districts.

Officers will convene an Industry Advisory Committee (IAC) to advise the Group Board on local and regional skills shortages.

**Recommendation(s)**

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

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**OM092503-2 COUNCIL MEETINGS AND COMMUNITY FORUMS**

|             |              |           |            |
|-------------|--------------|-----------|------------|
| AUTHOR:     | Colin Hayman | ENDORSED: | Jack Green |
| DEPARTMENT: | Executive    | FILE REF: | GEN00460   |

**Purpose**

To consider the future times and locations of Council Meetings and the implementation of Community Forums.

**Background**

At the Council Meeting held on 16 December 2008 it was resolved:

**“Council**

1. ***Confirm the meetings for January February and March 2009 as:  
Wednesday, 28 January 2009 at 6.00 pm at COPACC Colac  
Wednesday, 25 February 2009 at 6.00 pm at COPACC Colac  
Wednesday, 25 March 2009 at 6.00 pm at COPACC Colac***
2. ***Consider at a Councillor Workshop the dates, times and locations for meetings for the remainder of 2009 and consider holding some meetings in rural towns.***
3. ***Is committed to holding two meetings in 2009 in Apollo Bay.”***

Prior to January 2009, Council held meetings commencing at 3.00 pm at COPACC in Colac with the April and November Council Meetings being held in Apollo Bay.

For January, February and March 2009 the Council Meetings have commenced at 6.00 pm at COPACC in Colac.

Council also previously had a program of visiting small towns every few years. These visits varied, depending on the community. In some cases the visits took the form of a meeting while others were more of an informal nature.

Councillors discussed the various issues at the workshop held on 11 March 2009.

**Council Plan/Other Strategies/Policy**

Under the community priority of strong leadership in the Council Plan *“We are committed to providing strong leadership, governance and advocacy services which will benefit the community now and into the future.”*

**Issues/Options***Council Meetings*

Councils hold “ordinary or special meetings” for the purpose of transacting the business of the Council. Meetings are open to the public and the community is welcome to attend to observe their elected representatives debate and vote on issues.

There are a number of options available in terms of times and locations of Council meetings.

## Times:

- (a) As indicated above, prior to January 2009 Council held meetings at 3.00 pm at COPACC and 2 meetings a year in Apollo Bay – April and November.

- (b) For January, February and March 2009 the Council Meetings have been held at 6.00 pm.
- (c) In the past Council Meetings have commenced at different times on a trial basis. These trials were not seen as successful.

When considering times for Council meetings it is important to consider: daylight saving, seasons and travelling distances etc.

#### Locations:

Council Meetings are normally held in COPACC in Colac with 2 meetings per year in Apollo Bay (Apollo Bay – April and November).

Council could hold Meetings in other locations but a number of issues need to be taken into account.

Council meetings held in other locations have the potential to give the local community in the area in which the meeting is being held a more convenient opportunity to attend a meeting.

It should be noted that by their nature, Council meetings in themselves do not generate significant levels of general public interest. The experience at this and other Councils is that the community interest relates to specific matters in which people have a direct interest – usually matters that directly affect their amenity. These are the types of matters that generate interest and high attendance.

However, regardless of attendance numbers, there is an argument to suggest that while holding meetings at other sites may not result in increased attendance, it sends a message of a more inclusive Council prepared to get out into the community.

The holding of Council Meetings in locations other than Colac and Apollo Bay cannot take into account the issues scheduled for the meeting agenda. Ideally, it would be preferable to include items on the agenda that relate to the local area. This is not possible because matters have to be determined and cannot be postponed for a best-fit meeting location.

It should be noted that while a meeting at a remote location would be more convenient for the local community, it would be less convenient for people travelling from other parts of the municipality who may have a requirement to attend through a direct interest in a matter on the Agenda.

It should also be borne in mind that people can find out what is on a meeting agenda by viewing them over the web or at various locations throughout the municipality. They can also find out the outcome of particular items from the minutes at these same locations.

#### Other Municipalities:

There are some Councils where council meetings are held in various areas and locations. Few however, have found the experience to be sustainable over time and free of logistical problems and expenses.

The problems that have been identified by other Councils with holding remote meetings are:

- participant numbers are low and difficult to maintain;
- a significant workload by staff to set up, dismantle and clean up the remote venue and the related cost and resource implications;
- remote venues are often inadequate in regard to furniture, chairs, microphones, PA system, acoustics, car parking spaces, heating/cooling systems and kitchen facilities;
- hiring of a community venue may require sharing facilities with other groups and noise issues can arise;

- that the agenda cannot be isolated to issues solely affecting the remote community;
- a lack of private facilities for pre-meeting briefings and post meeting debriefings; and
- lack of access to responsible officers and files/data/information to clarify and provide expert advice to address Councillor concerns.

These issues referred to above can be overcome, although Councillors would need to accept that there may be some inconveniences caused by the constraints of the venues.

In considering off-site meetings, Councillors need to make a judgement call between the disruption and logistics of off-site meetings when compared with the message and benefit to the local communities. Notwithstanding this, the suggestion below may provide for increased community inclusion while still allowing for Council meetings to be held at Colac and Apollo Bay.

#### *Community Forums/Meetings*

Currently, liaison between Councillors and the community occurs through a variety of ways. These include:

- By constituents directly telephoning Councillors and the Office about various matters;
- Members of the community writing or emailing Councillors, either directly or through the office;
- Community meetings held at external community facilities;
- Public meetings held on particular issues;
- Statutory processes whereby proposals are advertised and people can make submissions (examples of these are planning applications, planning scheme amendments, sale of land, special rates schemes, budget, etc.);
- Opportunities for the community to feed into Council and Councillors through: eg.
  - o The Council Plan; and
  - o Council's website.
- On site meetings/inspections.

It is suggested that holding regular Community forums would be a better way to build community interest and involvement and to engender increased interaction between Council and the community than remotely held Council meetings.

The option of Community forums may also represent a better community-building and involvement option than holding some Council meetings at remote locations. Certainly the agenda content would be tailored and more relevant to the area.

These forums would provide an opportunity for informal discussions on a range of local issues or concerns between Councillors, Council Officers and the community.

The agenda for the forums would be driven by items raised by the community prior to or at the forums or issues that Councillors and Council Officers are aware of that could be discussed.

Each forum would be held at a local community facility and would be specifically promoted in the relevant local area, with invitations to representatives of local groups/organisations and a broader marketing program targeting the local community.

These forums could be held twice a year. With visits to all communities over a 3 year period.

The forums could be scheduled to be held in March/April to coincide with public consultation on the annual budget and Council Plan, and in August/September, to discuss, amongst other things the budget and Council Plan.

For example:

(a) Setting aside a day in August/September. Could include Council doing a tour of the area as well as Community Forums in:

- Alvie
- Beeac
- Cressy

(b) Setting aside a day in March/April. Could include Council doing a tour of the area as well as Community Forums in:

- Swan Marsh/Pirron Yallock
- Birregurra
- Barwon Downs

### **Proposal**

That Council meetings continue to be held at COPACC in Colac and in Apollo Bay twice per year.

For the period April to December the Council meetings commence at 3.00 pm.

A later start for the January to March Council meetings be considered as part of the 2010 schedule. This would be considered in December 2009.

That Community Forums be implemented on a regular basis twice per year.

### **Financial and Other Resource Implications**

There are additional costs related to Night Council Meetings in Colac:

- These include overtime rates for staff who would be required to attend meetings (Executive Assistants and COPACC Staff)
- COPACC Hire fees are also higher after 5.30 pm

There are also additional Costs related to Night Council Meetings out of town:

- These include overtime rates for staff who would be required to attend meetings (Executive Assistants, COPACC Staff and any other officers below Manager level who may be required to inform/brief Council on specific matters).

In addition to the above figures, other costs that will be incurred are:

- Additional Travel expenses to Councillors
- Officer time away from their normal duties
- COPACC staff away from COPACC duties or may require additional staff
- Researching suitable venues taking into consideration risks listed below
- Cost of purchasing suitable containers for the moving of recording equipment. Quote dated November 2008 was \$1400.00 plus an additional \$300 for speaker protectors.

Another factor to be taken into consideration is finding suitable venue facilities and specifically relate to Council Meeting requirements such as:



- space
- facilities (WC, tables, chairs, power points, heating / cooling, kitchen facilities)
- equipment (projectors, whiteboards, notice boards)
- catering providers / kitchen facilities

### **Risk Management and Compliance Issues**

There are a number of Occupational Health and Safety issues in relation to holding nightly Council Meetings at other locations:

- Moving Recording Equipment
  - Damage to / loss of equipment as it is very sensitive
  - Injury to staff lifting / carrying equipment
- Travel
  - Accident due to travelling to / from meeting  
(especially driving in night conditions from areas like Apollo Bay)
- Security / secure environment / emergency services

### **Environment and Climate Change Considerations**

Not applicable.

### **Communications Strategy/Consultation**

Under the Local Government Act Council is required to give at least 7 days public notice of a Council Meeting or a special meeting unless there are urgent or extraordinary circumstances that prevent a Council from doing so.

If Council agrees to have a program of community forums it is suggested that each forum would be held at a local community facility and would be specifically promoted in the relevant local area, with invitations to representatives of local groups/organisations.

### **Implementation**

The Council Meeting dates and times would be implemented from April 2009.

The 2010 schedule of meetings would be considered at the December 2009 Council meeting. At the Council workshop it was suggested that night meetings commencing at 6.30pm could be held in January, February and March.

With the Council Plan process currently being undertaken it is suggested that the Community Forums could commence in August/September of this year.

### **Conclusion**

The proposal presented is consistent with Council's commitment to open and accountable government and meeting with all areas of the municipality over a 3 year period and has been determined following a Council workshop held on 11 March 2009.

The recommendation takes into account a number of issues with respect to the best method of interacting with the community. The report does indicate there are additional costs. Other issues such as possible reduced media attendance at night meetings also needs to be taken into consideration.

On balance, the recommendation provides opportunities for the community to attend council meetings at both Colac and Apollo Bay as well as establishing a program of community forums.

The holding of regular community forums would be a better way to build community interest and involvement than remotely held Council meetings and would have a greater capacity to engender increased interaction between Council and the community.

**Recommendation(s)**

***That:***

- 1. All ordinary and special meetings of Council continue to be conducted at COPACC in Colac with 2 meetings per year being held in Apollo Bay.***
- 2. That Council confirm the meeting dates and times for the balance of 2009 Council Meetings as:***
  - Wednesday 22 April 2009, at 3.00 pm at the Apollo Bay Senior Citizen's Centre, Apollo Bay.***
  - Wednesday 27 May 2009, at 3.00 pm at COPACC, Colac.***
  - Wednesday 24 June 2009, at 3.00 pm at COPACC, Colac.***
  - Wednesday 22 July 2009, at 3.00 pm at COPACC, Colac.***
  - Wednesday 26 August 2009, at 3.00 pm at COPACC, Colac.***
  - Wednesday 23 September 2009, at 3.00 pm at COPACC, Colac.***
  - Wednesday 28 October 2009, at 3.00 pm at COPACC, Colac.***
  - Wednesday 25 November 2009, at 3.00 pm at the Apollo Bay Senior Citizen's Centre, Apollo Bay.***
  - Wednesday 16 December 2009, at 3.00 pm at COPACC, Colac.***
- 3. That the schedule of Council Meetings, dates and times for 2010 be considered at the December 2009 Council meeting.***
- 4. That a program of Community Forums in smaller townships be established and implemented.***

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## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

| ITEM  | D | W |
|---|---|---|
| <b><u>CORPORATE AND COMMUNITY SERVICES</u></b>  |   |   |
| <b><u>OM092503-3 BEECHY PRECINCT - JOINT USE LIBRARY AGREEMENT</u></b>  |   |   |
| Department: Corporate and Community Services  |   |   |
| <b><u>Recommendation(s)</u></b>   |   |   |
| <b><i>That Council:</i></b>   |   |   |
| <ol style="list-style-type: none"> <li>1. <b><i>Acknowledges that all reasonable efforts have been made to investigate the implications and obligations in implementing the Council endorsed preference to end its involvement in the current Development and Joint Use Agreement with the Department of Education and Early Childhood Development.</i></b></li> <li>2. <b><i>Resolves to proceed with its involvement in the Beechy Precinct Joint Use Library as outlined in the Development and Joint Use Agreement.</i></b></li> <li>3. <b><i>Writes to the Minister for Education and all project partners and other relevant interested parties to advise of the above resolution.</i></b></li> <li>4. <b><i>Writes to the Department of Planning and Community Development to advise of the acceptance by Council of the \$30,000 offer to undertake a study into opportunities for the delivery of enhanced Library services in Colac.</i></b></li> </ol> |   |   |

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|--|--|--|
| <p><b><u>OM092503-4 BEECHY PRECINCT COLAC</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council endorse:</i></b></p> <p>(a) <b><i>Council Officers involvement and participation in the Beechy Precinct Project Management Group and the relevant sub-committees.</i></b></p> <p>(b) <b><i>Council Officers to continue to progress and complete the TravelSmart Project with funding secured from the Department of Transport together with Council funds within the 2008/2009 budget.</i></b></p> <p>(c) <b><i>Council Officers to complete the Bluewater Fitness Centre Stadium Feasibility to conform with funding agreement requirements with Sport and Recreation Victoria.</i></b></p> <p>(d) <b><i>Council Officers to complete in partnership with other project partners the Traffic Management Plan.</i></b></p> <p>(e) <b><i>Further consideration of remaining elements of the Beechy Precinct and the further progression of the associated plans and development will be considered as a part of the 2009/2010 budget process.</i></b></p> |  |  |
| <p><b><u>OM092503-5 SALE OF 101 QUEEN STREET COLAC</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p>1. <b><i>Having undertaken a Public Consultation Process resolves to sell the property at 101 Queen Street Colac (volume 8494 and Folio 255 as being Lot 1 of TP327465S) to St Laurence Community Services at the current land valuation of \$310,000 (exclusive of Goods and Services Tax (GST)).</i></b></p> <p>2. <b><i>Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract of sale documents with respect to 101 Queen Street Colac.</i></b></p>  |  |  |

|  |  |  |
|--|--|--|
| <p><b><u>OM092503-6 2010 GENERAL REVALUATION</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Council resolves that it cause a revaluation of properties and Council assets within the Shire to be conducted by its contract valuer, Southern Cross Property Services to be returned by 30 April 2010 in accordance with Section 13DC(5) of the Valuation of Land Act with a prescribed date of 1 January 2010;</i></b></li> <li><b><i>2. Council notify the Valuer General and other rating authorities in the area, in accordance with Section 6(1) of the Valuation of Land Act that it has caused the 2010 revaluation to be conducted;</i></b></li> <li><b><i>3. Council's contract valuer, Southern Cross Property Services, be advised accordingly.</i></b></li> </ol> |  |  |
| <p><b><u>OM092503-7 SOUTH COLAC SPORTS CLUB INC - EXTENSION OF LIQUOR LICENCE AREA</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council advise the South Colac Sports Club Inc at 235 Main Street Elliminyt (Elliminyt Recreation Reserve) of its support for a planning permit application to be made seeking approval to extend the licensed area of the Clubrooms.</i></b></p>   |  |  |
| <p><b><u>OM092503-8 BARWON REGION DRUG ACTION STRATEGY 2009-2013</u></b></p> <p>Department: Corporate and Community Services</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. Receive the Colac Otway component of the Barwon Region Drug Action Plan 2009-2013 and seek public submissions and comments on the document.</i></b></li> </ol>  |  |  |

|   |  |  |
|---|--|--|
| <p><b>2. Thank the Colac Otway Drug Action Plan Committee members for their contribution to the development of the local drug action plan.</b></p>  |  |  |
| <p><b><u>OM092503-9 FINANCIAL PERFORMANCE REPORT</u></b><br/><br/>                 Department: Corporate and Community Services<br/><br/> <b><u>Recommendation</u></b><br/><br/> <b><i>That the Financial Performance Report to the end of February 2009 be received.</i></b></p> |  |  |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

**OM092503-3 BEECHY PRECINCT - JOINT USE LIBRARY AGREEMENT**

|             |                                  |           |              |
|-------------|----------------------------------|-----------|--------------|
| AUTHOR:     | Marg Scanlon                     | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | GEN00374     |

**Purpose**

Council resolved at a Special Meeting on 10 December 2008 to investigate the implications and obligations in implementing the Council endorsed preference to end its involvement in the current Development and Joint Use Agreement with the Department of Education and Early Childhood Development for the Beechy Precinct Global Connector.

There have been a number of Council workshops, investigations and reports since that time to implement the above Council resolution. The investigations have now been completed and Council has received advice from DEECD that the tender for the construction of the Joint Use Library facility has been let and that the construction program has commenced with builders on site on 23 March 2009. DEECD has also indicated that the Legal Agreement is legally binding and that the Department looks forward to Council's participation in the project.

It is the purpose of this report, now that Council has completed its investigations into the matter, to seek Council's endorsement to proceed with the Beechy Precinct Development and Joint Use Agreement for the Joint Use Library.

**Background**

Council has been working in conjunction with DEECD and the Colac College on the Joint Use Library proposal over the past two and a half years and a Development and Joint Use Library Agreement was signed between the parties by Council prior to the election of the new Colac Otway Shire Council in November, 2008. This has been an issue of some conjecture within the community, many of whom are opposed to the proposal and wish to retain the library in its current location. The newly elected Council supported the community and subsequently resolved to investigate its opportunities to end its involvement in the Joint Use Library proposal.

In line with Council's intention to resolve this matter, a number of meetings have been conducted, including with the Minister for Education Bronwyn Pike and the Secretaries of the Departments of Education and Early Childhood Development and Community Planning and Development, legal advice has been obtained in relation to Council's legal obligations and several follow up discussions have been undertaken and correspondence sent and received in an effort to achieve Council's endorsed preference to end its involvement in the current Development and Joint Use Agreement.

Further correspondence was received from the DEECD on 12 March 2009 indicating that Council is legally bound by the terms within the Agreement and that all aspects of the agreement had been negotiated between both parties.

The correspondence also advised that in view of the urgency to progress the construction of the Joint Use Library, the DEECD was in the process of accepting a tender with the intent to commence project construction within 14 days. A copy of this correspondence is attached to this report.

The successful tenderer for the project is BDH Constructions, a local building company. On 18 March 2009 a letter of acceptance was received by DEECD from the successful tenderer who will undertake the construction of Stage 2 of the Beechy Precinct which includes the

Joint Use Library, associated carparking and student hubs. BDH Constructions will be on site from Monday 23 March 2009 to construct temporary fencing, site shed etc.

### **Corporate Plan/Other Strategies/Policy**

The agreed actions regarding these investigations are consistent with Council related policies and the Local Government Act.

### **Issues/Options**

The DEECD has on several occasions during the investigative process undertaken by Council, indicated that the existing Joint Use Agreement is legally binding and that if Council resolves to end its involvement in the project it would cost Council at least the same amount as it would to proceed.

Council has also received advice from legal advisors, Minter Ellison, in relation to its obligations under the Development and Joint Use Library Agreement and the implications of not proceeding with that agreement.

Council has two options in regard to the resolution of this matter:

Option 1: Disregard the information provided through the investigative process, including advice provided by Council's legal representatives in relation to Council's obligations and the potential financial and legal implications; or,

Option 2: Resolve to proceed with the Joint Use Library proposal as specified in the Development and Joint Use Library Agreement.

Option 2 is the recommended option.

### **Proposal**

It is proposed that Council, given that all reasonable opportunities to legally withdraw from the project have been explored, acknowledges the advice and information provided and agrees to advise the Minister and DEECD of its decision to proceed with the Joint Use Library as detailed in the Development and Joint Use Agreement.

### **Financial Implications**

Funding of the \$6,000,000 Beechy Precinct Joint Use Library will be considered as a part of the 2009/2010 budget process. It is proposed, however, that the construction will be funded through Federal and State Government funding and as this is an intergenerational project, Council borrowings. Specifically this funding will comprise;

- DEECD \$2,940,000
- Living Libraries \$500,000 (max.)
- Community Support Fund \$1,000,000
- Federal Government - DOTARS \$272,000
- Council \$1,300,000 (max.)

Further to recent investigations initiated by Council to explore the options to end its involvement in the Joint Use Library project, the Department of Planning and Community Development have allocated a further \$30,000. This funding is to engage professional services to undertake a study into opportunities for the delivery of enhanced Library services in Colac. This will include identification and scoping of programming and outreach type services for the Colac community with the Joint Use Library to address access concerns.

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

All risk management and compliance requirements have been considered during the establishment of the process to undertake these investigations.



### **Environmental Considerations**

There are no environmental issues pertaining to these current investigations or the associated process.

### **Communication Strategy/Consultation**

All Beechy Precinct Joint Use Library project partners were sent correspondence on 12 December 2008 outlining Council's investigations and indicating that advice regarding further progress would be provided when available.

Further correspondence was sent to the project partners on 18 February 2009 advising of Council's resolution. It is proposed that correspondence would be sent to project partners further to the resolution from this report.

It is proposed that all communication from this report and its resolution be centrally communicated by the Mayor to local media and the community.

### **Implementation**

Advise the Minister for Education and all project partners of the associated outcomes immediately following this meeting.

### **Conclusion**

Given the extensive process that has been undertaken in an effort to achieve Council's resolved preference to end its involvement in the current Development and Joint Use Agreement with the Department of Early Childhood Development, the legal implications for Council, the financial implications for the Colac Otway Community and the fact that the tender for construction of the facility has been awarded, it is recommended that Council resolve to advise the Department of its agreement to proceed with its involvement with the Joint Use Library proposal.

### **Attachments**

1. Letter from DEECD – 11 March 2009

### **Recommendation(s)**

#### ***That Council:***

1. ***Acknowledges that all reasonable efforts have been made to investigate the implications and obligations in implementing the Council endorsed preference to end its involvement in the current Development and Joint Use Agreement with the Department of Education and Early Childhood Development.***
2. ***Resolves to proceed with its involvement in the Beechy Precinct Joint Use Library as outlined in the Development and Joint Use Agreement.***
3. ***Writes to the Minister for Education and all project partners and other relevant interested parties to advise of the above resolution.***
4. ***Writes to the Department of Planning and Community Development to advise of the acceptance by Council of the \$30,000 offer to undertake a study into opportunities for the delivery of enhanced Library services in Colac.***

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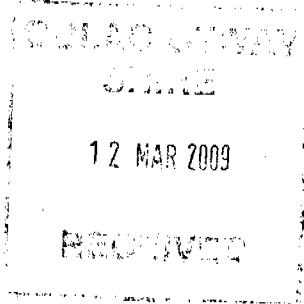




**Department of Education and Early Childhood Development**

Office of the Secretary

2 Treasury Place  
East Melbourne, Victoria 3002  
Telephone: +61 3 9637 2000  
DX 210083  
GPO Box 4367  
Melbourne, Victoria 3001



Jack Green  
Acting Chief Executive Officer  
Colac Otway Shire Council  
PO Box 283  
COLAC VICTORIA 3250

Dear Mr Green

**Development and Joint Use Agreement for the Beechy Precinct**

I refer to your correspondence dated 18 February 2009, and my previous correspondence to you dated 27 February 2009.

I advise that the Development and Joint Use Agreement dated 10 December 2008 between the Minister for Education, the Council of Colac Secondary College, and the Colac Otway Shire Council (the Agreement) has been formally executed by all parties to the Agreement. The Colac Otway Shire Council (the Council) is therefore legally bound by the terms of the Agreement.

The Agreement details the operational costs of the facility, the required building specifications and the operation of the facility. The Department has provided additional advice on a number of these issues and believes that there is nothing outstanding in relation to these matters.

Clauses 6 (Construction Obligations), 27 (Conflict of Interest) & 28 (Entire Agreement) have been negotiated and agreed between the parties, and the Department believes that there are no issues to be resolved in relation to these clauses.

In view of the urgency to commence construction, the Department is now in the process of accepting a Tender and looks forward to commencing works on the project within the next 14 days.

The Minister values the Council's commitment to the Agreement and looks forward to your ongoing involvement in the development of the Beechy precinct.

Yours sincerely

**Prof. Peter Dawkins**  
Secretary

11 MAR 2009



**OM092503-4 BEECHY PRECINCT COLAC**

|             |                                  |           |              |
|-------------|----------------------------------|-----------|--------------|
| AUTHOR:     | Marg Scanlon                     | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | GEN00374     |

**Purpose**

The purpose of this report is to provide Council with an overview of all components within the Beechy Precinct and the associated project partners, financial commitments or proposals, current planning status and governance.

This report is provided to seek Council's endorsement to continue to progress the planning of specific elements of the Precinct Project on the agreement that any significant funding, agreement or access issues are reported back to Council for consideration. Ongoing update reports will also be provided to Council on a regular basis with regard to the Beechy Precinct.

**Background**

As outlined in the Beechy Precinct Memorandum of Understanding (MOU), dated 11 September 2008 the whole Precinct will provide a site that:

- *Creates state of the art educational and recreational facilities that also encompasses:*
  - *Joint Use school/community library and other school/community facilities to be known as the Global Connector building.*
  - *The Bluewater Fitness Centre (incorporating the Stadium).*
  - *Central Reserve.*
  - *Performing Arts facilities.*
- *Maximises learning outcomes for students and the wider community.*
- *Contributes to the creation of a stronger sense of community.*
- *Maximises the use or multi-use of the facilities.*
- *Improves the quality and range of formal and/or informal sport, recreation and community opportunities.*
- *Will create resources and networks of lasting benefit.*
- *Improves services and programs currently not available to the Colac community.*
- *Improves or enhances social and economic benefits for the community.*

The Beechy Precinct is located on the Department of Education and Early Childhood Development (DEECD) land at the corner of Queen and Hearn Streets, Colac and Council land known as the Colac Central Reserve entered off Hearn or Gravesend Street. The total land area for this precinct is 21.63ha.

At the time of writing this report Council continues to investigate its options to exit from the current Development and Joint Use Agreement (DJUA) specifically with regard to the Joint Use Library.

The following provides an overview for each of the components within the Beechy Precinct and the current status of all aspects from the perspective of the Beechy Precinct project;

**Global Connector – Joint Use Library**

Over recent months Council have investigated options to exit the existing Development and Joint Use Agreement with the DEECD for the Joint Use Library. Many reports have been provided with regard to this element within the Beechy Precinct and these investigations. A specific separate report is tabled with regard to the Joint Use Library.

Bluewater Fitness Centre (incorporating the Stadium)

The Bluewater Fitness Centre is located on DEECD land but is managed through a thirty year agreement which commenced on 21 July 1992 between Council and the DEECD. This agreement defines access, roles and responsibilities, maintenance and capital works specifically in reference to the Main Stadium, Minor Hall, Staff Room, First Aid Room, Foyer, Storage and Service areas and the Dry Program Room. This agreement is the traditional approach to joint use facilities and subsequently limits community access to the facilities after school hours. This is a significant constraint to the community groups which impacts on community participation in physical activity, financial capacity and social connectedness.

The existing two courts within the stadium do not meet any state sporting association compliance requirements regarding court size or dimensions for court run-off areas. This is a major issue for the two seasonal regular user groups; Colac Basketball Association and the Colac Night Netball and has significant impacts to their ongoing sustainability. It should be noted that the DEECD does not require sport facilities to be state sporting association compliant. The current provision of two undersize courts at Bluewater Fitness Centre meets the facility criteria for the Department. The Department propose a maximum of \$500,000 could be available to contribute to improve the facilities at the Stadium if any redevelopment is to occur. Contributions to this development from the DEECD would require further consideration based on the design detail and agreement arrangements.

In 2008 Sport and Recreation Victoria funded Council \$30,000 as matching funds to undertake the Bluewater Fitness Centre Stadium Redevelopment Feasibility Study. The purpose of this study was to;

- Investigate the feasibility of redeveloping the Bluewater Fitness Centre (BWFC) Stadium specifically including the two existing undersized indoor basket ball courts and supporting facilities including the toilets and change rooms, 2 squash courts and dry program rooms.
  
- Throughout the development of the Beechy Centre concept plan development the community aspiration to develop a third show court with dedicated spectator and competitor facilities was identified. The scope of this project is:
  - Needs analysis for:
    - i.Redevlopment of the existing 2 court stadium to meet compliance requirements
    - ii.Development of an additional 'show' court.
    - iii.Alternative option with rationale
  - Needs analysis for spectator and official requirements including but not limited to spectator seating (volume to be determined), dedicated official's rooms, club administration facilities.
  - Needs analysis for design features to enable large scale events and functions to support the community.
  - Needs analysis for:
    - i.Gym
    - ii.Dry program rooms
    - iii.Squash Courts
  - Concept facility design
  - Construction costs based on concept designs
  - Capital funding options
  - Use including Centre programming, casual, school, community sporting clubs and other.
  - Timetable options for seasonal and school holidays

- Fee structure and income assessment
- Operating costs (including any energy saving innovations)
- Consideration for joint use agreement.

To date this draft Feasibility Report has not been presented to Council and it is proposed this will be workshopped separately.

In December 2008 Council supported a submission to be lodged with the Federal Government to redevelop the Bluewater Fitness Centre including the development of the show court. This submission was lodged under the Federal Governments Regional and Local Community Infrastructure Program – Strategic Projects.

Any new development or redevelopment of the facilities would instigate a new joint use agreement. Particularly the current user groups have indicated interest in gaining greater access to the facilities particularly during school hours. Discussions regarding access options held throughout the Feasibility Study identified the opportunity to have dedicated space (for example one or two courts) available for community sport during school hours and timetabling of the stadium use on a term basis to identify and encourage programming of community sport and physical activities.

#### Central Reserve, Colac

Colac's Premier Recreation Reserve, Central Reserve located in Hearn Street Colac is on Council land. Currently there are some nine regular user groups and this also includes the users of the Colac Youth and Recreation Centre.

In 1999 Council undertook the Premier Recreation Reserve Strategy which then led to the Central Reserve Master Plan which was completed in 2000. This plan established the long term vision for the Reserve, recognising it as Council's Premier Recreation Reserve not only catering for regular sport and recreation activities but also for regional competitions and special sporting events.

Both primary and secondary schools throughout the region use all Council Recreation Reserves on a regular basis for the purpose of physical activities, inter school competitions and other sporting activities. Central Reserve is used frequently by schools from throughout the region as it provides specific facilities otherwise not necessarily available, such as athletics infrastructure and dedicated hockey fields. Schools' use of Council Recreation Reserves are administered through Council's Recreation Unit.

The instigation of the Beechy Precinct recognised the current use of Central Reserve, the growth of community sport and the current demand on facilities. The Beechy Precinct acknowledges the capacity to continue joint use of the Central Reserve facilities and include access to the Colac Secondary College outdoor sporting facilities. Throughout consultation several sports clubs have indicated interest in having access to the Colac Secondary College oval to complement existing activities held at Central Reserve, Colac. The DEECD have supported this intention in principle as the location of more outdoor sporting space within close proximity also creates greater opportunities for the College.

The Colac Netball Association formally investigated options for considering a relocation of the Eastern Reserve Netball Facility to within the Beechy Precinct. This option was formally dismissed by the Association as the space available does not address the Association's needs specifically with regard to court provision, shelter, lighting and change rooms and clubrooms.

Within the Colac Secondary College Master Plan there is space provision made for the development of change rooms to support the oval. The DEECD have indicated funding would not be available through the Department for such a development, however funding for such community sport facilities is available through State Government - for example Sport and Recreation Victoria.

The Central Reserve Advisory Committee has operated since the 2000 Master Plan and represents all user groups. The Advisory Committee also acted as a subcommittee to the Beechy Precinct project and agreed that the 2000 Central Reserve Master Plan needed to be updated. Council agreed to fund this and work commenced, on reviewing the 2000 Master Plan and the identification of changes and updates. A draft master plan was completed by the Bradbury Dicker Group and has been on hold during current investigations into the Joint Use Library.

The purpose of updating the Master Plan is to ensure works completed since 2000 are recognised and that proposed works are prioritised. Concept planning for the Colac Youth and Recreation Centre has commenced however this too is on hold since the current investigations. No detail design has commenced and will not commence until after the completion and endorsement of the Central Reserve Master Plan. Other research into specific elements of Central Reserve has been undertaken over recent years and these include;

- VRA Reserve Audit
- Colac Youth and Recreation Centre and Colac Clubrooms Accessibility Audit
- Colac Youth and Recreation Centre Asbestos Audit

These documents have been taken into account in the development of the revised Master Plan and proposed design development.

In May 2008 Council agreed that an application would be submitted to Sport and Recreation Victoria seeking funding for the redevelopment of the Central Reserve Hockey Fields. This funding opportunity arose from funding made available from savings made on the Commonwealth Games. Funding of \$250,000 has been secured and the project specifically includes the laser levelling of the two hockey fields at Central Reserve, returfing with drought tolerant species and installation of a new irrigation system. These fields are used frequently by a range of sporting clubs for the purposes of little athletics, dog obedience, soccer, football training and junior cricket. These works have commenced and are expected to be completed later in 2009. Subject to any variations to the current works contract it is likely there will be some excess funding within this project to improve current lighting, fencing and goal infrastructure. Officers are currently investigating options and needs to complete this project.

The funding application to Federal Government for the Beechy Precinct included \$333,334 to undertake improvements to the community meeting facilities at Central Reserve. Specifically community meeting space within the Colac Youth and Recreation Centre within Central Reserve was included in this funding allocation. Further design development is required for these works.

#### Traffic Management

Currently the Beechy Precinct is surrounded by VicRoads managed roads (Gravesend Street or Colac Lavers Hill Road) and Colac Otway Shire controlled roads (Hearn Street, Pound Road and Queen Street).

The Colac Secondary College is expected to reach maximum enrolments of 1,100 in 2011. Currently enrolments are 863 students and approximately 120 staff. It is estimated there are 1, 097 students that travel by bus to Colac from outlying townships of which 409 attend Colac Secondary College (216 to Hearn Street Campus and 193 to Murray Street campus).

Based on the total enrolments, it is estimated that 450-500 students will access the bus interchange to be located at the Colac Secondary College on a daily basis.

The DEECD, Department of Transport, VicRoads and the Colac Otway Shire are currently working together with the Project Consultant to develop the Beechy Precinct Traffic Management Plan. The Traffic Management Plan (TMP) is to provide future recommendations for the bus interchange, car parking and access within, to and from the Beechy Precinct. Council contributed \$5,000 towards this TMP. A draft report has been received but no further progress has been made on this project. The draft report makes reference to the construction of pedestrian crossings, a manned school crossing, and a roundabout, all within immediate proximity to the Beechy Precinct. Acknowledging this is a draft report, further work is required before seeking endorsement from all parties. No detailed designs for any elements of the proposed infrastructure in this draft report have been undertaken and funding options and requirements are yet to be determined.

Council have also received matching funding of \$20,000 to undertake the TravelSmart project called *Beechy Precinct – Helping You Get There*. The purpose of the TravelSmart project is to investigate and determine a plan to help the community to access the Beechy Precinct via sustainable transport options. The two main elements to this project are community education and identification of infrastructure needs. Colac Neighbourhood Renewal is a key partner in this project. Further to the development of the Local Area Access Plan from the TravelSmart project it is proposed that a funding application would be submitted to the Department of Transport to implement recommendations from the plan.

Recognising the number of students and staff going to and from the Colac Secondary College alone, it is proposed that there will be significant impact to nearby residents, businesses and other passing traffic. It is therefore deemed important that Council actively engaged in the traffic management aspects of the Beechy Precinct to ensure ease of access and safety for all.

#### Black Box Theatre

Within Stage 3 of the Colac Secondary College development is the construction of the Performing Arts Facilities which include a Black Box Theatre. The concept of the Black Box Theatre was to complement the Colac Otway Performing Arts and Cultural Centre and provide an alternative rehearsal stage and facility within Colac Otway. Acknowledging Council's contribution to COPACC, it was not intended that Colac Otway Shire would contribute to the capital development or ongoing costs of the proposed Black Box Theatre.

#### Outdoor Sports Facilities

The construction of the outdoor sports facilities within the Colac Secondary College are proposed for Stage 3, the final project stage. The construction of the outdoor sports oval will be after the demolition of the existing class rooms further to the construction of the new school. The concept plan does identify the option to include changeroom facilities to be located at the outdoor sport field for community sport needs. Students will have access to the amenities provided at Bluewater Fitness Centre and within the School and therefore DEECD have determined there is no need for amenities to be provided at the oval for students. Community sport participants, particularly junior participants, would not be expected to travel to Bluewater Fitness Centre to use public amenities. DEECD have indicated they would not be contributing to the provision of such facilities.

#### Governance

The Beechy Precinct project has been operating under a very defined governance structure for the past two and a half years. This governance structure details a Project Management Group (PMG) representative of the key stakeholders - that is project partners and specific sub committee's representatives of key interest groups and project partners. The Project

Management Group comprises representation from Council, Colac Secondary College (Principal), DEECD (Regional Officer), Colac Neighbourhood Renewal (Regional Officer), Post Compulsory Education Sector (Gordon TAFE), Project Architect, DPCD (Regional Officer) and. The sub committees include Central Reserve Sub-Committee, Bluewater Fitness Centre Sub-Committee, Traffic Management Sub Committee, Marketing/Communications Sub-Committee and the Global Connector Sub-Committee.

The Project Management Group has been meeting regularly, up to fortnightly, over the course of the project and the sub committee's report regularly to the work requirements at hand. The sub committees include representation from community members, facility user groups, project partners, state government departments and other interested parties.

The project's governance structure has been established and operates within the defines of an agreed governance agreement.

### **Corporate Plan/Other Strategies/Policy**

The Beechy Precinct is consistent with the Council Business Plan, Colac Structure Plan and Council's 2006-2010 Recreation Strategy.

### **Issues/Options**

The Beechy Precinct master plan scopes the total project including all the education, community and recreation elements over four stages proposed to be developed and constructed over five years subject to funding and ongoing support. Regardless of the school merge and redevelopment of the educational facilities, Council's Premier Recreation Reserve, Central Reserve, has plans identified through the Central Reserve Master Plan to improve facilities for the purpose of community sport and recreation. The Bluewater Fitness Centre currently does not currently meet State Sporting Association requirements and subsequently impacts on local sporting association competitions and activities and future growth.

There are two options;

- Cease the progression of planning and development of the specific elements within the Beechy Precinct therefore reducing the capacity for the facilities to be project ready for any improvements or redevelopments. Through the progression of planning, costs and timeframes are identified which then assists to determine priorities and options.
- Continue with the progression of planning with regular reporting to Council to consider further progress, financial, governance and other factors.

### **Proposal**

It is proposed that the planning and development of the Beechy Precinct continues to progress through the continued operations of the Project Management Group, associated sub committees, and progression of plans as identified and agreed to by Council. It is also proposed that any future funding from Council to contribute to this further planning will be considered as a part of the 2009/2010 budget process as well as future budget processes as appropriate.

### **Financial Implications**

Specific business cases have been submitted for consideration with the 2009/2010 budget process.

To date all planning and project development undertaken has been funded through a combination of approved Council funds and secured external funding.



**Risk Management & Compliance Issues**

Risk management and compliance issues and aspects are being considered and addressed throughout the course of project planning and development.

**Environmental Considerations**

Environmental considerations are being taken into account and factored into the precinct throughout the planning, development and construction of the Precinct.

**Communication Strategy/Consultation**

Significant consultation has occurred over the course of the Precinct Project and it is proposed that this would continue within any further progression to ensure ongoing input from the community, key stakeholders and interested parties.

**Implementation**

It is proposed that Council would continue to be an active participant in the development of the Beechy Precinct contributing to the design, development and construction of specific elements as identified and approved by Council.

**Conclusion**

The Beechy Precinct comprises numerous education, recreation and community built elements for joint use between the community, community organisations and the Colac Secondary College. The access to many of the existing facilities that are proposed to be improved will not differ, Central Reserve will remain Colac's Premier Recreation Reserve used for community sporting activities, by schools from throughout the region and for various events. The planning and further development that has occurred over the past two and a half years since the inception of the Beechy Precinct remains consistent with existing Council Policies and the Local Government Act. Without the concept of the Beechy Precinct some of the outcomes achieved would not have been possible such as the redevelopment of the Central Reserve Multi Purpose Fields. The progression of plan development places Council and project partners in a project ready position for any future funding and partnership opportunities that may arise.

**Attachments**

Nil

**Recommendation(s)*****That Council endorses:***

- (a) Council Officers involvement and participation in the Beechy Precinct Project Management Group and the relevant sub-committees.***
- (b) Council Officers to continue to progress and complete the TravelSmart Project with funding secured from the Department of Transport together with Council funds within the 2008/2009 budget.***
- (c) Council Officers to complete the Bluewater Fitness Centre Stadium Feasibility to conform with funding agreement requirements with Sport and Recreation Victoria.***
- (d) Council Officers to complete the Traffic Management Plan in partnership with other project partners.***
- (e) Further consideration of remaining elements of the Beechy Precinct and the further progression of the associated plans and development will be considered as a part of the 2009/2010 budget process.***

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**OM092503-5 SALE OF 101 QUEEN STREET COLAC**

|            |                                |           |                        |
|------------|--------------------------------|-----------|------------------------|
| AUTHOR:    | Colin Hayman                   | ENDORSED  | Jack Green             |
| DEPARTMENT | Corporate & Community Services | FILE REF: | 101 Queen Street Colac |

**Purpose**

For Council to resolve to sell the property at 101 Queen Street Colac to St Laurence Community Services Inc.

**Background**

In July 2008 a meeting was held with representatives of St Laurence Community Services Inc to discuss the current lease of 101 Queen Street.

St Laurence were seeking a possible extension of the lease or a new one for a longer period.

The current lease commenced in 2000 for a period of 20 years. The lease expires in June 2020. The property is currently subject to 'peppercorn' lease arrangements whereby St Laurence pay a nominal rental of \$1 per annum.

In previous correspondence to St Laurence it had been suggested that Council may consider selling the property subject to satisfactory arrangements and the legislative process that Council is required to follow, including obtaining a current valuation of the land.

Council has previously resolved that:

- "1. Subject to a satisfactory outcome of the public consultation process resolves to sell the property at 101 Queen Street Colac to St Laurence Community Services at the current land valuation of \$310,000 (exclusive of Goods and Services Tax (GST)).
2. Commences the process to sell the land at 101 Queen Street conditional on a satisfactory outcome of the mandatory public consultation process."

Council has undergone a public consultation process.

**Council Plan/Other Strategies/Policy**

Council's "Sale and Exchange of Council Land Policy" sets out the guidelines for the disposal of Council land.

**Issues/Options**

The Policy sets out the details that are required to be provided by Council prior to any sale of land and the statutory processes that are required to be undertaken.

(a) Reason for Recommended Sale

St Laurence is a not-for-profit community based organisation and amongst other services and sites, provides social, educational and personal development programs and supported employment in real businesses for people with a disability from 101 Queen Street Colac. These services have been provided for many years from this site.

In consideration of the capital expenditure on the site and future developments, St Laurence are seeking longer term options for securing the site for disability services and clients.

The site is not required by Council and Council is only receiving \$1 a year for the lease of the land.

(b) Description of Property

The property at 101 Queen Street has a frontage of 50.29m and a depth of 153.92m. The total site area is 7,741 sq m. Zoning: Residential 1.

Title Details: Volume 8494 and Folio 255 as being Lot 1 of TP327465S.

The existing use of the property providing disability services such as community programs, ironing services and a nursery is a permitted use within this zoning classification.

There are a number of buildings on the site. The buildings were built from funds from the State Government and public donations. Council's involvement was to provide the land and manage the construction process.

(c) Current Council Valuation and Date of Valuation

A valuation of the property has been prepared by Southern Cross Property Services. Date – 27 November 2008. Valuation - \$310,000. The valuation is for the land only and is exclusive of Goods and Services Tax (GST).

(d) Locality Map

Locality map is attached.

(e) Current Use

As indicated above the property is used by St Laurence to provide disability services to the community.

(f) History of Council Ownership

The property details indicate the Registered Proprietor as the former City of Colac dated 11 March 1964.

(g) Recommended Method of Sale

It is recommended that the property is sold by Private Treaty. This is the preferred option as the property is currently occupied by St Laurence Community Services Inc.

(h) Recommended Sale Price Range and Justification if Range is less than Valuation

The property has been valued at \$310,000 (land only). It is recommended that the property is sold at that price. The value is exclusive of GST.

(i) Any Encumbrances

Nil

(j) Timelines for Sale

St Laurence have advised that if approved they would seek to make settlement on the property within the 08/09 financial year.

(k) Proposed Purchaser

The proposed purchaser of the land is St Laurence Community Services Inc.

Options

Council has a number of options available:

- (a) Maintain the current lease at \$1 a year until 30 June 2020. The current lease commenced on 1 July 2000 and expires on 30 June 2020.
- (b) Sell the land at the valuation of \$310,000 (exclusive of GST). A recent valuation has been undertaken by Southern Cross Property Services. The valuation is for the land only.
- (c) Sell the land for a lesser amount. Due to the community service that is provided on the site by St Laurence, Council could decide to sell the land for a lesser amount. The policy under objectives states *"Where Council disposes of real estate the sale should maximise the total economic return to the Council except where there is a clearly demonstrated community benefit for selling the land at a lower amount."*

**Proposal**

That Council sells the land to St Laurence Community Services Inc.

**Financial and other Resource Implications**

The current valuation of the land is \$310,000. Council's asset register indicates a value of \$295,000. The policy states that the purchaser is to be responsible for all costs of sale (excluding valuation costs).

**Risk Management & Compliance Issues**

The "Sale and Exchange of Council Land Policy" details the compliance issues under the *Local Government Act*.

**Environmental Considerations**

Not Applicable

**Communication Strategy/Consultation**

The Policy and the *Local Government Act* require Council to:

- consult ratepayers and residents on any proposal to sell or exchange land; and
- give ratepayers and residents an opportunity to have their views heard.

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

An advertisement "Notice of Intention to Sell Land" was placed in the Colac Herald on the 6 February 2009 (copy attached).

The advertisement provided details of:

- the land that is proposed for sale;
- the proposed sale process;
- the terms of the contract of sale; and
- the public consultation process.

The public were given 4 weeks to make a submission under section 223 of the Act. No submissions were received.

### **Implementation**

If Council agrees to the recommendation, the contract of sale documents would be finalised as soon as possible. The settlement date would be 60 days after exchange of contract.

### **Conclusion**

The property at 101 Queen Street is not currently required by Council for the delivery of its services.

St Laurence Community Services Inc provide a valuable service to the community.

As noted by St Laurence:

*"We hope that you agree this will meet the best future needs of both parties, but importantly help secure for the long term a suitable community based site to support people with a disability".*

The sale of the land is proposed to be at the current valuation of \$310,000 (exclusive of GST).

A public consultation process was undertaken as required by the Local Government Act. No submissions were received in response to the advert "Notice of Intention to Sell Land".

### **Attachments**

Locality Map

Advertisement – Notice of Intention to Sell Land

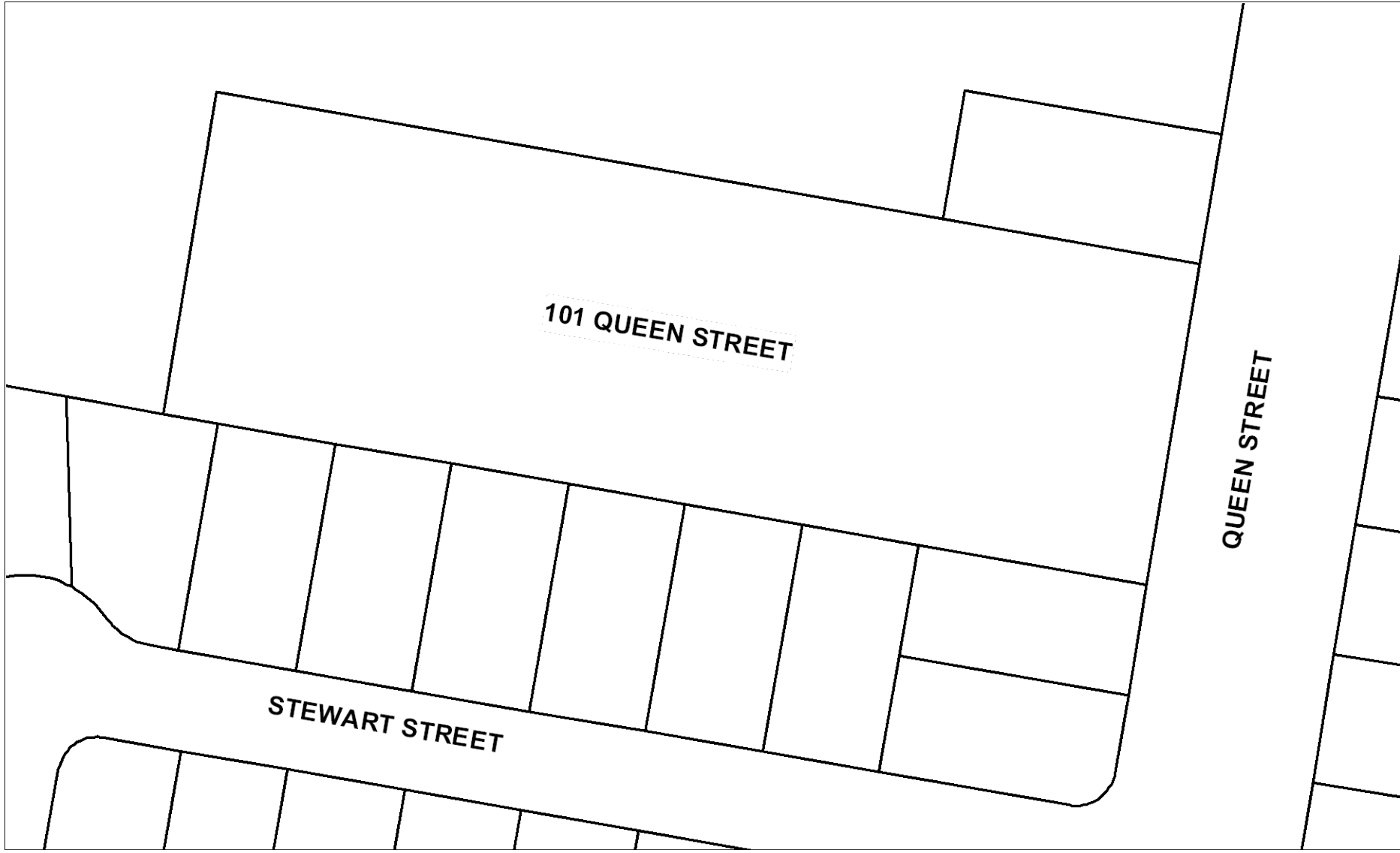
### **Recommendation(s)**

#### ***That Council:***

- 1. Having undertaken a Public Consultation Process resolves to sell the property at 101 Queen Street Colac (volume 8494 and Folio 255 as being Lot 1 of TP327465S) to St Laurence Community Services at the current land valuation of \$310,000 (exclusive of Goods and Services Tax (GST)).***
- 2. Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract of sale documents with respect to 101 Queen Street Colac.***

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101 QUEEN STREET

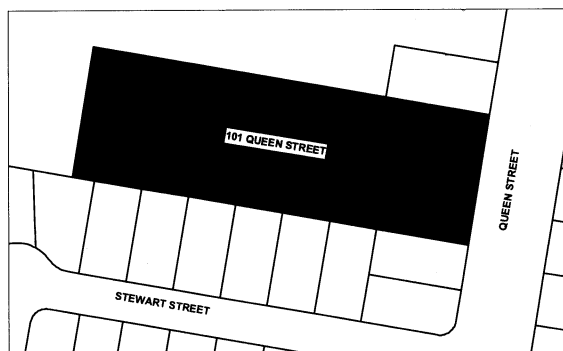
QUEEN STREET

STEWART STREET

## NOTICE OF INTENTION TO SELL LAND

Colac Otway Shire Council (Council) gives notice under Section 189 of the *Local Government Act 1989* (Act) that it intends to sell its land described below (proposal).

The land is the land known as 101 Queen Street Colac shown hatched black on the plan below, being all the land in certificate of title volume 8494, folio 255 as being Lot 1 of TP327465.



The proposal is that the land be sold by private treaty to St Laurence Community Services Inc of Lara. St Laurence are currently leasing the land from Council.

The principal terms of the contract of sale will be:

- a purchase price of \$310,000 (excl GST) being the current market value of the land;
- a settlement date of 60 days after exchange of contracts.

Any person proposing to make a submission under section 223 of the *Act* must do so within 28 days of the publication of this notice – 6 March 2009.

All submissions should be addressed to the Chief Executive Officer and can be hand delivered to Council's office at 2-6 Rae Street Colac or posted to the following address:

The Chief Executive Officer  
Colac Otway Shire  
PO Box 283  
COLAC VIC 3250

Any person requesting to be heard in support of his or her submission is entitled to be heard before Council (or a Committee established by Council for this purpose) or be represented by a person acting on his or her behalf and will be notified of the time and date of the hearing.

Jack Green  
Acting Chief Executive Officer

**OM092503-6 2010 GENERAL REVALUATION**

AUTHOR:	Paul Carmichael	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	GEN0123 - 2010 Revaluation

**Purpose**

The purpose of this report is to initiate the 2010 Municipal General Revaluation as required by Section 6(1) and Section 13DC(3) of the *Valuation of Land Act*. This requires Council to cause a valuation of all properties in the Shire to be returned to the Council before 30 June in that year.

**Introduction**

Council's valuations are provided by its contract valuer, Southern Cross Property Services and are prepared in accordance with the Valuation Best Practice Guidelines (VBP) provided by the Valuer General of Victoria (VGV). They will be used for calculation of rates for the 2010-2011 and 2011-2012 financial years.

**Background**

As with previous revaluations, the 2010 general revaluation will be conducted over five stages. These stages and the due dates are as follows:

<b>Stage</b>	<b>Action Required</b>	<b>Due date</b>
1	Prepare data tables for 2010/ Review 2008 levels	28/02/2009
2	Prepare preliminary residential and rural valuations	31/10/2009
3 (a)	Prepare specialist property valuations	31/08/2009
3 (b)	Prepare valuations for Commercial & Industrial properties	31/01/2010
4	Finalise residential & rural valuations from Stage 2	31/03/2010
5	Return all finalised valuation data	30/04/2010

Once returned, the valuations are used by Council for rate modelling as part of its budget process for the subsequent financial year.

Stage 1, which is a review of valuation levels set for 2008 and setting up of data tables and sub-market groups has been completed to the satisfaction of the Valuer General. Stage 2 is now commencing which involves the preparation of preliminary valuations for residential and rural properties based upon sales data derived from the period between approximately August 2008 – January 2010.

**Corporate Plan/Other Strategies/Policy**

Not applicable

**Issues/Options**

The recommended resolution is a requirement of the legislation. There are therefore no other options available.

**Proposal**

A Council resolution is required under section 13DC of the *Valuation of Land Act* 1960 to cause a General Revaluation of the whole municipality to be made with a prescribed date of 1st January 2010.

**Financial Implications**

Funds for the first parts of the revaluation are included in the 2008-9 budget with the Balance to be allowed for in the 2009-10 budget. The total cost of the revaluation of approximately



\$200,000 is partly offset by a contribution from the State Revenue Office of approximately \$95,000.

### **Risk Management Compliance Issues**

As per the *Valuation of Land Act*, the Council must cause a valuation of all rateable land within its municipal district to be made as at 1 January in every even calendar year and returned to the Council before 30 June in that year.

### **Environmental Considerations**

Not applicable

### **Communication Strategy/Consultation**

Section 6(1) of the Valuation of Land Act states:

*"A rating authority proposing to make a general valuation of rateable land shall give to the Valuer-General and to every other rating authority interested in the valuation of land within its area not/ less than one month's notice of its resolution to cause such a general valuation to be made."*

Consultation will also take place with Southern Cross Property Services to enable the revaluation to be completed at an earlier date than 30 June 2010, that being 30 April 2010.

### **Implementation**

Once the resolution is made Council's contract valuer, the VGV and neighbouring municipalities, will be advised.

### **Conclusion**

Council is required under the Valuation of Land Act to cause a revaluation of properties in the shire.

### **Attachments**

Nil

### **Recommendation(s)**

***That:***

- 1. Council resolves that it cause a revaluation of properties and Council assets within the Shire to be conducted by its contract valuer, Southern Cross Property Services to be returned by 30 April 2010 in accordance with Section 13DC(5) of the Valuation of Land Act with a prescribed date of 1 January 2010;***
- 2. Council notify the Valuer General and other rating authorities in the area, in accordance with Section 6(1) of the Valuation of Land Act that it has caused the 2010 revaluation to be conducted;***
- 3. Council's contract valuer, Southern Cross Property Services, be advised accordingly.***

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**OM092503-7 SOUTH COLAC SPORTS CLUB INC - EXTENSION OF LIQUOR LICENCE AREA**

|             |                                  |           |                              |
|-------------|----------------------------------|-----------|------------------------------|
| AUTHOR:     | Colin Hayman                     | ENDORSED: | Jack Green                   |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | 235 Main Street<br>Elliminyt |

**Purpose**

For Council to consider a request from the South Colac Sports Club Inc to support its application for the extension of the Liquor Licence area of the clubrooms.

**Background**

Council, as the Reserve's Committee of Management, has received a request from the Club to support their application to the Liquor Licensing Board.

The South Colac Sports Club plan to extend their licensed area to include the verandah and covered areas extending from the clubrooms.

Council's approval to this extension is required as part of the planning permit application.

**Council Plan/Other Strategies/Policy**

The Council Plan 2005/09 has a community priority of Health, Recreation and Community Services. "We are committed to 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."

**Issues/Options**

Council's approval is necessary for the extension to licensed area as Committee of Management of the Reserve. The club is seeking to extend the restricted bar license to include the verandah and covered area at the front of the main hall.

The approval is required by Council's planning department and once written permission is received from Council the application will be considered.

The options are to approve or refuse the request.

**Proposal**

That Council provide written consent to the request by the South Colac Sports Club Inc. The Club are a major recreational facility within the community and has a large membership.

**Financial and other Resource Implications**

Not applicable

**Risk Management & Compliance Issues**

The request for approval of the extension to the licensed area is a requirement of the planning permit process.

**Environmental Considerations**

Not applicable.

**Communication Strategy/Consultation**

Any consultation on the proposal will be undertaken as part of the planning permit process.

**Implementation**

A letter will be forwarded to the South Colac Sports Club advising of Council's decision to support their application to the Liquor Licensing Board.

**Conclusion**

Approval is required to proceed with the planning permit application and recommend that Council endorse the request.

**Attachments**

Nil

**Recommendation**

***That Council advise the South Colac Sports Club Inc at 235 Main Street Elliminyt (Elliminyt Recreation Reserve) of its support for a planning permit application to be made seeking approval to extend the licensed area of the Clubrooms.***

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**OM092503-8 BARWON REGION DRUG ACTION STRATEGY 2009-2013**

|             |                                  |           |              |
|-------------|----------------------------------|-----------|--------------|
| AUTHOR:     | Greg Fletcher                    | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | GEN000989    |

**Purpose**

For Council to consider the Barwon Region Drug Action Plan 2009-2013 and endorse its release for community submissions and comments.

**Background**

In September 2002 the Colac Otway Alcohol and Drug Strategy was released to address local alcohol and drug issues. A pivotal recommendation of the Strategy was to engage a project worker to oversee the implementation of actions within the Strategy. This did not eventuate which made implementation of actions difficult. The main themes of the Strategy were to:

- Develop structures to support implementation of this plan
- Build healthy public policy and planning
- Create supportive environments
- Strengthen community action
- Develop personal skills
- Reorient services

In June 2007 the Minister for Mental Health - Lisa Neville announced funding for Councils in the Barwon Primary Care Forum (PCF) catchment area to achieve the following objectives:

- Identify local issues and establish a regional plan reflecting key priority issues from the different Local Government Areas (LGAs).
- Work in partnership to establish active committee/s addressing alcohol and other drug challenges in their local communities.
- Plan and implement activities that address key issues identified at a community level.
- Enhance research focused on evidence based harm minimisation approaches which try to develop clear outcome measures.
- Address key priorities including liquor licensing, the misuse of alcohol (including underage drinking) and isolated communities such as drought affected farmers.
- Strengthen networks and information sharing.

The three existing Plans (Geelong Drug Action Plan 2004, Surf Coast Shire Alcohol & Other Drug Action Plan 2005-6 and the Colac Otway Alcohol & Drug Strategy 2002-2005) have been reviewed separately (via ongoing consultations), while at the same time common priority areas for action have been identified. These identified priority areas have been used to guide the development of a broad regional plan.

At the Council Workshop held on 18 February 2009, representatives from the City of Greater Geelong presented on the Drug and Alcohol Action Strategy.

**Council Plan/Other Strategies/Policy**

The community priority of health, recreation and community services in the Council Plan is "We are committed to providing 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 well being."

Council was a significant participant in the Colac Otway Alcohol and Drug Strategy 2002–2005 and facilitated meetings of alcohol and drug service providers to address issues identified in the Strategy.

### **Issues/Options**

In developing the regional plan it was imperative to have municipal actions and references that were specific to Colac Otway. This individual approach has resulted in a Colac Otway Action Plan and Quick Reference Guide being developed (see attachments).

### **Proposal**

The current focus of the Barwon Region Drug Action Plan 2009-2013 is on 4 main themes.

### **Media and Communication**

- To engage innovative and informative methods of educating the community about the role and impact of alcohol and drugs in our communities.

### **Network**

- To continue to map and link existing networks in order to maintain an informed and connected community of workers, agencies and members of the public.

### **Research & Data Access**

- To provide an evidence base, to assist agencies to address the service needs within their communities (identify trends) plan service delivery, and assist funding applications.
- To inform and educate the wider community of the actual drug and alcohol status within our communities.
- To respond to media enquiries with relevant and up to date information.
- To continue to build on partnerships with universities and other research centres in order to maintain best practise approaches to research projects

### **Areas for Priority Focus**

- To identify priority areas for action and progress
- To provide the opportunity to respond to immediate concerns in an informed, collaborative and decisive manner.

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

There are no Council resources allocated to the project. When opportunities arise grants will be sought from government and philanthropic organisations.

### **Risk Management and Compliance Issues**

There will be a heightened expectation that Colac Otway Shire will work in partnerships with relevant agencies to resolve drug issues within the municipality.

The action plan will be implemented with due consideration to evidence based research and best practice within the alcohol and drug harm minimisation research and services field.

### **Environmental Considerations**

Colac Otway Shire has in place a needle and syringe collection and disposal system located at the main shire office and within a number of public conveniences throughout the shire. Partnerships across the broad health sector provide ongoing communication in relation to individual and community safety.

### **Communication Strategy/Consultation**

A number of local and regional agencies that have an interest in Colac Otway alcohol and drug issues have participated over a 12 month period to develop the local plan. It is proposed that the local action plan and Quick Reference Guide be placed on the Council website and produced in sufficient hard copy quantities to be distributed to stakeholders and interested people throughout the shire.

The Action Plan will be put out for further public submissions and comments on the document.

### **Implementation**

Once the Action Plan is adopted by Council following the public submission process, the Colac Otway Drug Action Plan Committee consisting of council, agency and school representatives will meet on a regular basis to discuss and see that achievable actions can be met. A regional alcohol and drug project worker will support the Committee and seek funding to engage a permanent alcohol and drug project worker to oversee implementation of the actions.

Education and training will be provided for committee members and workers involved with alcohol and drug related issues.

Grants will be sought from government and philanthropic organization with respect to undertaking actions from the plan.

### **Conclusion**

The overall aim of the Barwon Region Drug Action Plan 2009-2013, is to respond to community concern in relation to drug and alcohol misuse. The plan will provide positive opportunities to engage people involved in drug and alcohol services. This will then lead to further opportunities for wider community education and the implementation of initiatives to address issues of concern.

The development of the Action Plan has involved a number of local and regional agencies. The Action Plan will be put out for further public submissions and comments on the document.

### **Attachments**

Colac Otway Action Plan  
Colac Otway Quick Reference Guide

### **Recommendation(s)**

#### ***That Council:***

- 1. Receive the Colac Otway component of the Barwon Region Drug Action Plan 2009-2013 and seek public submissions and comments on the document.***
- 2. Thank the Colac Otway Drug Action Plan Committee members for their contribution to the development of the local drug action plan.***

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Barwon Regional

# Drug Actionplan

## Welcome

In June 2007, the Minister for Mental Health Lisa Neville announced funding for Councils in the Barwon Primary Care Forum (PCF) catchment area to achieve the following objectives:

- Identify local issues and establish a regional plan reflecting key priority issues from the different Local Government Areas (LGAs).
- Work in partnership to establish active committee/s addressing alcohol and other drugs challenges in their local communities.
- Plan and implement activities that address key issues identified at a community level.
- Enhance research focused on evidence based harm minimisation approaches to which try to develop clear outcome measures.
- Address key priorities including liquor licensing, the misuse of alcohol (including under age drinking) and isolated communities such as drought affected farmers.
- Strengthen networks and information sharing.

The Barwon Regional Drug Action Plan 2009-2013 includes four Local Government Areas; The City of Greater Geelong, Borough of Queenscliffe, Surf Coast Shire and Colac Otway Shire. While these LGA's are geographically close, priorities, demographics and populations can vary greatly. The Barwon Regional Drug Action Plan reflects the diversity as well as the areas for common action across the LGA's.

## Harm Minimisation

At the core of the Barwon Regional Drug Action Plan is the principle of Harm Minimisation. This principle, endorsed by the Federal Government, focuses on the need to minimise the harm sometimes associated with drug and alcohol use. The three core elements of Harm Minimisation are

- Supply Reduction
- Demand Reduction
- Harm Reduction

Acknowledging that the use of drugs and alcohol is part of life for some, Harm Minimisation does not mean support for the decriminalisation or legalisation of illicit drugs.

### More Information

City of Greater Geelong – Community Development Department  
Ph: 5272 4979

Surf Coast Shire Community Planning & Development Co-ordinator  
Ph:5261 0644

Colac Otway Shire – Public Health Unit  
Ph:52329429

Detailed Plan – Geelong Australia.....

Directline Ph: 1800 888236

# colac

# 2009 – 2013



Barwon Regional

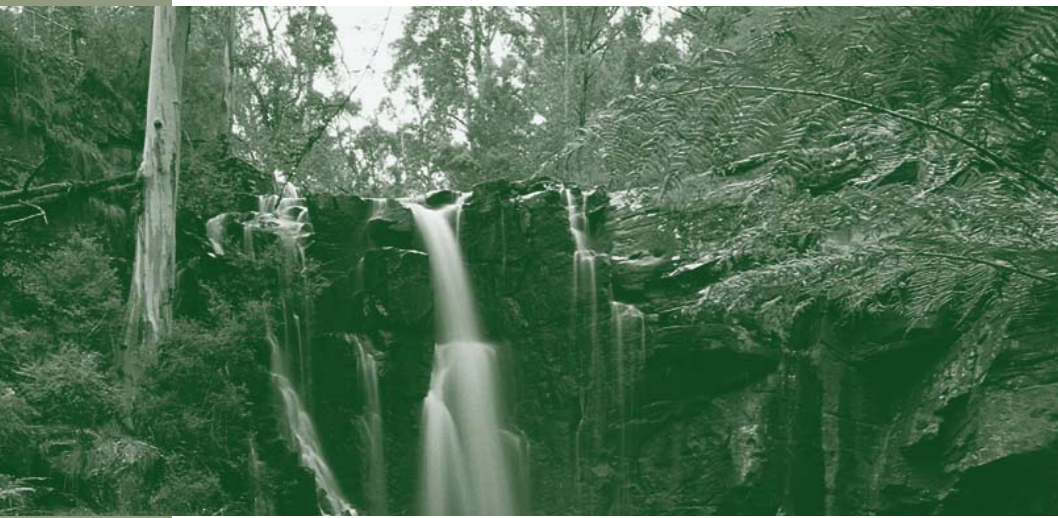
# Drug Actionplan

### The Barwon Regional Drug Action Plan...

- Strengthening existing partnerships
- Fostering new means of engagement
- Meeting the challenges of Alcohol and Drug misuse in our communities, together

\*Barwon is a sub region of the Barwon South Western Region and incorporates, City of Geelong, Colac Otway Shire, Borough of Queenscliffe and Surf Coast Shire.





# the way Forward



Through the development of the Barwon Regional Drug Action Plan partnerships, new opportunities and fresh ideas have emerged.

The Plan offers communities across the Barwon Region a flexible, up to date and relevant approach to local Drug and Alcohol issues.

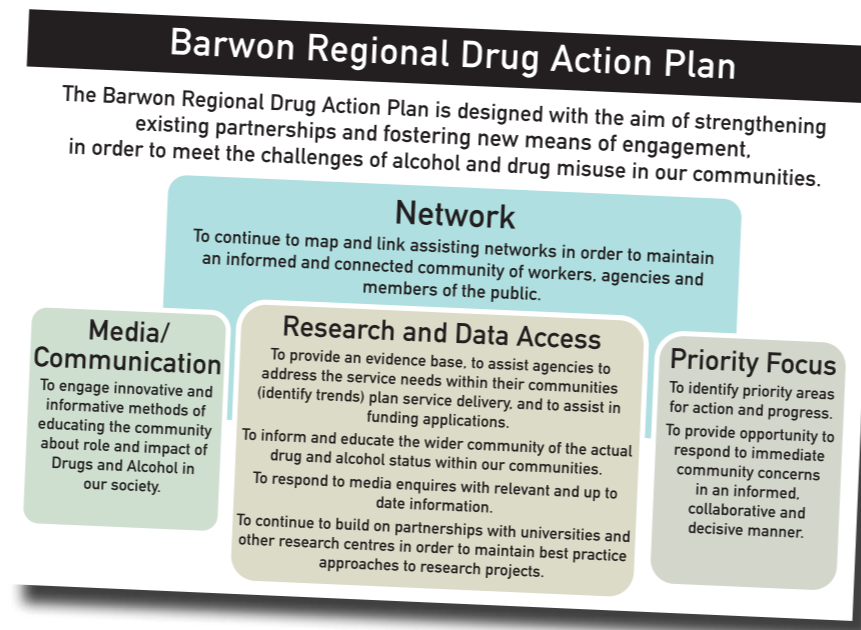
## What is the Barwon Regional Drug Action Plan 2009 -2013?

The Barwon Regional Drug Action Plan is designed with the aim of strengthening existing partnerships and fostering new means of engagement, in order to meet the challenges of alcohol and drug misuse in our communities. With particular focus on

- Advocacy, Partnerships and Collaboration
- Access to services
- Identification and response to emerging trends

Barwon Regional Drug Action Plan has identified four key areas for action  
Media/Communication..Network..Research & Data Access.. Priority Focus

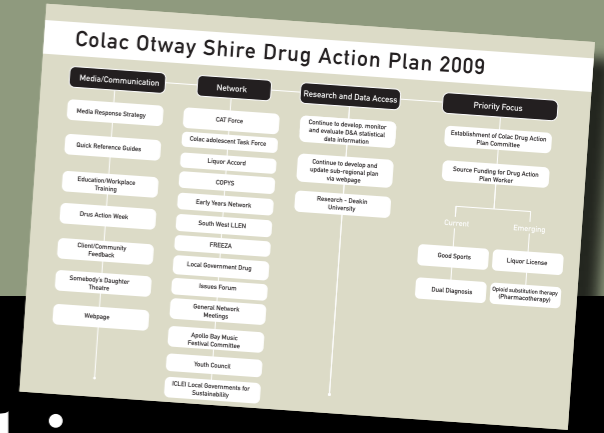
### Summary of the 4 key areas



The four key areas for action have been replicated across the LGA's (Local Government Area) taking into consideration the different needs and objectives of the three LGA's.

Each LGA has begun to action its Plan, to date a number of objectives have been met including:

- Mental Health and Drug & Alcohol Quick Reference Guides – All LGA's have guides printed and distributed.
- The Barwon South Western Region Drug & Alcohol data profile is now live on the Geelong Australia Website. <http://www.geelongaustralia.com.au/daprofile/>
- Research projects are underway with Deakin University, City of Greater Geelong and a number of community based agencies.
- The Geelong Drug & Alcohol Network are holding Forums in February, April and June 2009. With two more planned for the second half of the year.
- The Colac Drug Action Plan Committee has been established and is moving forward in addressing priority actions.
- Funding is being sourced for a worker in Colac Otway to continue to drive the plan and support the Colac Drug Action Plan Committee.
- Activities for Drug Action Week (June 21st – 27th 2009) have been planned across the region.
- The detailed plan, including updates and contacts can be viewed at the Geelong Australia Website.



## Colac Otway Shire Drug Action Plan 2009

### Media/Communication

- Media Response Strategy
- Quick Reference Guides
- Education/Workplace Training
- Drug Action Week
- Client/Community Feedback
- Somebody's Daughter Theatre
- Webpage

### Network

- CAT Force - Colac adolescent Task Force
- Liquor Accord
- COPYS
- Early Years Network
- South West LLEN
- FREEZA
- Local Government Drug
- Issues Forum
- General Network Meetings
- Youth Council

### Research and Data Access

- Continue to develop, monitor and evaluate D&A statistical data information
- Continue to develop and update the Barwon Regional drug action plan via webpage
- Research - Deakin University

### Priority Focus

- Establishment of Colac Drug Action Plan Committee
- Source Funding for Drug Action Plan Worker
  - Current**
    - Good Sports
    - Dual Diagnosis
  - Emerging**
    - Liquor License
    - Opioid substitution therapy (Pharmacotherapy)



# COLAC OTWAY SHIRE

# Drug, Alcohol and Mental Health Services QUICK REFERENCE GUIDE

| Specialist Drug Treatment Services   |   |   |
|--|---|---|
| Service Provider:  | Service Type:   | Contact:  |
| Otway Health   | Otway Health provides a range of free counselling and support services to individuals and families  | 5237 8500<br>37-43 McLachlan St<br>Apollo Bay   |
| Counselling Services   | To assist people with a range of personal and emotional issues. <ul style="list-style-type: none"> <li>• Depression</li> <li>• Addiction</li> <li>• Relationship and family issues</li> <li>• Parenting</li> <li>• Anger and violence</li> <li>• Stress</li> <li>• Anxiety</li> <li>• Support during times of Crises</li> <li>• Emergency Relief</li> </ul> |   |
| Mental Health Support  | This service provides education to the community to increase awareness and understanding of issues related to mental health. Staff provide support to individuals and their families and carers in the form of counselling, education, crisis intervention, advocacy and appropriate referrals.   |   |
| Colac Area Health  | Counselling for Drug and Alcohol issues   | 5232 5140<br>2 Connor St Colac  |
| Barwon Health<br>Adult Community Mental Health Team  | Provides crisis management, treatment and case management for people 26-65 years who are affected by a serious mental illness   | 1300 763 254<br>13 Dennis St Colac  |
| Glastonbury Child And Family Services  | Provides a range of support to children, young people and families, including: prevention programs for children and their families:   | 5231 4740<br>4 Miller St Colac  |
|  | Outreach – counselling and family support for family/extended family affected by substance misuse   |   |
| Karingal Mental Health Support   | Personal helpers and mentor program and respite outreach programs. Both have a long term recovery focus for people experiencing mental health concerns. 16 years and over   | 5232 2877<br>47-49 Hesse St Colac   |
| USEFUL LINKS   |   |   |
| Australian Drug Foundation   | <a href="http://www.adf.org.au">www.adf.org.au</a>  |  |
| Australian Drug Information Network  | <a href="http://www.adin.com.au">www.adin.com.au</a>  |   |
| Alcohol and Other Drugs Council of Australia   | <a href="http://www.adca.org.au">www.adca.org.au</a>  |   |
| Drugnet  | <a href="http://www.drugnet.bizland.com">www.drugnet.bizland.com</a>  |   |
| Headspace Barwon   | <a href="http://www.headspace.org.au/barwon">www.headspace.org.au/barwon</a>  |   |
| Beyond Blue  | <a href="http://www.beyondblue.org.au">www.beyondblue.org.au</a>  |   |
| SANE   | <a href="http://www.sane.org">www.sane.org</a>  |   |
| Reachout   | <a href="http://www.reachout.com.au">www.reachout.com.au</a>  |   |
| Multicultural Mental Health Australia  | <a href="http://www.mmha.org.au">www.mmha.org.au</a>  |   |
| Phone information, referral and Contact Victorian Country Areas  |   |   |
| Directline<br><a href="http://www.counsellingonline.org.au">www.counsellingonline.org.au</a><br><a href="http://www.turningpoint.org.au">www.turningpoint.org.au</a> | Provides Counselling and information about accessing drug and alcohol treatment services  | (24 hours) 1800 888 236   |
| Family Drug Helpline   | Provides support and information to families and friends  | 1300 660 068  |
| Parentline<br><a href="http://www.familydrughelp.sharc.org.au">www.familydrughelp.sharc.org.au</a>   | Provides support, counselling and information for parents   | 132 289   |
| Quitline   | Provides professional advice to help people quit smoking  | 131 848   |
| DACAS<br><a href="http://www.turningpoint.org.au">www.turningpoint.org.au</a>  | Provides advise on the clinical management of alcohol and drug issues to health and welfare professionals   | 1800 812 804  |
| Lifeline   | 24 hour anonymous and confidential counselling, support and referral service for crises and personal emergencies (all ages)   | (24 hours) 131114   |

Further enquiries call  
Colac Otway Shire 5232 9400  
[www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

**OM092503-9 FINANCIAL PERFORMANCE REPORT**

|             |                                  |           |              |
|-------------|----------------------------------|-----------|--------------|
| AUTHOR:     | Ashley Roberts                   | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | GEN592       |

**Introduction**

The following Financial Performance Report is for the eight month period to the end of February 2009.

**Budget Variances**

Rates and Charges of \$18.0m raised. Projected accumulated cash deficit of \$0.4m, due to increased compliance costs on Cressy-Shelford (\$0.5m); increased recruitment costs (\$0.15m); increased Blue Water Fitness Centre wages (\$0.1m) & Apollo Bay Leisure Centre costs (\$0.04m).

**Cash Position**

Net cash inflow of approx \$8.19m for the month of February, due to rate instalments being due during the month. Improved cash position of \$0.76m compared to previous year.

**Rates Debtors**

Rates to the value of \$18.0m raised. Percentage collected similar to previous year at 78.50 % compared to 78.90% for 2007/8. Final instalments due 31 May.

**Trade Creditors**

Total creditors paid of \$1.99m for month of February, compared to \$1.35m previous year. This years figures include \$0.7m payment relating to Elliminyt Gas Project.

**Interest on Investment**

Interest received for the month of February of \$11,653. Current interest rate is 3.15%. Lower cash carrying balance combined with falling interest rates is resulting in lower interest income.

**Capital Works Expended to February 2009**

|  |         |
|--|---------|
| Elliminyt Gas Project                        | \$0.65m |
| Cosworks Unsealed Roads Rehabilitation       | \$0.51m |
| Resealing Program                            | \$0.43m |
| Larpent Road                                 | \$0.38m |
| Plant Replacement                            | \$0.38m |
| Cosworks Plant Replacement                   | \$0.21m |
| Cosworks Local Sealed Roads Rehabilitation   | \$0.14m |
| Special Charge Scheme – Slater St            | \$0.13m |
| Cosworks Drainage Works                      | \$0.09m |
| Birregurra Footpath Replacement              | \$0.09m |
| Bus Shelters Colac                           | \$0.08m |
| Cosworks Aggregate                           | \$0.08m |
| Poorneet Road                                | \$0.08m |
| IT Equipment Upgrades                        | \$0.08m |
| Apollo Bay Footpaths                         | \$0.07m |
| Virtualisation Project                       | \$0.06m |
| Council Building Asset Renewal Program       | \$0.05m |
| Binns Rd (Better Roads)                      | \$0.05m |
| Cosworks Footpaths                           | \$0.04m |
| Apollo Bay Transfer Station-Land Acquisition | \$0.04m |

|                                   |                |
|-----------------------------------|----------------|
| Other Footpath Replacements       | \$0.04m        |
| Irrewillipe Rd Final Seal         | \$0.04m        |
| Bromfield St Pollution Trap       | \$0.04m        |
| IT Server Replacement             | \$0.04m        |
| Slater Street Construction        | \$0.04m        |
| Landslide Mapping Project         | \$0.04m        |
| Cosworks Sealed Rds Rehab Program | \$0.04m        |
| Marks St Special Charge Scheme    | \$0.03m        |
| Road Furniture Upgrade            | \$0.03m        |
| Carpendeit Rd Final Seal          | \$0.03m        |
| BWFC Roof Access                  | \$0.03m        |
| BWFC Spa/Sauna Refurbishment      | \$0.03m        |
| Playground Improvement Program    | \$0.03m        |
| Total                             | <u>\$4.10m</u> |

**Attachments**

1. Financial Performance Report February 2009

**Recommendation**

***That the Financial Performance Report to the end of February 2009 be received.***

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**FINANCIAL PERFORMANCE REPORT**  
**FOR MONTH OF FEBRUARY 2009**

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

**Summary by Service**

|                                | <b>Actual<br/>28-Feb-09</b> | <b>Budget</b>      | <b>Forecast</b>    | <b>% Actual<br/>of Forecast</b> |
|--------------------------------|-----------------------------|--------------------|--------------------|---------------------------------|
| <b>GOVERNANCE</b>              | \$2,834,422                 | \$4,160,126        | \$4,689,521        | 60.44%                          |
| <b>INFRASTRUCTURE</b>          | \$1,866,637                 | \$5,573,556        | \$5,288,199        | 35.30%                          |
| <b>STRATEGIC DEVELOPMENT</b>   | \$3,209,862                 | \$5,143,800        | \$5,444,207        | 58.96%                          |
| <b>DEBT SERVICES</b>           | \$501,483                   | \$682,700          | \$682,700          | 73.46%                          |
| <b>CAPITAL WORKS</b>           | \$3,398,264                 | \$6,014,029        | \$6,365,410        | 53.39%                          |
| <b>RATES</b>                   | (\$15,570,428)              | (\$15,542,939)     | (\$15,520,898)     | 100.32%                         |
| <b>OTHER INCOME</b>            | (\$4,989,873)               | (\$4,950,351)      | (\$4,989,873)      | 100.00%                         |
| <b>Net from Revenue</b>        | <u>(\$8,749,633)</u>        | <u>\$1,080,921</u> | <u>\$1,959,266</u> |                                 |
| <b>APPROPRIATION</b>           | (\$1,551,009)               | (\$1,551,009)      | (\$1,551,009)      |                                 |
| <b>(SURPLUS)/DEFICIT C/FWD</b> | <u>(\$10,300,642)</u>       | <u>(\$470,088)</u> | <u>\$408,257</u>   |                                 |

**Points to Note**

**Governance**

- Insurance premiums paid.
- Community Minor Projects Grants provided
- Workcover premiums paid

**Infrastructure**

- Approx \$1.44m Cosworks maintenance.
- Waste Management Charges raised for the full year.

**Strategic Development**

- Tourism Memberships paid
- Building fees higher than budgeted
- Minor Recreation Facilities Projects Grants provided

**Debt Services**

- No new loan borrowings for year
- Loan 5 set to be extinguished during year

**Capital Works**

- Approx \$1m carried forward expenditure on Marengo Transfer Station

**Rates**

- Total rates of \$15.8m raised.

**Other Income**

- Second quarter Grants Commission funding received.

**Appropriation**

- Accumulated cash surplus brought forward from 2007/08 of \$1.55m

## OPERATING STATEMENT

|                                                   | February<br>YTD ACTUAL | BUDGET              | FORECAST            | NOTE |
|---------------------------------------------------|------------------------|---------------------|---------------------|------|
| <b>OPERATING REVENUE</b>                          |                        |                     |                     |      |
| Rates                                             | \$13,449,701           | \$13,454,089        | \$13,426,898        |      |
| Garbage Charge                                    | \$2,141,411            | \$2,143,599         | \$2,156,000         |      |
| Municipal Charge                                  | \$2,010,256            | \$2,003,850         | \$2,009,000         |      |
| Grants Commission                                 | \$4,989,873            | \$4,950,351         | \$4,989,873         |      |
| Recurrent Grants & Subsidies                      | \$2,032,982            | \$2,525,619         | \$2,580,779         |      |
| Non-recurrent Grants & Subsidies                  | \$1,079,419            | \$3,095,871         | \$3,972,516         | 1    |
| Charges Fees & Fines                              | \$2,455,923            | \$3,862,919         | \$3,884,286         | 2    |
| Reimbursements & Contribution                     | \$418,007              | \$442,923           | \$747,480           | 3    |
| Interest Revenue                                  | \$247,076              | \$420,000           | \$480,000           |      |
| Donated assets                                    | \$92,667               | \$139,000           | \$139,000           |      |
| <b>TOTAL OPERATING REVENUE</b>                    | <b>\$28,917,314</b>    | <b>\$33,038,221</b> | <b>\$34,385,832</b> |      |
| <b>OPERATING EXPENDITURE</b>                      |                        |                     |                     |      |
| Employee Costs                                    | \$6,579,452            | \$10,875,000        | \$10,743,589        |      |
| Materials & Services                              | \$7,127,806            | \$11,671,000        | \$12,726,977        | 4    |
| Plant Costs                                       | \$420,794              | \$427,000           | \$548,955           |      |
| Loan Interest                                     | \$137,931              | \$190,500           | \$190,600           |      |
| Grants & Donations                                | \$132,953              | \$140,900           | \$151,900           |      |
| Other                                             | \$603,773              | \$936,883           | \$977,114           |      |
| Depreciation                                      | \$5,420,000            | \$8,430,000         | \$8,130,000         |      |
| Written Down Value - Assets Sold                  | \$366,667              | \$550,000           | \$550,000           | 5    |
| <b>TOTAL OPERATING EXPENDITURE</b>                | <b>\$20,789,375</b>    | <b>\$33,221,283</b> | <b>\$34,019,135</b> |      |
| <b>NET SURPLUS/(DEFICITS)<br/>FROM OPERATIONS</b> |                        |                     |                     |      |
|                                                   | <b>\$8,127,939</b>     | <b>(\$183,062)</b>  | <b>\$366,697</b>    |      |
| Proceeds from Sales                               | \$190,208              | \$550,000           | \$563,000           |      |
| Property, Plant & Equipment Write Off             | (\$100,000)            | (\$150,000)         | (\$150,000)         |      |
| <b>RESULTING FROM OPERATIONS</b>                  | <b>\$8,218,148</b>     | <b>\$216,938</b>    | <b>\$779,697</b>    |      |

### Notes

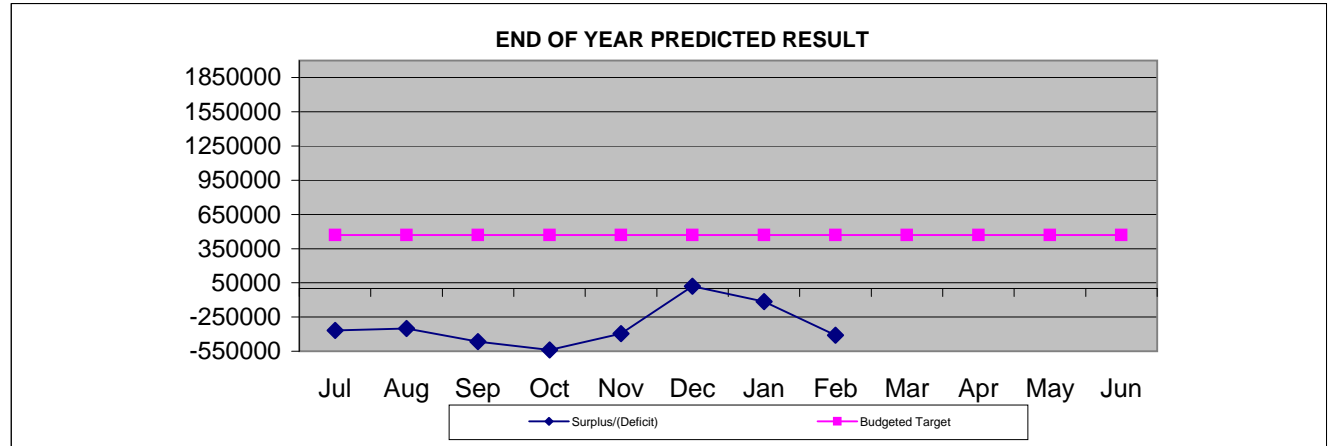
- 1 Non-Recurrent Grants & Subsidies
  - Living Libraries grant \$0.1m received
  - Joint Use Sports Facilities Grant \$0.2m received
  - Additional funding sourced Beechy Centre \$0.4m; Landfill Rehabs \$0.2m
- 2 Charges, Fees & Fines
  - Council Property rentals raised
- 3 Reimbursements and Contributions
  - 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 28/02/2009.

#### Comments

Estimated accumulated cash surplus \$0.4m  
Projected cash deficit as at 28/02/2009 forecast at approx \$0.4m



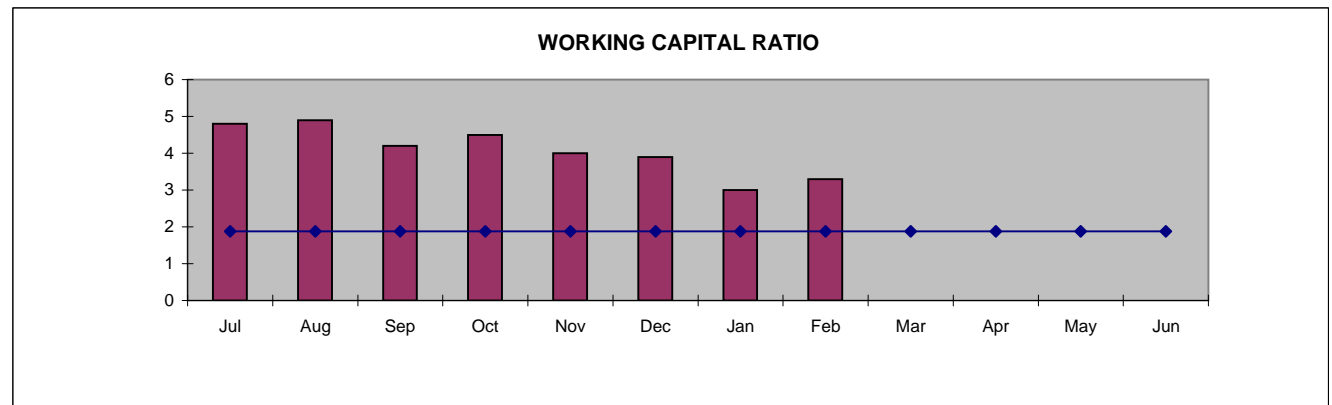
### WORKING CAPITAL RATIO

To assess Council's ability to meet current commitments.

#### Comment

Current Ratio of 3.3:1 as at 28/02/09

Estimated to be 1.88:1 at 30/06/09



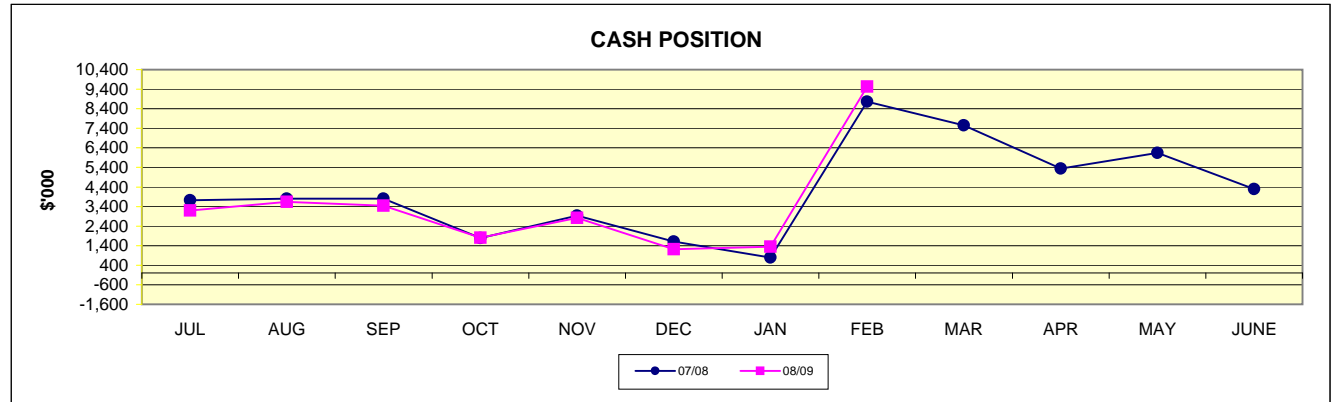
## CASH POSITION

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 inflow approx. \$8.19m for February 2009. Increased cash position of approx \$0.76m as compared to previous year.

|         | 2008/09  | 2007/08  |
|---------|----------|----------|
| Income  | \$11.05m | \$10.38m |
| Exp.    | -\$2.86m | -\$2.39m |
| Net     | \$8.19m  | \$7.99m  |
| Balance | \$9.53m  | \$8.77m  |



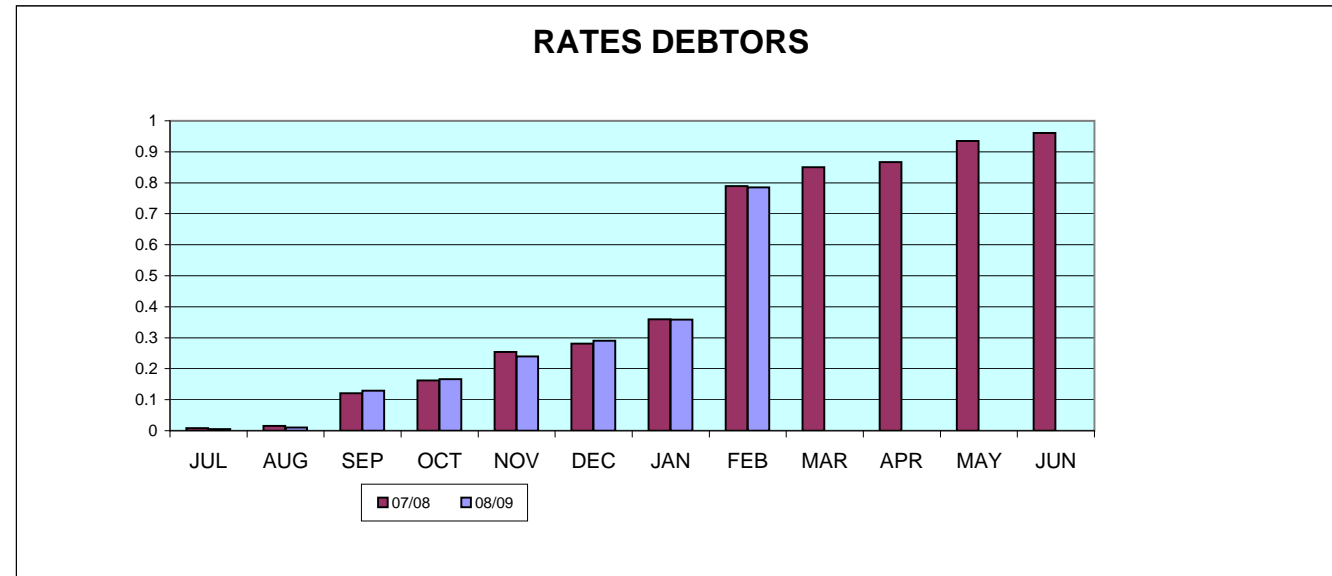
## RATES DEBTORS

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

### Comment

Rates to the value of \$18.0m raised. Collection % similar to previous year.

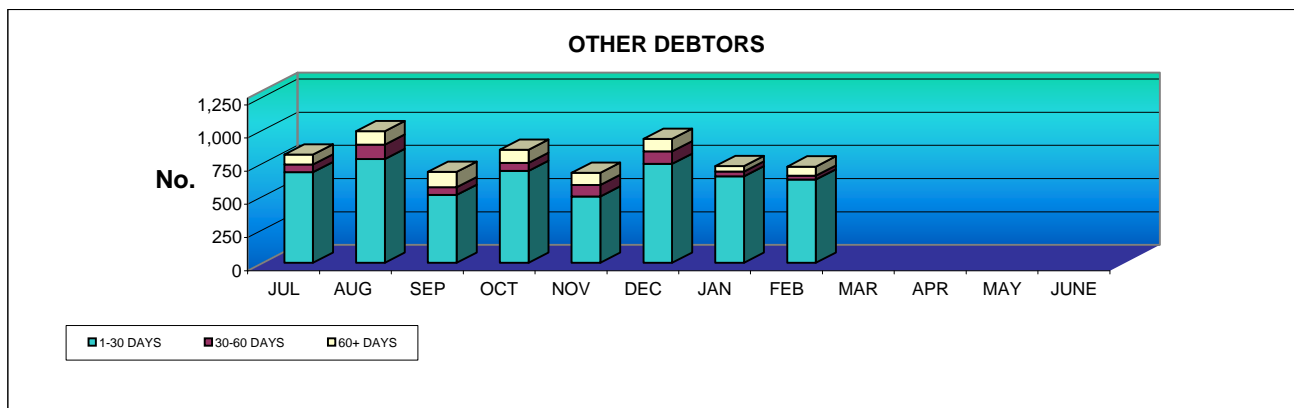
|           | 000's    | 2008/09 | 2007/08 |
|-----------|----------|---------|---------|
| July      | \$17,928 | 0.50%   | 0.80%   |
| August    | \$17,841 | 1.00%   | 1.60%   |
| September | \$15,687 | 12.90%  | 12.10%  |
| October   | \$15,027 | 16.60%  | 16.19%  |
| November  | \$13,681 | 24.00%  | 25.40%  |
| December  | \$12,797 | 29.00%  | 28.10%  |
| January   | \$11,569 | 35.80%  | 36.00%  |
| February  | \$3,864  | 78.50%  | 78.90%  |
| March     |          |         |         |
| April     |          |         |         |
| May       |          |         |         |





## OTHER DEBTORS

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



|                      | NUMBER     | AMOUNT           | % OF TOTAL  |
|----------------------|------------|------------------|-------------|
| 1-30 Days^           | 112        | \$322,163        | 37%         |
| 30-60 Days^          | 5          | \$7,087          | 1%          |
| 60+ Days^            | 40         | \$77,678         | 9%          |
| Payment Arrangements | 1          | \$25,833         | 3%          |
| Final Notice         | 0          | \$0              | 0%          |
| Debt Collectors      | 1          | \$2,685          | 0%          |
| Other Debtors*       | 603        | \$76,889         | 9%          |
| Private Schemes      | -          | \$321,853        | 37%         |
| Harbour              | 10         | \$27,935         | 3%          |
| <b>TOTAL</b>         | <b>772</b> | <b>\$862,124</b> | <b>100%</b> |

|                 | WORKS           | MISC             | TOTAL            | % OF TOTAL  |
|-----------------|-----------------|------------------|------------------|-------------|
| 1-30 DAYS       | \$10,767        | \$311,397        | \$322,163        | 37%         |
| 30-60 DAYS      | \$950           | \$6,137          | \$7,087          | 1%          |
| 60+ DAYS        | \$15,852        | \$90,344         | \$106,196        | 12%         |
| Other Debtors*  | -               | -                | \$76,889         | 9%          |
| Private Schemes | -               | -                | \$321,853        | 37%         |
| Harbour         | -               | -                | \$27,935         | 3%          |
| <b>TOTAL</b>    | <b>\$27,569</b> | <b>\$407,878</b> | <b>\$862,124</b> | <b>100%</b> |

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

^ Values are for Works & Miscellaneous debtors only

Major debtors outstanding greater than \$20,000.

|                                       | 1-30 DAYS    | 30-60 DAYS  | 60+ DAYS    | TOTAL        | COMMENT                                               |
|---------------------------------------|--------------|-------------|-------------|--------------|-------------------------------------------------------|
| Regional Development Victoria         | \$126,240.84 | \$11,000.00 | \$0.00      | \$137,240.84 | Dairy Roads Funding                                   |
| Wheelie Waste                         | \$18,219.85  | \$5,654.95  | \$3,044.67  | \$26,919.47  | Tipping Fees & Bins                                   |
| Apollo Bay Fisherman's Co-Operative   | \$0.00       | \$0.00      | \$0.00      | \$24,739.00  | Annual Rental 2008-9                                  |
| Dept Planning & Community Development | \$4,253.26   | \$0.00      | \$18,243.94 | \$22,497.20  | Neighbourhood Renewal & Final Claim Imperials Netball |

**\$148,713.95    \$16,654.95    \$21,288.61    \$211,396.51**

## TRADE CREDITORS

Payments to trade creditors for the month.

Creditor Voucher No.s 39123-39236 for \$981,989.32 and Electronic Funds Transfers Nos. 42317-42645 for \$1,010,698.80 for the month of February were approved by the Chief Executive officer under delegated authority on Wednesday 25th of February 2009

Major creditor payments for the month comprising 67% of total payments were:

|                                  |                              |              |
|----------------------------------|------------------------------|--------------|
| SPI Network Pty Ltd              | Eliminyt Gas Network Project | \$716,667.60 |
| Australian Taxation Office       | Employee Tax                 | \$171,907.79 |
| Vision Super                     | Employee Superannuation      | \$114,377.20 |
| Wheelie Waste Pty Ltd            | Waste Contract               | \$111,016.05 |
| Barwon Water                     | Various Water Accounts       | \$38,092.27  |
| URS Australia Pty Ltd            | Waste Monitoring / Testing   | \$37,146.53  |
| AGL Electricity                  | Various Electricity Accounts | \$33,170.79  |
| Megatoy Play Systems Pty Ltd     | Playground Equipment         | \$27,210.48  |
| Southern Cross Property Services | General Revaluations Stage 1 | \$23,864.50  |
| Colac Area Health                | Meals on Wheels              | \$23,658.30  |
| Russel Kennedy                   | Legal Fees                   | \$20,279.42  |
| Cemex Australia Pty Ltd          | Materials (Road Sealing)     | \$20,252.84  |

\$1,337,643.77

## LOAN LIABILITY

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

| <u>Comments</u>                        | LOAN NO. | BAL<br>01/07/08    | NEW<br>LOANS | PROJ.<br>REDEMP.<br>2007/2008 | YTD<br>ACTUAL    | BAL<br>30/06/09    |
|----------------------------------------|----------|--------------------|--------------|-------------------------------|------------------|--------------------|
| No new loans forecast.                 | C.O.S. 5 | \$231,833          | \$0          | \$232,000                     | \$172,700        | \$0                |
| Loan 5 to be extinguished during year. | C.O.S. 6 | \$694,303          | \$0          | \$45,600                      | \$33,917         | \$648,703          |
|                                        | C.O.S. 7 | \$1,259,919        | \$0          | \$67,300                      | \$67,300         | \$1,192,619        |
|                                        | C.O.S. 8 | \$234,118          | \$0          | \$89,200                      | \$43,780         | \$144,918          |
|                                        | C.O.S. 9 | \$558,687          | \$0          | \$83,800                      | \$41,198         | \$474,887          |
|                                        |          | <u>\$2,978,860</u> | <u>\$0</u>   | <u>\$517,900</u>              | <u>\$358,895</u> | <u>\$2,460,960</u> |

## INTEREST ON INVESTMENT

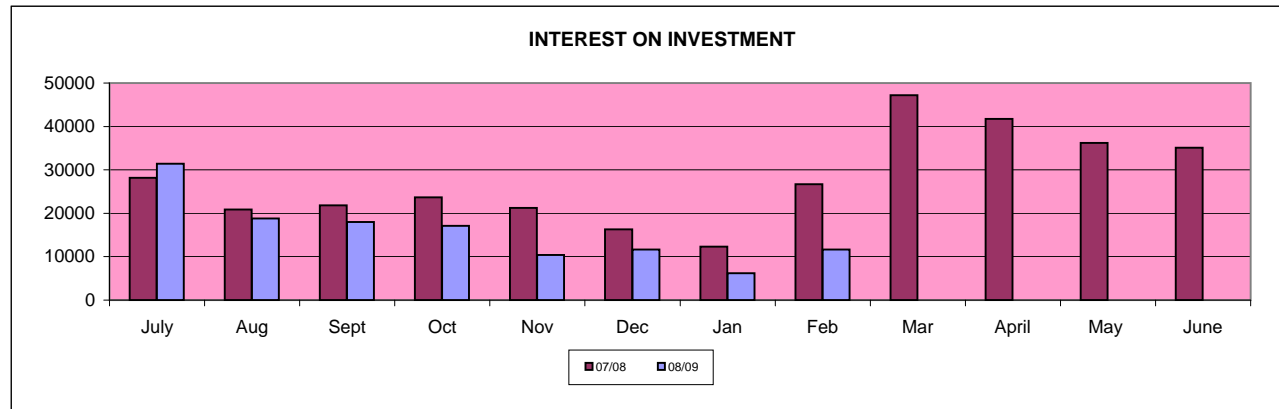
Comparison of interest earned on credit balances of Colac Otway Shire's bank accounts at the end of each month to previous year.

### Comment

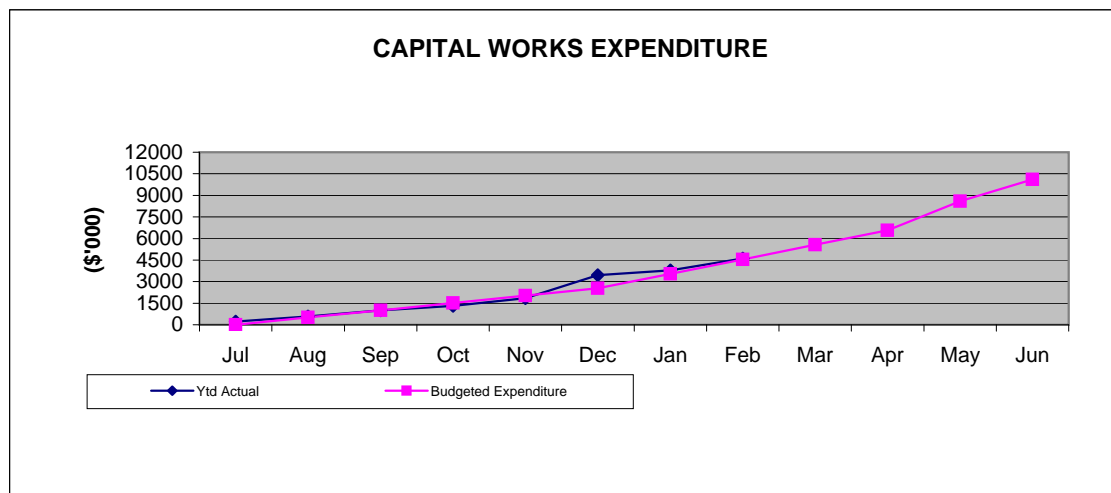
Progressive 2008/09 to 28/02/2009 \$125,254

Progressive 2007/08 to 31/01/2008 \$171,166

Current Interest Rate 3.15%



## CAPITAL WORKS



### MAJOR PROJECTS PROGRESS REPORT

#### Roads to Recovery

Capital works priorities ongoing

Irrewillipe Rd Final Seal - complete

Cape Otway Rd - complete

Conns Lane Rehab - complete

Rifle Butts Rd - complete

#### 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

Bromfield Street Pollution Trap - complete

Slater Street Construction - complete

Guardrail Mitchel Grove - complete

Hennigans Crescent Landslope Rehab - complete

School Bus Route Program - complete

Poorneet Rd - complete

Larpent Rd -

Guardrail Old Beech Forest Rd - complete

Guardrail Swan Marsh - complete

Carpendeit Rd Final Seal - complete

Drainage Bromfield St GPT - 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

Hesse St Comfort Station Upgrade - complete

BWFC Roof Access - complete

Air Conditioning Unit Replacement - complete

IT Server Replacement - complete

Kindergartens Improvements - complete  
COPACC Civic Hall Roof - complete  
Eliminyt Gas Project - works complete, private scheme details being finalised

**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                             | D | W |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>INFRASTRUCTURE</u></b></p> <p><b><u>OM092503-10 EPA ASSESSMENT OF THE POTENTIAL FOR METHANE GAS MOVEMENT FROM VICTORIAN LANDFILLS</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council receive and note this report.</i></p>                                         |   |   |
| <p><b><u>OM092503-11 TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council provides a letter of support to the MAV in relation to its stance on the Transport Legislation Miscellaneous Amendments Bill 2008.</i></p> |   |   |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

### OM092503-10 EPA ASSESSMENT OF THE POTENTIAL FOR METHANE GAS MOVEMENT FROM VICTORIAN LANDFILLS

|             |                |           |            |
|-------------|----------------|-----------|------------|
| AUTHOR:     | Neil Allen     | ENDORSED: | Jack Green |
| DEPARTMENT: | Infrastructure | FILE REF: | GEN02002   |

#### Purpose

The purpose of this report is to update Council in relation to the EPA Assessment of the Potential for Methane Gas Movement from Victorian Landfills.

#### Background

The Cranbourne landfill methane gas issues highlighted to the EPA the potential problem with the number of existing and closed landfill throughout the State of Victoria. In response to potential issues, the EPA has undertaken a high level assessment of potential land fill issues including the status of landfill methane management across Victoria in order to provide community confidence that the matter has been addressed. As part of this assessment EPA Officers met with Council Officers to undertake a general investigation of the landfills within the municipality. The EPA and Officers investigated the following landfills which met the criteria as identified by the EPA.

| Landfill Description                | Open    | Closed         |
|-------------------------------------|---------|----------------|
| Marengo Transfer Station / Landfill | Unknown | September 1998 |
| Bruce Street Landfill               | 1970's  | January 1997   |

The EPA Guidelines requires that landfills must meet specified criteria which are consistent with Best Practice principles across Victoria.

#### Corporate Plan/Other Strategies/Policies

The Management of landfills must be carried out in accordance with the Environment Protection Act 1997. Council has a landfill reserve fund for financing works required.

#### Issues/Options

The management and control of landfills must occur in accordance with the provisions of the Environment Protection Act 1997 which sets out the broad legal rules needed to protect the environment. Landfills are required to be managed in accordance with the Best Practice Guidelines for Landfills published through the EPA. If Council's landfills were found not to be operating in accordance with Best Practice principles, there may be significant rectification works required by Council to bring the landfills up to standard. Based on the audit undertaken by EPA Officers in conjunction with Council Officers, the EPA have advised Council in their letter Ref: SU005326 that they have not identified any sites requiring immediate work for improved methane management, however, the EPA will continue to review methane gas management requirements. Based on this letter, Council has no immediate management issues in relation to methane gas movement from the landfills at the sites identified.

#### Proposal

Based on the written advice from the EPA, Council does not need to undertake any additional work at this stage. If further development occurs adjacent to any landfills, additional work may be subject to further assessments by the EPA.

#### Financial/Resource Implications

Not applicable.

**Risk Management Compliance Issues**

The Audit undertaken by the EPA has identified that Council is complying with its landfill requirements in accordance with Best Practice Guidelines and has minimal risk in relation to methane gas movement from the landfills. Further risk assessments may be required if development occurs on or adjacent to existing sites.

**Environment Considerations**

No major environmental considerations were identified.

**Communications/Strategies/Consultation**

Not applicable.

**Conclusion**

Based on advice from the EPA, Council has demonstrated that it is managing its landfills in accordance with the Best Practice Guidelines for Landfills in relation to the management of Methane Gas.

**Attachments**

- Letter from EPA Victoria – EPA Assessment of the Potential for Methane Gas Movement from Victorian Landfills (9 February 2009)

**Recommendation(s)**

***That Council receive and note this report.***

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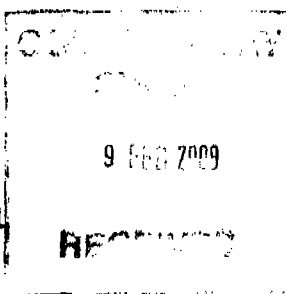




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Our Ref: SU005326



TRACEY SLATTER  
CHIEF EXECUTIVE OFFICER  
COLAC OTWAY SHIRE COUNCIL  
SHIRE OFFICE  
BEECH FOREST VIC 3237

40 City Road  
Southbank  
Victoria 3006  
GPO Box 4395QQ  
Melbourne Victoria 3001  
T: 03 9695 2700  
F: 03 9695 2710  
DX 210082  
www.epa.vic.gov.au

Dear CHIEF EXECUTIVE OFFICER

**EPA Assessment of the Potential for Methane Gas Movement from Victorian Landfills**

This letter is to provide you details about the above assessment report which will be available on EPA's website [www.epa.vic.gov.au](http://www.epa.vic.gov.au) on Friday 6th February 2009.

The assessment aim was to report on the status of landfill methane management across Victoria, in order to provide community confidence that the issue has been systematically assessed and landfill methane is being adequately managed.

260 licensed and formerly licensed landfill sites were assessed against a range of criteria. While your site(s) were not identified as requiring immediate works for improved methane management, EPA will continue to review methane management requirements and guidelines, and may contact you discuss any required improvements. EPA encourages you to conduct your own review and can provide advice where requested.

General findings from the assessment were as follows:

- The siting, design, construction and management, along with appropriate buffer distances between landfills and sensitive land uses, are all important tools in effectively managing landfills.
- Where suitable siting, design or buffers are not in place landfill operators/managers should conduct periodic assessments of methane management controls at their landfill.
- Landfill management and commercial extraction and energy generation from landfill gas need to be more closely integrated to enable best landfill gas management from an environmental and community protection standpoint.

Please also note that the relevant municipal council has also been advised about the assessment report and its expected release date.

On behalf of EPA I would like to thank you for your collaborative approach to date with the landfill assessment project where this has been required.



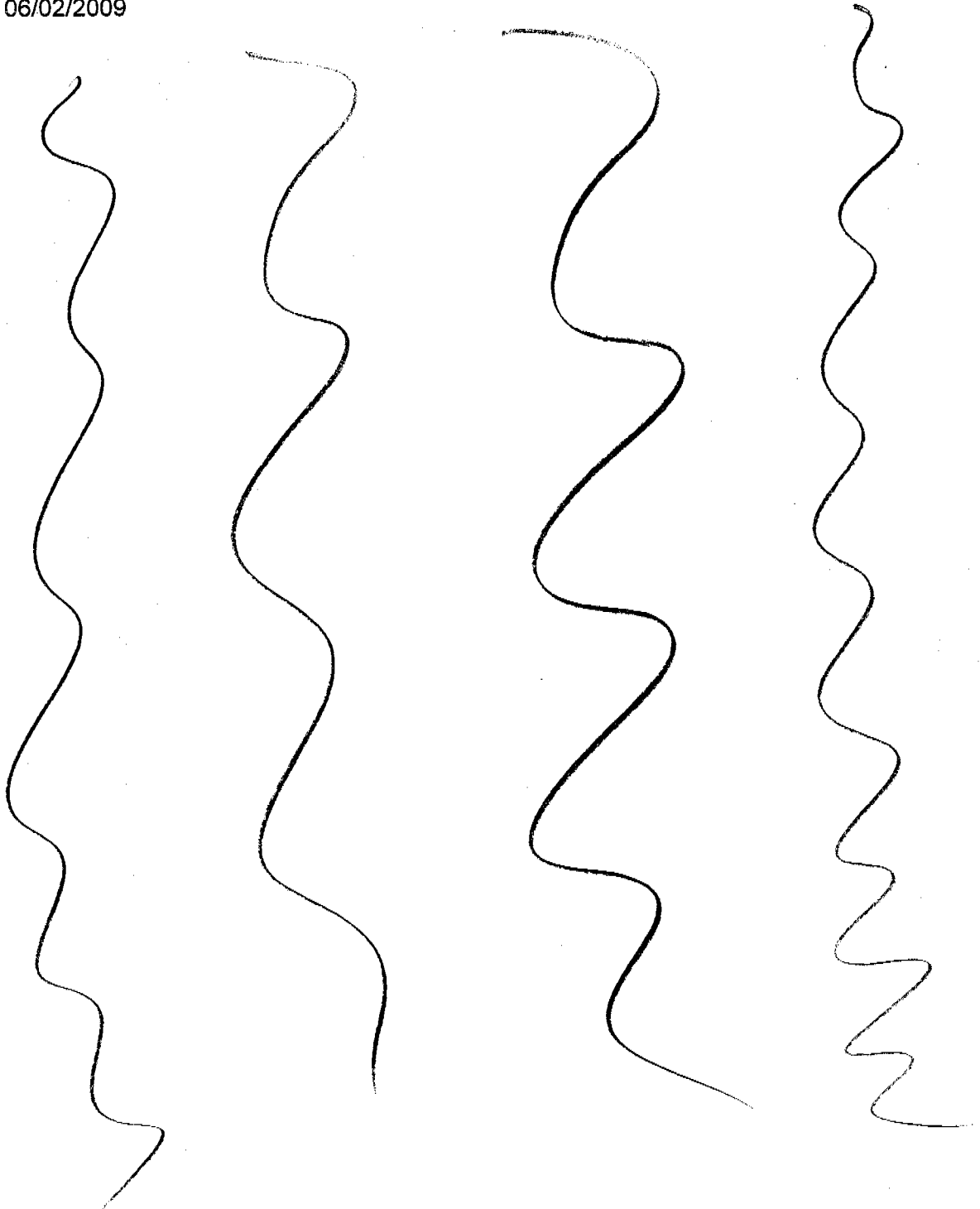
Finally, if you have provided assistance to the assessment program then I would like to thank you for your input. If you have any queries please do not hesitate to contact Barney Milles on 9695 2527.

Yours sincerely



MICK BOURKE  
CHAIRMAN

06/02/2009



**OM092503-11 TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL  
2008**

|             |                |           |            |
|-------------|----------------|-----------|------------|
| AUTHOR:     | Adam Lehmann   | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure | FILE REF: | GEN00569   |

**Purpose**

The purpose of this report is to provide Council with information in relation to existing Victorian legislation as it applies to transportation.

**Background**

This report was presented to the Roads Committee on Tuesday 3 March 2009. As part of the Victorian Government's comprehensive review of transport legislation, the Transport Legislation Miscellaneous Amendments Bill 2008 (Miscellaneous Amendment Bill) is currently before Parliament. This Bill proposes to make a number of amendments to existing transport legislation that would affect a range of transport modes.

The proposed amendments reflect a number of policy objectives for an integrated and sustainable transport system, such as efficiency, coordination, reliability, environmental sustainability, land use integration and safety.

A number of amendments made by the Bill are designed to encourage the use of sustainable forms of transport such as public transport, bicycles, and pedestrian transport. Increased use of these modes assists in relieving road congestion, which provides opportunities for improved economic, social and environmental outcomes for both transportation systems and the community.

Key proposals to be enacted by the Bill include:

- Giving priority to designated modes of transport on specified parts of the road network. This results in the road network being managed in a way that makes specified routes more attractive for certain modes of transport, increasing efficiencies in the road network;
- Giving public transport improved status in roads legislation. This is aimed at ensuring that when decisions are made by road authorities which affect the road network, impacts to road-based public transport are considered; and
- Clarifying and strengthening rail safety requirements. The proposals in the Bill particularly address key safety issues at points of road-rail interface such as level crossings.

As the Bill now stands Clause 15 inserts a new section 42A in the Road Management Act 2004 which requires VicRoads to keep a register of specified roads, noting the mode of transport which is, or the modes of transport which are, to have a priority in respect to each road.

Under the new section, a public road or part of a public road may be specified as follows:

- For a tram or bus road, jointly by the Minister for Roads and Ports and Minister for Public Transport after consultation with VicRoads and the Director of Public Transport; and
- For a bicycle, pedestrian, freight, or other mode of transport, by the Minister for Roads and Ports.

The new section 42A(3) provides that if the public road or part of a public road is a municipal road, there must be consultation with the Minister for Local Government before the road is specified.

**Corporate Plan/Other Strategies/Policy**

No policy considerations are applicable at this time.

**Issues/Options**

Of particular interest to Council are changes to the Road Management Act 2004 that would provide for the specification of priority tram, bus, bicycle, pedestrian, or freight routes.

In its current form, the proposed legislation does not include the requirement for councils to be consulted in the event municipal roads are included as specified routes. Section 42A(3) of the Miscellaneous Amendment Bill, states that "If a road or part of a road is a municipal road, there must also be consultation with the Minister for Local Government before the road or part of the road can be specified to be a specified road."

The local government sector has identified two key concerns:

1. The omission of the requirement for affected councils to be consulted with where municipal roads may be designated as part of a specified tram, bus, bicycle, or pedestrian route.
2. The inclusion of freight in the proposed legislation.

Whilst local government recognises the importance of efficient freight and passenger transport systems to local and regional economic development, the sector wishes to maintain its current approach to addressing these issues involving an open exchange of information and subsequent negotiation between relevant parties.

The Municipal Association of Victoria (MAV) has clearly communicated these concerns on behalf of local government.

**Proposal**

This legislation is currently before the Victorian Parliament and the MAV have indicated that they will continue to make representation to the State to ensure that the sectors concerns are adequately addressed in any subsequent re-drafting of the Bill. It is proposed that Council support the MAV's position.

**Financial Implications**

Not applicable.

**Risk Management Implications**

Not applicable.

**Environmental Considerations**

Not applicable.

**Communication Strategy/Consultation**

The MAV has provided a summary of their position and an indication of their intent to continue to lobby the State Government for changes to the Bill. Further information will be provided to councils as it becomes known.

**Implementation**

This report is presented for Council information. Any further outcomes of the MAV's discussions with the State Government will be presented to Council in the future.

**Conclusion**

The passing of the proposed Transport Legislation Miscellaneous Amendments Bill 2008 as it stands could potentially impact on Council's ability to manage its local road network and the potential adverse impacts that heavy vehicles and other transport activities may have on this infrastructure.

Councils should have the right to decide and control which local roads are suitable for supporting road based public transport and the movement of freight across the municipality. These decisions should be able to be made in an environment which promotes active engagement with a variety of key stakeholders, including the community.

**Attachments**

Nil

**Recommendation(s)**

***That Council provides a letter of support to the MAV in relation to its stance on the Transport Legislation Miscellaneous Amendments Bill 2008.***

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**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM   | D | W |
|--|---|---|
| <p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p>  |   |   |
| <p><b><u>OM092503-12 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>   |   |   |
| <p><b><i>1. Endorses the resolution of Council at the meeting on 28 October 2008, that subject to external funding being received, a Planning Scheme Amendment be commenced to introduce the Apollo Bay Harbour Precinct Master Plan into the Colac Otway Shire Planning Scheme as an incorporated document.</i></b></p> |   |   |
| <p><b><i>2. Notes that the Planning Scheme Amendment process would include another opportunity for community input into the development of a Detailed Harbour Precinct Master Plan.</i></b></p>  |   |   |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

**OM092503-12 APOLLO BAY HARBOUR PRECINCT MASTER PLAN**

|             |                                      |           |              |
|-------------|--------------------------------------|-----------|--------------|
| AUTHOR:     | Mike Barrow                          | ENDORSED: | Doug McNeill |
| DEPARTMENT: | Sustainable Planning and Development | FILE REF: | GEN00233     |

**Purpose**

To inform Council of the status of the Apollo Bay Harbour Precinct Master Plan adopted by the Council on 28 October 2008.

To seek endorsement of the Apollo Bay Harbour Precinct Master Plan adopted by the Council on 28 October 2008, and subject to external funding being received, that a Planning Scheme Amendment be commenced to introduce the Master Plan into the Colac Otway Shire Planning Scheme as an incorporated document.

To advise Council that the Planning Scheme Amendment process would include another opportunity for community input into the development of a Detailed Harbour Precinct Plan and the Planning Scheme controls relating to it.

**Background**

The Apollo Bay Harbour Precinct Master Plan was developed over a two year process of investigation and research, stakeholder engagement and community consultation. The process was guided by a Colac Otway Shire and State Government Interdepartmental Steering Group including:

- Department of Sustainability and Environment (DSE);
- Tourism Victoria;
- Regional Development Victoria (RDV); and
- Department of Treasury and Finance (DTF).

The community was represented in the direction of the process through a Community Reference Group including:

- John Marriner Apollo Bay Sailing Club
- Nick Polgeest Apollo Bay Fishermans CoOperative
- Russell Frost Apollo Bay Fishermans CoOperative
- Ross Stephens Otways Tourism
- Frank Buchanan Apollo Bay Chamber of Commerce & Tourism
- Bernie Noy Community Member
- Frederick Stacey Community Member
- Neil Longmore Western Coastal Board
- Neil Martin Framlingham Aboriginal Trust
- Gary McPike Apollo Bay- Kennett River Public Reserves Committee of Management
- Andrew Buchanan Apollo Bay- Kennett River Public Reserves Committee of Management
- Murray Champion Skenes Creek Advancement Association
- Peter Fillmore Apollo Bay Music Festival
- Brett Lalor Apollo Bay Board Riders Club
- Darren Brimacombe Apollo Bay Real Estate
- Will Cox Parks Victoria
- John Verey Apollo Bay Golf Club
- Tony Webber Otway Forum

The community was also consulted through a wide range of opportunities including public meetings, newsletters and feedback forms, personal letters, media releases and the Enquiry by Design in September 2008.

A draft Master Plan was considered by Council on 27 June 2007 but there was significant apprehension within the community that the Master Plan would be able to maintain a distinctive seaside fishing village character, and the port as a working harbour while enhancing the natural environment and optimising community benefit. This level of concern prompted Council to seek further community consultation on the Plan, which resulted in the Enquiry by Design, a five day consultative process held in Apollo Bay in September 2008 that revamped the Master Plan into a lower impact, lower infrastructure, lower cost option that was more closely aligned with the aspirations of the Apollo Bay community.

On 28 October 2008, Council adopted the following recommendations:

*“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.”*

(Attachment 1 Council Report 28 Oct. 2008 - Final Apollo Bay Precinct Master Plan)

#### Explanation of Enquiry by Design (EbD) Options

The adoption of the Master Plan followed an Enquiry by Design (EbD) process in September 2008 which resulted in two options for development each with a sub option in recognition of the importance of the current golf course to Apollo Bay:

- Option 1A was a Master Plan with the golf course retained in its current location and included 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 was a Master Plan with the golf course relocated from its current location and included a range of improvements to the precinct plus a number of new initiatives. It included:
  - 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 was a Master Plan with the golf course retained in its current location and included a range of improvements to the precinct plus a number of new initiatives including a Health and Well Being Centre with Accommodation. It included 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 was a Master Plan with the golf course relocated from its current location and included 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 were the following:

- Nelson Street to be widened and enhanced to become the Harbour entry road, removing the need to create a new road though 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 the 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, Fishermans Co-op activities and Aboriginal interpretive centre.
- The guiding principle for redevelopment will be public access and public benefit

Option 2 was adopted by Council as it provides the best strategy for implementation with the combination of Government funds and private investment. It incorporates most of the infrastructure, facilities and amenity that members of the community told Council they wanted through the original draft Master Plan process and over the Enquiry by Design period. It rejects most of the infrastructure development the community told Council 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 was a redevelopment opportunity in keeping with character of Apollo Bay. A newsletter was circulated in the community that describes this Plan in detail. (Attachment 2 Community Newsletter October 2008)

While the Master Plan meets the aspirations of the local community it is in itself a stage in the process towards redevelopment of the Precinct. There is a need for a Detailed Apollo Bay Harbour Precinct Plan that would be developed through a Planning Scheme Amendment Process. This would provide a level of certainty for the community in what could or could not be developed or changed within the Precinct. It would also provide a level of certainty to potential private investors and the State Government.

The amendment process would include a high level of detailed investigation related to climate change and sea level rise as well as acid sulphate spoils and other environmental issues, traffic management, visual impact and the like. Council and the community would be involved in the investigations, research and drafting of reports. The community would be consulted on the final draft Detailed Apollo Bay Harbour Precinct Plan and Council would have the opportunity to assess all of the relevant documents in the process of exhibiting and prior to consideration of adoption of a Planning Scheme Amendment.

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

The Master Plan is strategically supported at a local and State level through:

- Colac Otway Shire Council Plan 2005 – 2009  
*Community Priority – Planning and Development*  
*“Sustainable development through ... redevelopment of Apollo Bay Harbour.”*
- Colac Otway Economic Development & Tourism Strategy 2004 – 2009  
*“Undertake detailed Master-Planning for the redevelopment of Apollo Bay Harbour (however ensuring the viability of the harbour as a working Port to service fishing and maritime industries.)*  
*Ensure that recreational and tourism opportunities are considered as part of the Master Planning.*  
*Seek funding for the implementation of the Master Plan recommendations.”*

- Apollo Bay Structure Plan 2007  
*“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.”*
- 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 Strategy 2008
- DSE Nature-based Tourism Strategy 2007 – 2011.

The Master Plan conforms to the Apollo Bay Structure Plan Guiding Principles which includes to:

*“Develop the port vicinity with a tourism, fishing, boating, commercial and recreational focus strengthening links to the town centre and providing net community benefits”*

The Master Plan conforms to the Harbour Precinct Master Plan Vision which is:

*“The Apollo Bay Harbour Precinct will be a new focal point for the town and surrounding region and a ‘must see’ destination on the Great Ocean Road.*

*The precinct will be developed with a tourism, fishing, and boating, commercial and recreational focus, strengthening links to the town centre of Apollo Bay and providing net community benefits.*

*The Apollo Bay Harbour Precinct will demonstrate best practice in its design and management and contain **a commercial Harbour** together with a range of high quality community and tourist facilities, services and public spaces that will provide enjoyable experiences for residents and visitors year round.*

*Components of the new development will showcase the fishing/maritime and indigenous cultural heritage of the town and respect and enhance the surrounding natural environment.”*

### **Issues/Options**

A key issue for Council to consider is the link between public infrastructure and private investment. The public infrastructure included in the Master Plan was costed at the time of the EbD, September 2008, at \$25.7m and the private investment at \$19m. The public infrastructure is required as an incentive for private investment and the promise of private investment is the incentive for government to fund the public infrastructure.

It has been Council's position in the development of the Master Plan that the implementation of the Plan would not be funded from ratepayer funds. Therefore it would involve the attraction of a contribution from the State Government and or Federal Government to fund the public infrastructure. The State Government has made it clear that this level of public expenditure would depend on a reasonable expectation of increased economic activity 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 Master Plan process identified that tourists stay on average 1.2 nights in Apollo Bay. Estimates of average expenditure made by tourists are indicated below:

|   | <b>Expenditure<br/>Per Day<br/>\$</b> | <b>Annual Expenditure<br/>\$m</b> |
|---|---------------------------------------|-----------------------------------|
| Average Expend. per Day Visitor per Day                           | 78                                    | 18.1                              |
| Average Expend. Per Domestic Overnight Visitor per Night          | 112                                   | 95.1                              |
| Average Expenditure per International Overnight Visitor per Night | 67                                    | 7.3                               |
| <b>Total</b>  | <b>\$257</b>                          | <b>\$120.5</b>                    |

SOURCE: TRA and Tourism Victoria, National and International Visitor Surveys.

The table above demonstrates that an increase in length of stay would have a major impact on expenditure in the region that would stimulate economic growth and provide jobs for the future. Even an increase from 1.2 nights stay in Apollo Bay to 1.8 would see the yield from domestic overnight visitors lift from \$134.40 to \$201.60 per person.

There is no doubt that an investment in public infrastructure to beautify, enhance public access and improve Port operations would increase the appeal of Apollo Bay to tourists but it is doubtful that these initiatives would result in a substantial increase in the average overnight stay. To achieve this goal there is the need to create within the Harbour Precinct both the reason to stay and the place to stay. The place to stay has been identified in the Master Plan as the Health and Well Being Centre with Accommodation. This is a proposal that emerged from two separate sources and responds to the strategic intent of Tourism Victoria, Geelong Otway Tourism and Otways Tourism to see established a high standard accommodation option along the Great Ocean Road.

During the consultation period for the draft Harbour Precinct Master Plan the Apollo Bay Chamber of Commerce and Tourism (ABCCT) offered the concept of a Health and Well Being Centre. As the process continued the concept converged with a proposal for a 5 star boutique Hotel proposed by Tourism bodies. The linking of the Health and Well Being Centre to the Hotel offered a new dimension to the possibilities for the Precinct because it added to the general Hotel and hospitality staffing, the development of a new health and well being industry for the region employing professional staff such as traditional medical practitioners, alternative health practitioners, physiotherapists, chiropractors, masseurs as well as a range of administrative, cleaning, catering and general support staff.

While preparations were being made for the EbD in September 2008, the State Government conducted a confidential market testing for commercial investment in the Precinct. The response from potential developers indicated that the 80 rooms proposed in the June 2007 draft Master Plan would be too small for a major Hotel investment and too large for a boutique facility. It was suggested that 40 to 60 rooms would be more desirable for this market with the proviso that it was built around the Health and Well Being Industry.

The proposed Hotel once again became known as the Health and Well Being Centre/Hotel and it became clear over the course of the EbD that there was a greater acceptance of the proposal because it had the support of the Chamber of Commerce and Tourism; it was supported by advice from the private investment market; it promised the opportunity to attract an increase in off peak tourism; and it held the promise of new jobs in the health and well being industry. It was reduced in size and once again included the option of a heated outdoor community access swimming pool. The Health and Well Being Centre/Hotel is the key component of the private investment opportunity in the Harbour Precinct Master Plan, which also includes the new heated salt water Harbour Swimming Pool, the Fisherman Co-Op Restaurant and Interpretive Centre, an expanded Fisherman Co-Op and a water based business, possibly a floating restaurant. All of these initiatives would attract more tourists

into Apollo Bay; encourage them to stay longer and to spend more of their holiday money in the town and the region. All of these ideas came from members of the Apollo Bay community and key stakeholders such as the Chamber of Commerce and Tourism and the Fishermans Co-Op.

The private investment initiatives depend on improvements to the public infrastructure in the Harbour Precinct on a practical level, such as the realignment of Nelson Street as the access road to the Harbour. The road construction works would precede the construction of the Health and Well Being Centre/Hotel both in terms of engineering practicability and cost. Private investment is also dependent on the commitment by government to enhance public infrastructure and amenity in the Precinct to compliment the new commercial establishments. Therefore, the public works would be a catalyst for the private investment. In turn, the private investment opportunity is the catalyst for government funding.

Without the government and private funds the improvements to public amenity, facilities and infrastructure 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. Council has made it clear to date that it does not wish to expend ratepayer funds on redevelopment of the Harbour Precinct.

It has to be acknowledged that in the current financial circumstances, referred to by many as the 'Global Financial Crisis', the financing of new investments will not be easily facilitated. However, by the time that the Planning Scheme Amendment is completed to incorporate the Master Plan into the Planning Scheme it is likely that the current economic difficulties will have passed their peak and the investment market would have improved. This would be the time to conduct an Expression of Interest (EoI) process to seek private investment. It would also be the time to complete a Business Case for a bid for major funding from the State Government.

The planning scheme amendment process would take up to two years including the securing of funds from the State Government, and may cost in the order of \$500,000. It would include:

- Cultural Heritage Management Plan
- Environmental Impact Assessment e.g. sand dunes, flora and fauna and marine life.
- Land Capability Amendment e.g. landslip
- Testing for Acid Sulphate Soils
- Climate Change Impact – coastal vulnerability assessment
- Community input to development of the detailed design guidelines
- Completion of the detailed Harbour Precinct Plan
- Coastal Management Consent
- Exhibition of amendment and costs of an independent panel to consider submissions

During the Planning Scheme Amendment process further engagement and consultation with the community (through a formal legislative process) would enable further discussion on elements of the Master Plan such as the proposed size of the Health and Well Being Centre/Hotel. As noted earlier, currently it is proposed as a 40 room establishment but there has been discussion about the benefits of a flexible proposal between 40 and 60 rooms. The community has expressed concern that this may be a stage one proposal of a larger development and could be altered in the future to enable the establishment to increase in size.

The key issue in the discussion regarding the size of the Health and Well Being Centre/Hotel is not the number of rooms but the footprint of the building, its bulk and visual impact. The

community has made it very clear that the memory of the Cumberland in Lorne and its visual impact on the town is not wanted in Apollo Bay.

The draft Design Code for Built Form completed in response to the June 2007 Draft Master Plan provides some guidance on this matter. The Design Guidelines document sets out exemplary design principles for the Harbour Precinct including:

- *“The envisaged redevelopment of the Apollo Bay Harbour Precinct aims to have minimal impact on and enhance the environment.” Pp3*
- *“The development will be characterised by minimal impact, high quality robust coastal architecture and significant landscaping.” Pp3*
- *“Reinforce the qualities of the harbour precinct and facilitate the integration of the Apollo Bay town centre in a staged and orderly manner.” Pp4*
- *“Minimise built form impact (scale and footprint) by adhering to coastal setbacks and responding to surrounding context and character.” Pp4*
- *“Respect the setting and visually compliment the surrounding coastal landscape and village.” Pp5*
- *“Ensure the design language highlights the public elements of the precinct and proposed active ground floor uses in buildings.” Pp5*

The draft Design Code was written in October/November 2007 prior to the Victorian Coastal Strategy 2008 report that recommended a minimum of 0.8m sea level rise be taken into account for coastal development. It was also written prior to the completion of the EbD Master Plan adopted by Council.

However the reading of the document in conjunction with the Master Plan is instructive in understanding the foundation for controls on built form within the Precinct. The Design Code would be rewritten in line with the Master Plan adopted in October 2008, and current information on Climate Change, which would include a comprehensive modelling of the projected sea level rise. The following key principles from the current document would also be included:

- 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 and the like.

The benefit of incorporating the Master Plan into the Planning Scheme is that it would confine the Master Plan to the extent that if major changes were proposed in the future, such as a significant increase in the size of the hotel, a further planning scheme amendment would be required, necessitating public engagement, a full explanation of intent and consideration of submissions. This would be a lengthy, costly process, and would involve the appointment of an Independent Panel to assess any submissions as well as Council support.

The controls introduced by the Planning Scheme Amendment could include specific limiting factors such as number of rooms but it would be more useful to limit the scale and footprint of the building. The number of rooms whether that be 40, 50 or 60 would depend on the assessment of the investor at the time a development was proposed. The detailed architectural designs would seek to maximise the scale and footprint for the best financial

return and the actual number of rooms would be less relevant than the visual impact of the building.

A further control on any proposed private development within the Harbour Precinct would be the Crown Land Lease Agreement with Council as the appointed Committee of Management on behalf of the Department of Sustainability and Environment. Once a development has full approval of Council a proponent would then need to seek a Lease Agreement. The Lease Agreement could note specific limits to the development that could not be changed without a change to the Lease. This is again a lengthy process and difficult to achieve, requiring strong justification.

### **Proposal**

It is proposed that Council endorse the Apollo Bay Harbour Precinct Master Plan adopted by the Council on 28 October 2008.

It is further proposed that Council endorse the Council authorisation provided at the October Council meeting, that subject to external funding being received, a Planning Scheme Amendment be commenced to introduce the Master Plan into the Colac Otway Shire Planning Scheme as an incorporated document.

The Planning Scheme Amendment process would include another opportunity for community input into the development of a Detailed Harbour Precinct Plan and the Planning Scheme controls relating to it.

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

The Apollo Bay Harbour Master Plan has been funded through State Government and Council contributions as follows:

#### Grant Funds received:

|                                   |                 |
|-----------------------------------|-----------------|
| DSE                               | \$ 49,545       |
| Tourism Vic                       | \$ 60,000       |
| RDV                               | <u>\$ 7,500</u> |
| <u>Total grant funds received</u> | \$117,045       |

#### Grant funds anticipated

|                                       |                  |
|---------------------------------------|------------------|
| Tourism Vic                           | \$ 45,000        |
| RDV                                   | <u>\$ 40,000</u> |
| <u>Total received and anticipated</u> | \$202,045        |

|                          |                  |
|--------------------------|------------------|
| Expenditure              | \$211,466        |
| Committed expenditure    | <u>\$ 13,835</u> |
| <u>Total expenditure</u> | \$225,301        |

|                      |           |
|----------------------|-----------|
| <u>Council funds</u> | \$ 23,256 |
|----------------------|-----------|

The cost of developing the more Detailed Master Plan including detailed investigations noted above and undertaking the Planning Scheme Amendment process would be significant, in the order of \$500,000. This figure would include the cost of an independent panel appointed to hear submissions.

Council does not have the independent resources to undertake the Planning Scheme Amendment and the Detailed Harbour Precinct Plan. Discussion is taking place with the above State Government Departments on funding assistance.

Council also does not have the resources to fund the implementation of the Master Plan estimated in the EbD process at \$44.7m. The State Government has held a firm position that it would support consideration of funding public infrastructure within the Precinct but on the condition that there is also opportunity for private investment. This has created a nexus between the private and public funding. In terms of private investment there needs to be sufficient public infrastructure, facilities and beautification works to ensure the private investment has the best chance to be successful and produce profit. In terms of the public contribution there needs to be sufficient privately funded attractions within the precinct to realise the investment of public funds in an increased local and regional tourism yield and the creation of new jobs.

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

In seeking to progress the Master Plan it has been the recommendation of the Interdepartmental Steering Group that Council proceed with a Planning Scheme Amendment, an EoI process seeking private investment and a Business Case seeking a State Government contribution. There is a risk that if the Master Plan is amended to remove key elements, both the State Government the private investment market would be less inclined to financially support its implementation.

An implementation plan that takes into account the changed scenario would have to be developed and communicated to the community. This would extend the time frame for progressing the plan.

There are members of the community who support the Master Plan who would be disillusioned if it is not endorsed and there are members of the community who do not support all elements of the Master Plan who will be disappointed if changes are not made. Adverse public perception resulting from changes to the Plan would be mitigated by a full explanation of the decision made and the extent of research, investigation and community consultation that would take place in the Planning Scheme Amendment through a letter to all Apollo Bay residents and ratepayers; a Community Newsletter broadly distributed and published on the Council web site; and an explanatory Media Release to all local news outlets including the Apollo Bay Newsheet.

The implementation of the Master Plan depends on a combination of private and public funding. The Apollo Bay Harbour Precinct Master Plan is not the only opportunity for this in our region. The City of Greater Geelong has developed the Osborne House Marina Proposal and is completing the redevelopment Master Plan for the Port of Portarlington. The City is in close liaison with the State Government over both projects and expects a high level of funding support. A firm commitment to the Master Plan and a Planning Scheme Amendment by Colac Otway Shire would place Council in the best competitive position for both the private market and the State Government.

Implementation of the Master Plan would require compliance where applicable with the Coastal Management Act 1995 as well as other relevant legislation.

### **Environmental Considerations**

Implementation of the Master Plan would require modification of the existing environment. Further investigations during the preparation of a Planning Scheme Amendment and the detailed design stage would take into account specific environmental considerations including predicted sea level rise and acid sulphate soils.



**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 was produced and sent to residents and ratepayers of Apollo Bay describing the EbD process, outcomes, options and the preferred option adopted by Council that included the sub options of the golf course remaining and the golf course relocated.

Further consultation opportunities would be available during the Planning Scheme Amendment process when the Master Plan and its recommendations would be introduced into the Colac Otway Planning Scheme. This would provide members of the community and key stakeholders the opportunity to make a formal submission and be heard at an independent Panel hearing during the process.

**Implementation**

The following process would be necessary before any commencement of implementation:

- 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 a bid for State Government funding support for construction of public infrastructure.
- State Government Expression of Interest (Eoi) process to seek private investment in commercial elements of the Master Plan.

It is important to note that the draft amendment and Detailed Harbour Precinct Master Plan would be presented to Council for consideration prior to exhibition of the amendment.

The Master Plan demonstrates maximum capacity for development over the next 20 years. It provides a basis on which Council would be able to consider proposals 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 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. The Apollo Bay community is experiencing growth pressure on sense of identity, character, and local ownership. Colac Otway Shire has responded to these pressures through the development of the Apollo Bay Structure Plan (February 2007) and the Apollo Bay Harbour Precinct Master Plan (October 2008).

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. It 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'.

The underlying principle of the Master Planning process was 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 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/Hotel and other commercial options including the Fishermans CoOp. The injection of a combination of public and private funds into Apollo Bay would assist in reducing the region's economic seasonality by providing a new tourist attractor. It would also boost local business growth by encouraging visitors to extend their length of stay and spend in the region.

The Master Plan is 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 endorse the Master Plan, and subject to receipt of external funding, move to undertake a Planning Scheme Amendment that incorporates the Master Plan into the Planning Scheme.

#### **Attachments**

1. Council Report 28 Oct. 2008 – Final Apollo Bay Harbour Precinct Master Plan.
2. Community Newsletter Oct. 2008

#### **Recommendation(s)**

##### ***That Council:***

1. ***Endorses the resolution of Council at the meeting on 28 October 2008, that subject to external funding being received, a Planning Scheme Amendment be commenced to introduce the Apollo Bay Harbour Precinct Master Plan into the Colac Otway Shire Planning Scheme as an incorporated document.***
2. ***Notes that the Planning Scheme Amendment process would include another opportunity for community input into the development of a Detailed Harbour Precinct Master Plan.***

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**OM082810-17 FINAL APOLLO BAY HARBOUR PRECINCT MASTER PLAN**

AUTHOR:	Mike Barrow	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning and Development	FILE REF:	GEN00233

**Purpose**

To present Council with 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.

To advise Council 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.

To seek Council authorisation, subject to external funding being received, to commence a Planning Scheme Amendment to introduce the Master Plan into the Colac Otway Shire Planning Scheme as an incorporated document.

To advise Council that the Planning Scheme Amendment process will include another opportunity for stage of community input into the development of a Detailed Harbour Precinct Plan and the Planning Scheme controls relating to it.

**Background**

Apollo Bay is regarded by many as "Paradise by the Sea" nestled between wide sandy beaches and the green hills of the Otway Ranges. The township grew out of early pioneering enterprise in whaling, timber cutting and sawmills, farming and fishing. Like many of South West Victoria's coastal settlements it was virtually isolated until the Great Ocean Road was built in the 1930s. This opened up the possibility of taking fresh fish to market in Melbourne and the local fishing industry thrived. Tourism also began in earnest around this time.

Currently the Apollo Bay fishing industry contributes \$6.5m per annum to the local economy but the fundamental driver of economic growth is now the Tourism Industry with an annual economic input of \$120.6m.

The township has always been in transition sometimes at a slower pace than now but currently it is undergoing a challenging period influenced by:

- Transition from fishing to a tourism based economy.
- The impact of tourism on visitation to the township, pressure on public space, infrastructure, facilities and amenity.
- The impact of tourism on holiday accommodation growth that has increased property values to the point where there is a serious housing affordability issue and the character of the township is changing.
- The impact of tourism on business growth and demand for great opportunities to develop and grow business revenue through township development.
- A 'Sea Change' influx of 'new locals' that bring with them new ideas and new ways of doing things.
- A greater demand from the overall population for:
  - access to shops, recreation, entertainment arts and cultural facilities
  - new recreational infrastructure
  - improved community and health services
  - improved infrastructure such as roads and car parks

- 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. 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. 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.***

***MOVED Cr Riches seconded Cr Graham that recommendations to items listed in the Consent Calendar, with the exception of items OM082810-15, be adopted.***

***CARRIED 6 : 0***

~~~~~◆~~~~~





28 October 2008  
Newsletter # 7

# Apollo Bay Harbour Precinct Community Newsletter

## *Enquiry By Design Report*

### ***'Enquiry by Design' delivers a new Master Plan***

This newsletter is the seventh in a series of newsletters to inform the community about the Apollo Bay Harbour Precinct Master Plan. This edition reports on the recent Enquiry by Design and fulfils the commitment to the community to report on the outcomes of the process.

Following a 5 day period of intensive investigation and consultation with the Apollo Bay community the 'Enquiry by Design' team presented a new vision 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 in enhancing the tourism appeal of the precinct.

The Enquiry by Design started with a sometimes rowdy public introductory meeting on Thursday night September 18. Many local residents expressed the view that the process to develop the current draft Harbour Precinct Master Plan had not taken into account all of their concerns. A common issue was the character of the township and the fear that a redevelopment would spoil its natural beauty.

All people who attended were asked to participate in the weekend of activities and invite their friends and families because the Enquiry by Design was all about addressing local issues and coming up with a solution all stakeholders could agree on.

Friday morning was for State Government and Colac Otway Shire including the local Harbour Master to "lay it all on the table". They discussed what their individual objectives were, the differences and conflicts, and worked on what could be agreed.

Friday afternoon and evening was for input from local key stakeholder groups such as the Fisherman Co-Op, the Historical Society, Music Festival, Marine Rescue, Sailing Club, Otways Tourism, Boardriders, Permaculture and Climate Change Group, Otway Forum, Chamber of Commerce and Tourism and the Foreshore Committee.

On Saturday morning it was open house for the community again in topical discussions over street improvements, access to the harbour and beaches, parking, walking and cycling, and the future of the Golf Course.

The Enquiry by Design team then spent some time in the Design Studio drawing up the ideas presented over the past two days before the Studio was thrown open to the public to comment on and help the design team "get it right".



Saturday night saw the design team working late to absorb community input and integrate new concepts and ideas into the precinct while balancing the need for redevelopment with the challenge of maintaining local character.

In house design work continued Sunday morning and then another open session on Sunday afternoon provided the community with a further opportunity to see the work being done and to actively participate.

Sunday evening again saw the design team working late as the new vision emerged.

Monday was a day for finalising the design drawings and artist's impressions and preparing a presentation that would provide an explanation of the process, the issues covered and the result – a new draft design for the Harbour Precinct.

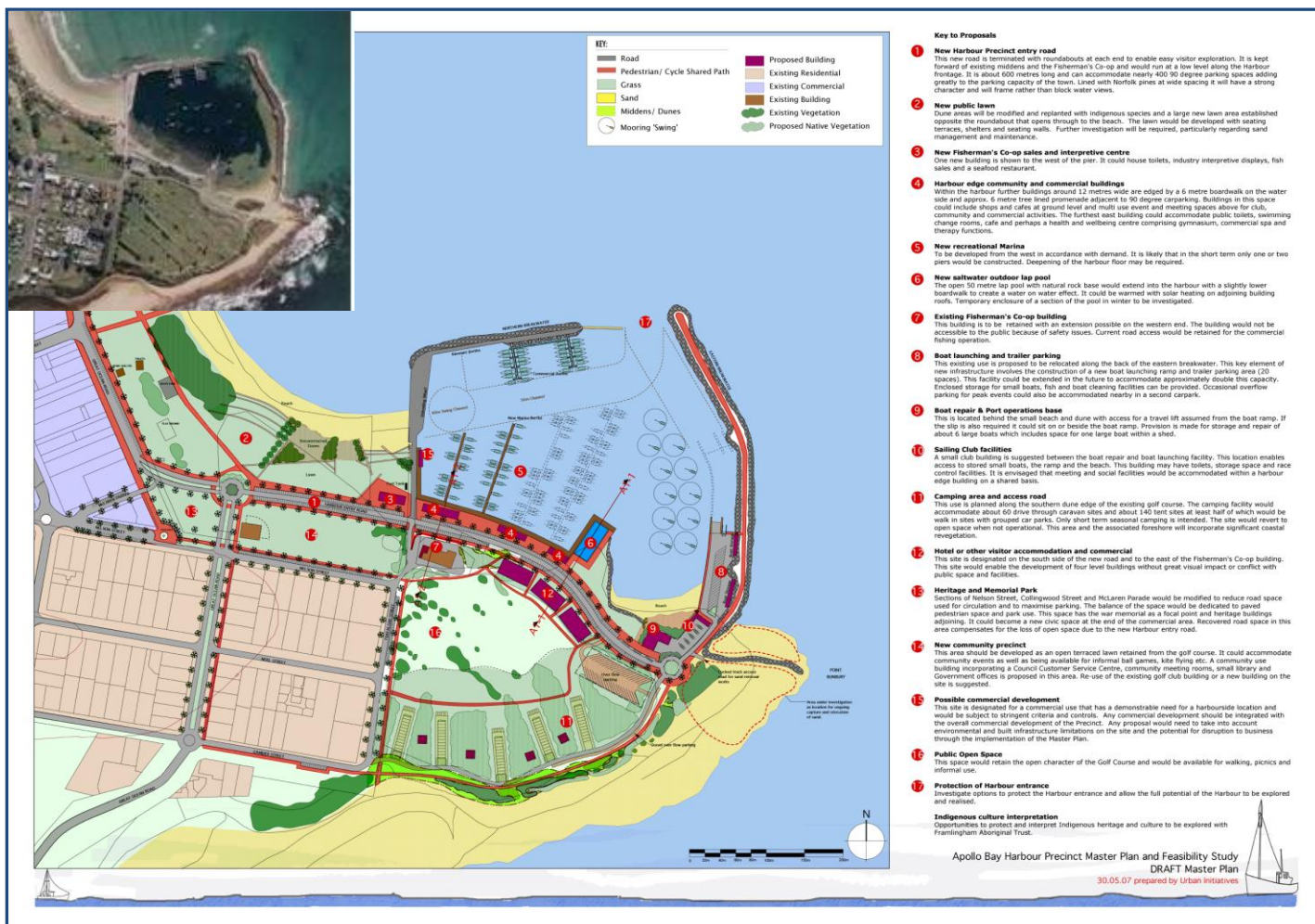
The Enquiry by Design closed with the Monday night public meeting and presentation. There were still questions and discussion but the mood was very different from the previous Thursday. While not all people were completely happy with every part of the new design most agreed that the new concept ticks off almost every issue raised over the past two year process to develop the draft Harbour Precinct Master Plan and the 5 days of the Enquiry by Design.

**To view the full presentation visit**

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



# Old Harbour Precinct Draft Master Plan June 2007



## Old Harbour Precinct Draft Master Plan

The old Apollo Bay Harbour Precinct Draft Master Plan was adopted by Council in draft form in June 2007 following 18 months of research, planning and consultation.

During the eight week community consultation period the Shire received 555 submissions. Feedback highlighted that the majority of people supported the Master Plan Community 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 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."*

Community feedback also highlighted Greatest support for the following elements:

- Public open space for informal activity
- New Sailing Club facilities
- New Fisherman Co-Op Building
- Redevelop Fisherman Co-op Building
- New public lawn - modified dunes

Greatest opposition to the following elements:

- Hotel/visitor accommodation
- Potential water based commercial development on western breakwater
- New community and commercial buildings along Harbour edge
- Seasonal camping on Point Bunbury and access road.

In adopting the draft Plan Council determined that: *Further consultation will be undertaken with the community prior to the final adoption of the Apollo Bay Harbour Precinct Masterplan."*

Before conducting the next stage of consultation a review of the process was undertaken through the Department of Treasury and Finance. The Review recommended that:

*"Council should undertake a community design workshop, facilitated by an experienced independent party, aimed at resolving key design issues of concern to stakeholders."*

The Enquiry by Design was a result of these recommendations.

The Enquiry by Design resulted in two options, with sub options that retain or relocate the golf course.

## Option 1

**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. (See page 5 for details)

The golf course would be retained with a possible alteration to the third fairway or other agreed alteration to enable the redevelopment of Nelson Street as the Harbour entrance road.

Any changes to the golf course would be subject to agreement by the Golf Club Committee.



**Option 1A**



**Option 1B**

**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. (See page 5 for details)

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.

## Golf Club

The Enquiry by Design process resulted in options to retain the golf course in its current location in recognition of the importance of the golf course to Apollo Bay and the uncertainty about its future.

The current Crown Land lease between the Golf Club and the Apollo Bay Kennett River Public Reserves Committee of Management expires in 2016. While the lease is between the Apollo Bay Kennett 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 Department of Sustainability & Environment.

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 Kennett River Public Reserves Committee of Management and DSE to work through a solution to this issue.

## Option 2



Option 2A



Option 2B

**Option 2A** 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. (See page 5 for details) 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.

All other aspects of Option 1A remain.

**Option 2B** 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. (See page 5 for details) 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.

All of the ideas included in Option 2 came from members of the Apollo Bay community and key stakeholders such as the ABCCT, Tourism Victoria and the Fisherman Co-Op. 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 aims to balance 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 aims to produce optimum community benefit and most importantly of all it is a redevelopment that aims to fit the unique character of Apollo Bay.

It conforms to both the Apollo Bay Structure Plan Guiding Principles and the Harbour Precinct Master Plan Vision.

# New Harbour Precinct Master Plan



## The New Harbour Precinct Master Plan

The Enquiry by Design achieved both the Council direction and the recommendation of the State Government Review.

### Key Features of the proposed new Harbour Precinct

- Nelson Street to be widened and enhanced to become the Harbour entry road, removing the need to create a new road though public open space.
- The sand dunes at 'Mothers Beach' to be left in their current natural state.
- A new Fisherman Co-Op 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 Co-Op 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 exiting 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, Fisherman Co-Op activities and Aboriginal interpretive centre.
- The guiding principle for redevelopment will be public access and public benefit.

### Key Features that may be included:

- A new public access heated saltwater swimming pool to be built in association with the Health and Well Being Centre.
- New camping area if Golf Club moves, to be provided adjacent to Trafalgar Street removing the need to create the facilities on Point Bunbury and to build a new access road.
- A Health and Well Being Centre to be constructed to provide public access and private treatment along with accommodation of 40 to 50 rooms.



## New Master Plan Supports Community 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.”***

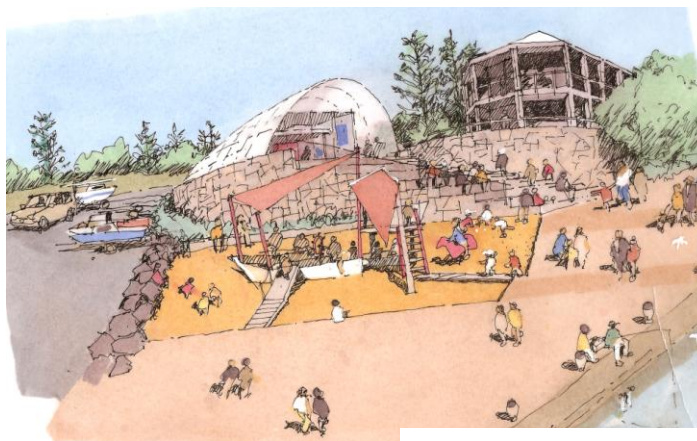
- New public infrastructure to attract local people and tourists.
- New harbour working facilities for fishing and port management to improve port functionality and enhance the harbour as its tourism attraction.
- Exemplary design to create another attraction to the precinct.
- Unique design of new Great Ocean Road Aboriginal Centre (GORAC) to create another ‘must see’ factor.



**Proposed Sailing Club**

***“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.”***

- Tourism - New facilities, enhanced aesthetic appeal
- Fishing - Commercial and recreational facilities to be upgraded.
- Recreational - Boating facilities and swimming facilities to be upgraded.
- Recreational - New Sailing Club facilities.
- Recreational - New public heated salt water pool
- Links - Improved Nelson Street and a new network of connecting pathways.



**View west of boat ramp**

***“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.”***

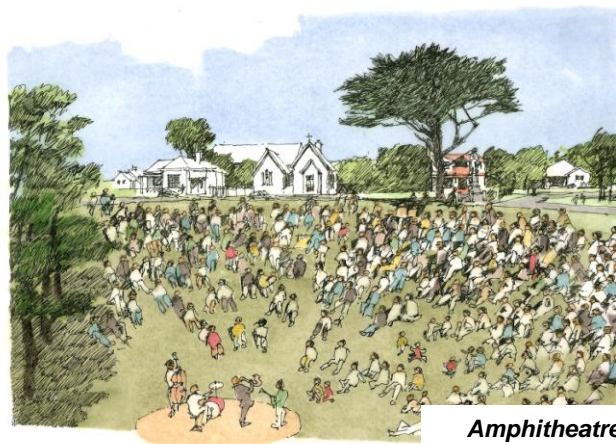
- Upgraded Port management and works area to support the sustainability of the commercial Harbour.
- New roads designed to provide memorable, safe and convenient circulation for pedestrians and vehicles.
- Landscape that is both functional, natural and encourages walking, cycling, picnicking, games, 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.



**Promenade view looking east**

***“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.”***

- New fishing/maritime interpretive centre in conjunction with the Fisherman Co-Op.
- New indigenous cultural heritage centre, GORAC.
- A new Master Plan that respects and affirms the unique character of Apollo Bay.



**Amphitheatre**



**Low Scale Buildings**

*View from within the harbour*

**Estimated Cost of Master Plan Implementation**

|                                       |                     |                     |                            |
|---------------------------------------|---------------------|---------------------|----------------------------|
| Road Works                            | \$ 8,900,000        |                     |                            |
| Harbour Works                         | \$ 9,740,000        |                     |                            |
| Fisherman Co-Op & Interpretive Centre | \$ 2,240,000        |                     |                            |
| Health & Well Being/Hotel             | \$19,000,000        | This equates to:    |                            |
| Great Ocean Road Aboriginal Centre    | \$ 2,500,000        | Public Improvements | \$25,680,000               |
| Sailing Club and Public Amenities     | \$ 350,000          | Private Investment  | \$19,000,000               |
| New Walking Trails                    | \$ 250,000          |                     |                            |
| Amphitheatre                          | \$ 350,000          |                     |                            |
| Trafalgar St Seasonal Camping         | \$ 950,000          |                     |                            |
| Golf Club House Community Facility    | \$ 400,000          |                     |                            |
| <b>TOTAL</b>                          | <b>\$44,680,000</b> | <b>TOTAL</b>        | <b><u>\$44,680,000</u></b> |

Figures based on Oct. 2008 Quantity Surveyor Estimates

**Financing the New Master Plan**

The redevelopment of the Apollo Bay Harbour depends on funding. Council cannot fund it out of ratepayer funds and so will be seeking a major State Government contribution. This will pay for public works envisioned in the Master Plan such as enhancements to Nelson Street, the Harbour management and works area, new connecting pathways and beach access, and 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 this level of substantial investment of public funds in Apollo Bay would only proceed if there was a consequent 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.

So the new Master Plan includes a Health and Well Being Centre with 40 upmarket boutique hotel rooms, a new heated salt water Harbour Swimming Pool, a Fisherman Co-Op Restaurant and Interpretive Centre, an expanded Fisherman Co-Op and a water based business, possibly a floating restaurant to attract 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.

All of these ideas came from members of the Apollo Bay community and key stakeholders such as the Chamber of Commerce and Tourism and the Fisherman Co-Op.

These attractions would not be eligible for Government funding. They would be offered to the private market for investment.

The private investment would provide leverage for the Government contribution. One cannot happen without the other.

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.

## New Master Plan Approved

Council adopted the following recommendation at the 28 October 2008 meeting:

### **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 further Planning Scheme Amendment Process.**

Colac Otway Shire acknowledges and thanks the Enquiry by Design team for their commitment, patience, perseverance and great expertise in finding a solution to the future of the Apollo Bay Harbour Precinct that meets community aspirations with Government expectations and benefits for the whole region.

The Enquiry by Design was led by Chip Kaufman and Wendy Morris of Ecologically Sustainable Design Pty Ltd. (ESD)

[www.ecologicallysustainabledesign.com](http://www.ecologicallysustainabledesign.com)

The Enquiry by Design Team included:

Mark Carolane ESD  
Suzanne Baker ESD

Lidia Orsini Meinhardt Infrastructure & Environment

[www.meinhardtgroup.com](http://www.meinhardtgroup.com)

Bruce Echberg Urban Initiatives

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Jim Higgs TTM Consulting Pty Ltd

<http://www.ttmconsulting.com.au>

Anthony Prowse Prowse Quantity Surveyors

[www.prowseqs.com.au](http://www.prowseqs.com.au)

Geoff Falk Artist

## What Happens Next

- A Planning Scheme Amendment including:
  - a range of specialist reports/investigations such as commercial feasibility, engineering and marine engineering studies, archaeological studies, environmental impact and other feasibility issues.
  - a further stage of community engagement to finalise community input into the development of a Detailed Harbour Precinct Plan and the nature of the Planning Scheme controls relating to it.
- Development of a Detailed Harbour Precinct Plan that will be incorporated in the Planning Scheme by the amendment.
- Business Case preparation for a State Government Budget bid.
- An Expression of Interest (EoI) process to seek private investment.

The incorporation of the Detailed Harbour Precinct Plan (based on the new Master Plan) into the Planning Scheme through the amendment process means that the community has surety about the Harbour Precinct for the future. It guides Council in determining what can or cannot be altered, built or removed. Nothing can be done that conflicts with the Detailed Harbour Precinct Plan in the Planning Scheme. If there is any change proposed that conflicts with the Plan it may only be approved following another amendment process to the Planning Scheme to consider the amendment.

For example: a 40 room boutique Accommodation and Health and Well Being Centre cannot be expanded without an amendment to the Planning Scheme. It cannot be appealed at VCAT. It would also be protected by the DSE Crown Land Lease that would also be specific in the approved size of the development.

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.



### **For further information**

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**Manager Economic Development**  
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[mike.barrow@colacotway.vic.gov.au](mailto:mike.barrow@colacotway.vic.gov.au)

**CONSENT CALENDAR****OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM   | D | W |
|--|---|---|
| <p><b><u>GENERAL BUSINESS</u></b></p> <p><b><u>OM092503-13.1 Item for Signing and Sealing - Section 173 Agreement, 419 Princes Hwy, Colac West</u></b></p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire, F Balcombe and VicRoads covenanting Certificate of Title Volume 10093 Folio 336 that:</i></b></p> <ul style="list-style-type: none"> <li><b><i>• The owner will remove the dwelling located partly on Road R1 and partly on Road R2 and clear Road R1 and Road R2 of all improvements and materials at no cost to VicRoads or the Council by the 30 June 2013;</i></b></li> <li><b><i>• The owner will upon any acquisition, vesting by or transfer to VicRoads or the Council by any means, agree not to seek any compensation in respect of any improvements to or on Road R1 or Road R2; and</i></b></li> <li><b><i>• VicRoads will commence acquisition of the land Road R1 following registration of this agreement as soon as practicable after receiving a written request from the owner provided that the request is made; and the Notice of Acquisition is published in the Government Gazette.</i></b></li> </ul> |   |   |
| <p><b><u>OM092503-13.2 Item for Signing and Sealing - Section 173 Agreement 605 Barham River Road, Apollo Bay</u></b></p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and F Wilmink covenanting Certificates of Title, Volume 8222 Folio 643 and Volume 5958 Folio 553 that the land will not be further subdivided so as to increase the number of lots.</i></b></p>  |   |   |

|   |  |  |
|---|--|--|
| <p><b><u>OM092503-13.3 Item for Signing and Sealing - Section 173 Agreement, 195 Mcdonalds Access, Kawarren</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and F &amp; E Fliss covenanted Certificate of Title Volume 7215 Folio 979 &amp; Volume 6192 folio 234 that:</i></p> <ul style="list-style-type: none"> <li>• <i>No further subdivision of lot 1 or lot 2 is permitted so as to create any additional lots; and</i></li> <li>• <i>No additional dwellings may be constructed on lot 1 or lot 2.</i></li> </ul>    |  |  |
| <p><b><u>OM092503-13.4 Item for Signing and Sealing - Section 173 Agreement - 275 Robinsons Road, Barongarook</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and J Pond and J Levine covenanted Certificate of Title Volume 9438 Folio 559 that:</i></p> <ul style="list-style-type: none"> <li>• <i>The owner will maintain the vegetation on the lot in accordance with the Vegetation Management Plan dated 30 July 2008 endorsed by the responsible authority as forming part of Planning Permit PP33/07</i></li> </ul> |  |  |
| <p><b><u>OM092503-13.5 Item for Signing and Sealing - Lease to Department of Primary Industries - Premises: 69-71 Nelson Street, Apollo Bay</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council sign and seal the Lease to Department of Primary Industries - Premises: 69-71 Nelson Street, Apollo Bay based on the new rent of \$15,463.90 (plus GST) per annum.</i></p>   |  |  |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

**OM092503-13 GENERAL BUSINESS****OM092503-13.1 Item for Signing and Sealing - Section 173 Agreement, 419  
Princes Hwy, Colac West**

The applicant agreed to enter into a Section 173 Agreement as per Condition 21 of Planning Permit PP213/06 (required by Vicroads) that allowed for a 3 Lot Subdivision.

Condition 21 reads

The applicant shall enter into a Section 173 Agreement under the Planning and Environment Act 1987 with both the Responsible Authority and VicRoads as parties to the Agreement. The Agreement shall be registered on the title to the land and shall provide for the following:

- The owners of Lot 1, and their successors in title if necessary, undertake to remove/relocate the dwelling from its existing location and clear the land that is labelled ROAD R1 and ROAD R2 within 5 years from the date of certification of the Plan of Subdivision. The time frame may be altered subject to the agreement of the Roads Corporation (VicRoads).
- Roads Corporation (VicRoads) will commence acquisition of the land labelled ROAD R1 upon a request from the owner.

Costs associated with the Section 173 Agreement will be the applicant's responsibility.

**Recommendation**

***That Council sign and seal the Section 173 Agreement between Colac Otway Shire, F Balcombe and VicRoads covenanting Certificate of Title Volume 10093 Folio 336 that:***

- ***The owner will remove the dwelling located partly on Road R1 and partly on Road R2 and clear Road R1 and Road R2 of all improvements and materials at no cost to VicRoads or the Council by the 30 June 2013;***
- ***The owner will upon any acquisition, vesting by or transfer to VicRoads or the Council by any means, agree not to seek any compensation in respect of any improvements to or on Road R1 or Road R2; and***
- ***VicRoads will commence acquisition of the land Road R1 following registration of this agreement as soon as practicable after receiving a written request from the owner provided that the request is made; and the Notice of Acquisition is published in the Government Gazette.***

~~~~~\ ~~~~~



# PLANNING PERMIT

TO:  
ROD BRIGHT & ASSOCIATES  
PO BOX 371  
COLAC 3250

**Assessment No. -** 165341900  
**Permit No -** PP213/06  
**Planning Scheme -** Colac-Otway Scheme  
**Responsible Authority -** COLAC OTWAY SHIRE

## ADDRESS OF THE LAND:

419 PRINCES HIGHWAY, COLAC WEST  
LOT 1 PS318545J, PARISH OF NALANGIL

## THE PERMIT ALLOWS:

THREE (3) LOT SUBDIVISION IN ACCORDANCE WITH THE ENDORSED PLANS.

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

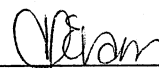
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1. Prior to the commencement of any works associated with the subdivision, detailed construction (including drainage) plans must be lodged with the Responsible Authority. When approved, the plans will be endorsed and form of the permit issue and all works must be carried out in accordance with the endorsed plans.
2. 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.
3. Access onto the property must be constructed to the satisfaction of the Responsible Authority.
4. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority.
5. The driveways 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 24/01/2007

Signature for the  
Responsible Authority



Council/Delegate

## CONDITIONS CONTINUED FOR PERMIT NO. PP213/06

6. The driveways must be constructed to an all weather surface (asphalt or approved equivalent) to the satisfaction of the Responsible Authority.
7. The road pavement within the common property must be constructed to an all weather surface (asphalt or approved equivalent) to the satisfaction of the Responsible Authority.
8. Individual access must be provided onto each lot created and the subject access must be constructed to the satisfaction of the Responsible Authority.
9. Plans submitted for certification shall meet the requirements of the Subdivision Act 1988, as amended.
10. The Statement of Compliance will not be issued prior to all conditions in relation to subdivision on the subject Planning Permit being complied with to the satisfaction of the Responsible Authority.
11. The subdivision as shown on the endorsed plan must not be altered save, with the written consent of the Responsible Authority.

### Conditions required by Barwon Water

#### General

12. Any plan submitted under the Subdivision Act 1988 must be forwarded to Barwon Water under Section 8 of the Act.

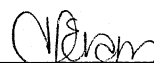
#### Water

13. The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.
14. An additional tapping(s) is to be supplied to service the proposed development. A dimensioned plan showing location of all new tappings relative to the allotment boundaries, and its number(s), is to be submitted, where a meter is not being fitted. Note that tappings and services are not to be located under existing or proposed driveways.
15. Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.

---

Date Issued 24/01/2007

Signature for the  
Responsible Authority



Council/Delegate



## CONDITIONS CONTINUED FOR PERMIT NO. PP213/06

### Conditions required by Telstra

16. 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 – Ph1100

### Conditions required by Powercor

17. 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.
18. 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.
  - 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.

---

Date Issued 24/01/2007

Signature for the  
Responsible Authority

  
Council/Delegate

## CONDITIONS CONTINUED FOR PERMIT NO. PP213/06

- 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 VicRoads

19. The land labelled ROAD R1 shall be vested in Roads Corporation upon certification of the Plan of Subdivision.
20. The land labelled ROAD R2 shall be vested in Colac Otway Shire upon certification of the Plan of Subdivision.
21. The applicant shall enter into a Section 173 Agreement under the Planning and Environment Act 1987 with both the Responsible Authority and VicRoads as parties to the Agreement. The Agreement shall be registered on the title to the land and shall provide for the following:
  - The owners of Lot 1, and their successors in title if necessary, undertake to remove/relocate the dwelling from its existing location and clear the land that is labelled ROAD R1 and ROAD R2 within 5 years from the date of certification of the Plan of Subdivision. The time frame may be altered subject to the agreement of the Roads Corporation (VicRoads).
  - Roads Corporation (VicRoads) will commence acquisition of the land labelled ROAD R1 upon a request from the owner.

Costs associated with the Section 173 Agreement will be the applicant's responsibility.

---

### NOTES

An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.

The developer shall 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.

### Barwon Water – Ref 60-066-07973

The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision.

---

Date Issued 24/01/2007

Signature for the  
Responsible Authority

  
Council/Delegate

**CONDITIONS CONTINUED FOR PERMIT NO. PP213/06**

**Powercor - Ref 500000118299**

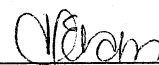
It is recommended that, at an early date, the applicant commences negotiations with Powercor to supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued)

Prospective purchasers of lots in this subdivision should contact Powercor Australia to determine the availability of a supply of electricity. Financial contributions maybe required.

---

**Date Issued**

**Signature for the  
Responsible Authority**



Council/Delegate

**PLAN OF PROPOSED SUBDIVISION  
PART OF CROWN PORTION 17  
PARISH OF NALANGIL  
COUNTY OF POLWARTH  
RE. F.E BALCOMBE  
SCALE 1:2000** (Original Sheet Size A3)

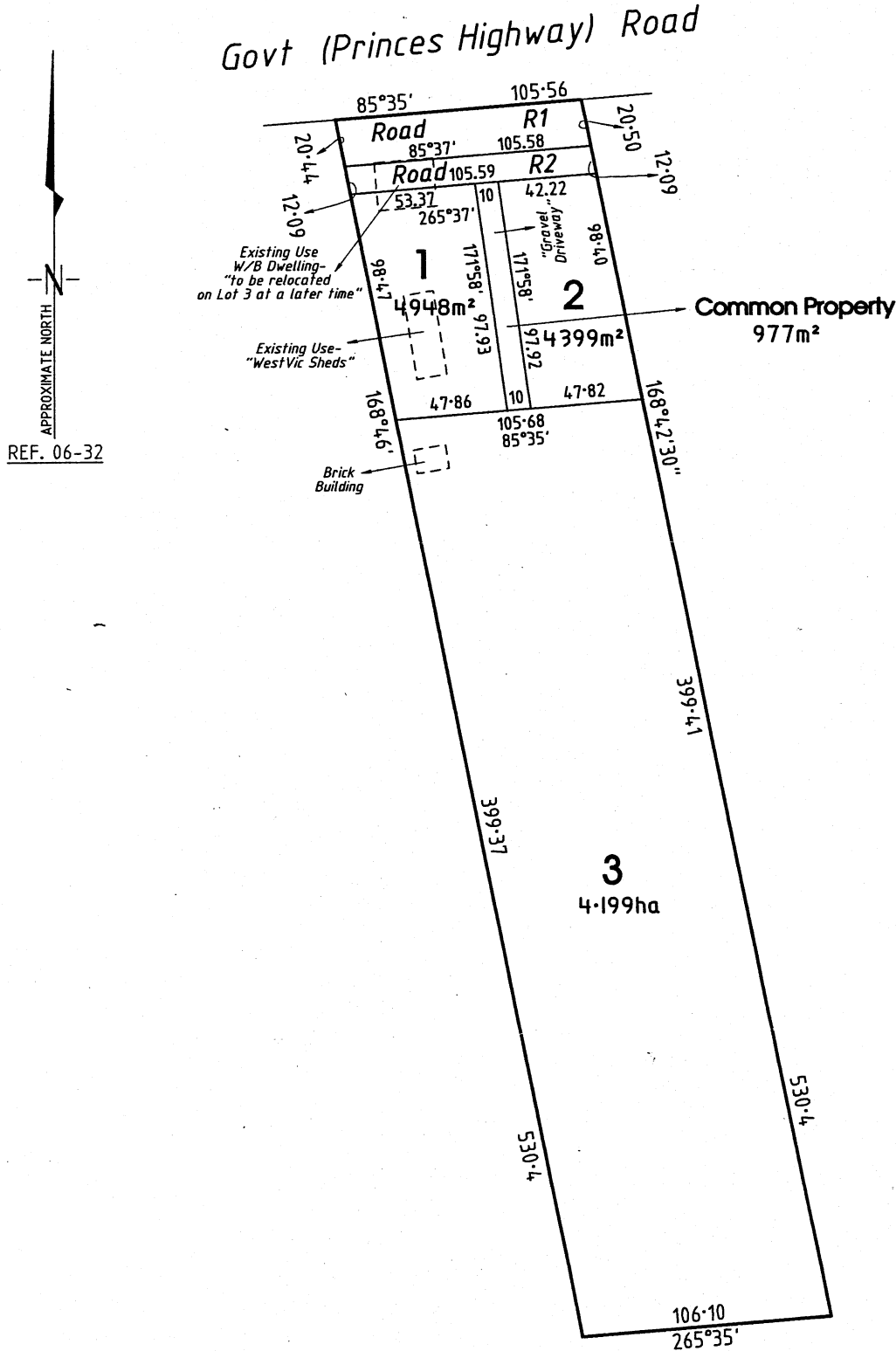
SCHEME "C"

NOTE:

Certain dimensions shown hereon are subject to survey.  
Certain areas shown hereon are subject to survey.  
Land contained within C/T Vol. 10093 Fol. 336.  
Road R1 to vest in Vic Roads.  
Road R2 to vest in Colac Otway Shire Council.  
Section 173 Agreement to be recorded on title  
regarding Road R1 & Road R2 & time-frame concerning  
existing use of dwelling & removal (say 5 years).

ROD BRIGHT & ASSOCIATES PTY LTD  
LICENSED SURVEYORS  
26 MURRAY STREET COLAC 3250  
TEL 5231 4883 ACN 007 206 975

**PRELIMINARY  
COPY ONLY**



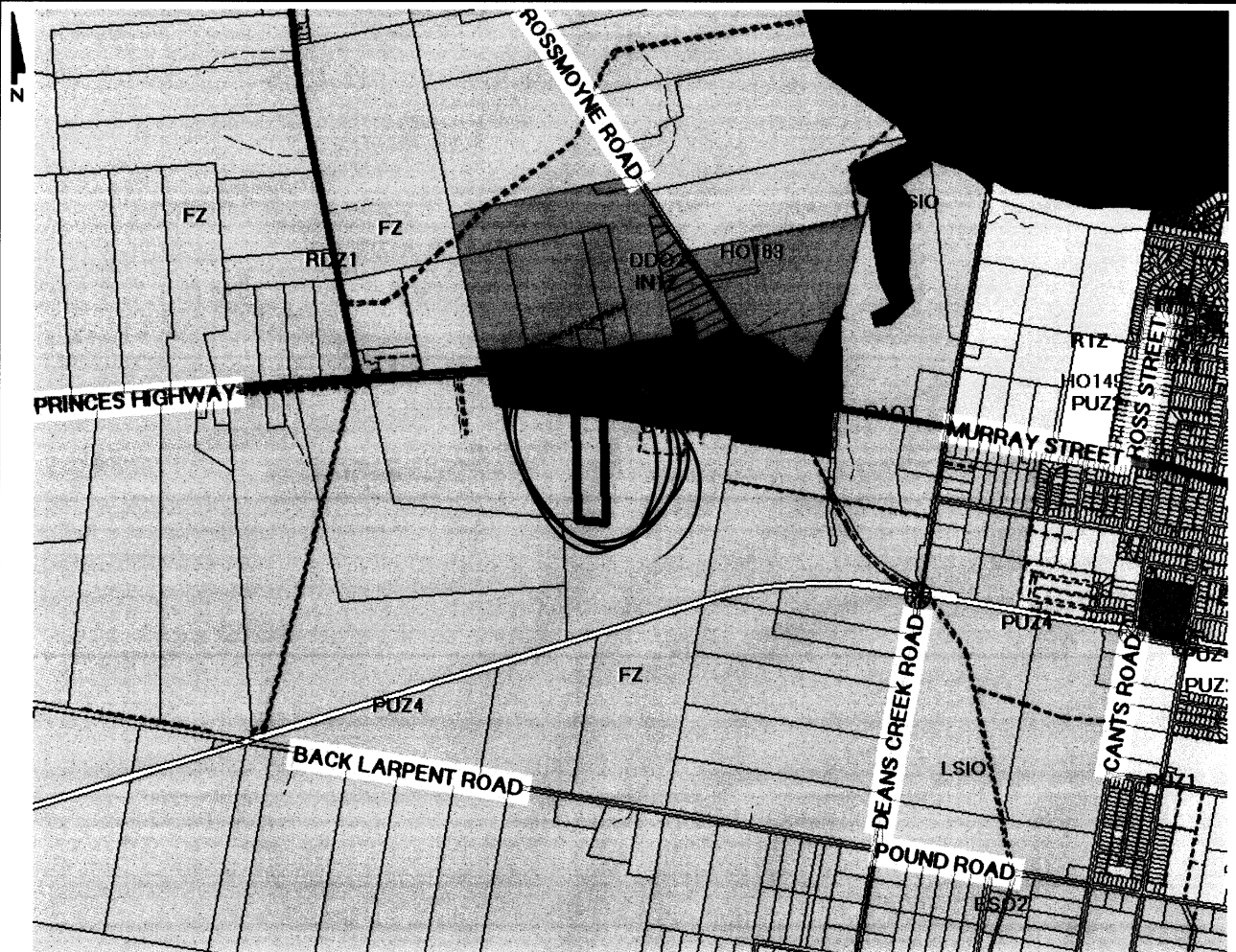
COLAC-OTWAY SHIRE  
ENDORSED PLAN FORMING PART OF  
PLANNING PERMIT No. P213105  
ISSUED DATE 24/1/07  
SHEET 1 of 1  
PLANNING OFFICER



PLANNING DEPARTMENT  
Admin Map



Title



Map Zoom: 4510 m

Advertising (1)(Parcel)

| MI_Key | assessnum | prop_address | ratepayer | owner_add1 | owner_add2 | owner_add3 | owner_add4 | owner_add5 |
|--------|-----------|--------------|-----------|------------|------------|------------|------------|------------|
|        |           |              |           |            |            |            |            |            |

Advertising-Zones (2)(Parcel)

| MI_Key | title description | address             | Zone | Schedule | Name            | Parcel overlap |
|--------|-------------------|---------------------|------|----------|-----------------|----------------|
| 4701   | LOT 1 PS318545    | 419 PRINCES HIGHWAY | FZ   |          | FARMING ZONE    | 80%            |
| 4701   | LOT 1 PS318545    | 419 PRINCES HIGHWAY | B4Z  |          | BUSINESS 4 ZONE | 20%            |

Advertising-Overlays (1)(Parcel)

| MI_Key | title description | address             | Overlay(s) | Schedule(s) | Name                                               | Parcel overlap |
|--------|-------------------|---------------------|------------|-------------|----------------------------------------------------|----------------|
| 4701   | LOT 1 PS318545    | 419 PRINCES HIGHWAY | DDO        | DDO3        | DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 3 - TRAF | 20%            |

Legend

|  |                 |  |                                       |
|--|-----------------|--|---------------------------------------|
|  | Overlays - ALL  |  | PUBLIC CONSERVATION AND RESOURCE ZONE |
|  | Planning Apps   |  | ROAD ZONE - CATEGORY 1                |
|  | Property        |  | FARMING ZONE                          |
|  | Parcel          |  | RURAL LIVING ZONE                     |
|  | Parcel Proposed |  | TOWNSHIP ZONE                         |
|  | Crown Land      |  | PUBLIC USE ZONE - EDUCATION           |
|  | Easement        |  | PUBLIC PARK AND RECREATION ZONE       |
|  | Watercourse     |  | INDUSTRIAL 1 ZONE                     |
|  | Floodway (CMA)  |  | RESIDENTIAL 1 ZONE                    |
|  | Floodplan (CMA) |  | BUSINESS 1 ZONE                       |
|  |                 |  | BUSINESS 4 ZONE                       |
|  |                 |  | LOW DENSITY RESIDENTIAL ZONE          |
|  |                 |  | PUBLIC USE ZONE - TRANSPORT           |
|  |                 |  | INDUSTRIAL 3 ZONE                     |
|  |                 |  | RURAL CONSERVATION ZONE - SCHEDULE 2  |
|  |                 |  | INDUSTRIAL 2 ZONE                     |
|  |                 |  | SPECIAL USE ZONE - SCHEDULE 1         |
|  |                 |  | URBAN FLOODWAY ZONE                   |

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**Colac Otway Shire**  
2-6 Rae Street.  
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Ph: 03 5232 9400  
Fax: 03 5232 1046  
Email:  
[info@colacotway.vic.gov.au](mailto:info@colacotway.vic.gov.au)  
Web:  
[www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)



This map is produced on the Geocentric Datum of Australia (GDA94). GDA94 supersedes the Australian Geodetic Datum 1966 (AGD66). Colac-Otway Shire Council uses the Map Grid of Australia (MGA94) Zone 54 projection.

\*\* Not all layers depicted here are necessarily shown on map \*\*

**OM092503-13.2      *Item for Signing and Sealing - Section 173 Agreement 605  
Barham River Road, Apollo Bay***

The applicant agreed to enter into a Section 173 Agreement as per Condition 1 of Planning Permit PP132/06 that allowed for a two (2) lot re-subdivision .

Condition 1 reads:

Before the plan of subdivision is certified under the Subdivision Act 1988, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act which provides that the land will not be further subdivided so as to increase the number of lots.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

**Recommendation**

***That Council sign and seal the Section 173 Agreement between Colac Otway Shire and F Wilmink covenanting Certificates of Title, Volume 8222 Folio 643 and Volume 5958 Folio 553 that the land will not be further subdivided so as to increase the number of lots.***

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# PLANNING PERMIT

TO:  
TONY JEAVONS SURVEYS  
PO BOX 196  
APOLLO BAY 3233

Assessment No. - 121160500  
Permit No - PP132/06  
Planning Scheme - Colac-Otway Scheme  
Responsible Authority - COLAC OTWAY SHIRE

## ADDRESS OF THE LAND:

605 BARHAM RIVER ROAD, APOLLO BAY  
C/A'S PT.15B & PT.7 SECTION 2, PARISH OF KRAMBRUK

## THE PERMIT ALLOWS:

TWO (2) LOT RE-SUBDIVISION IN ACCORDANCE WITH THE ENDORSED PLANS.

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

---

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, the owner must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987*, and make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act which provides that the land will not be further subdivided so as to increase the number of lots.

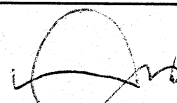
The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

2. The subdivision as shown on the endorsed plan must not be altered save, with the written consent of the Responsible Authority.
3. Plans submitted for certification shall meet the requirements of the Subdivision Act 1988, as amended.
4. The Statement of Compliance shall not be issued prior to all conditions on the subject Planning Permit being complied with to the satisfaction of the Responsible Authority.

---

Date Issued 15/6/07

Signature for the  
Responsible Authority



Council/Delegate

## CONDITIONS CONTINUED FOR PERMIT NO. PP132/06

5. If any alterations to the existing access (including crossovers) onto either of the lots are required this must only be undertaken with the prior written consent of the responsible authority and prior to statement of compliance to the satisfaction of the responsible authority.
6. No native vegetation is permitted to be removed, lopped or destroyed.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
8. 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.
9. 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.

## CONDITIONS REQUIRED BY THE CFA

10. Before the development starts, amended plans to the satisfaction of the CFA must and approved by the CFA and the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - o Building envelopes, located to CFA's satisfaction.
  - o Vegetation management areas around each Building Envelope. The vegetation management areas required as the CFA WMO Kit to specify or refer to the applicants plan and endorse.
11. 10,000l It, static water supply is to be provided each of the dwellings as indicated in the CFA WMO Applicants Kit.
12. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width, with 4X4 metre clearance.
13. The average grade must be no more that 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more that 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

Date Issued 13/6/07

Signature for the  
Responsible Authority



Council/Delegate



**CONDITIONS CONTINUED FOR PERMIT NO. PP132/06**

**EXPIRY**

This permit will expire if:

- (a) the plan of subdivision is not certified within 2 years of the date of this permit; or
- (b) the registration of the subdivision is not completed within 5 years of the date of this permit. The responsible authority may extend the time if a request is made in writing before the permit expires or within three months afterwards.

---

**Date Issued** 13/6/07

**Signature for the  
Responsible Authority**



Council/Delegate

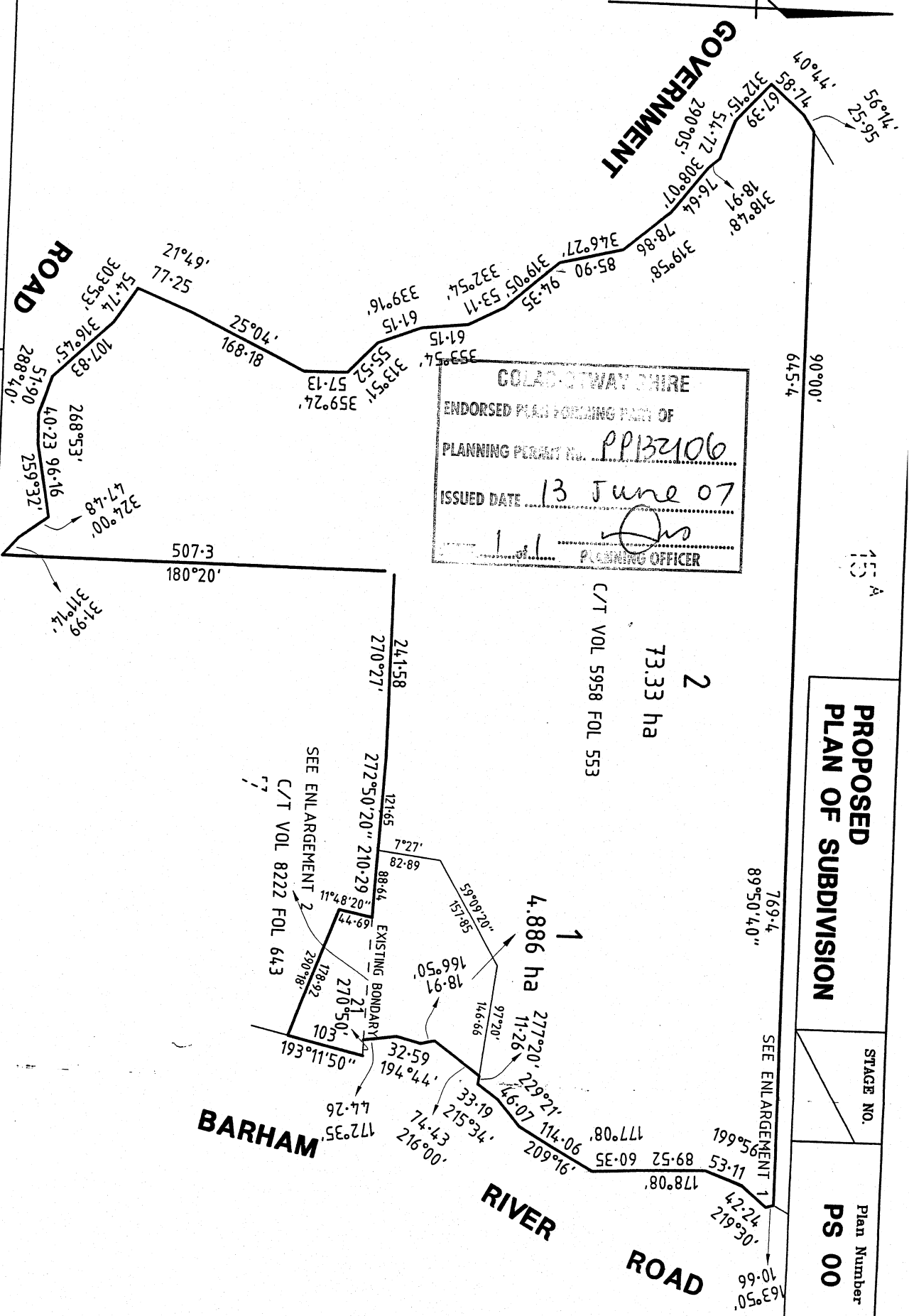
**PROPOSED  
PLAN OF SUBDIVISION**

STAGE NO.

Plan Number  
**PS 00**

15 A

**COLAC COUNCIL SHIRE**  
**ENDORSED PLAN FORMING PART OF**  
**PLANNING PERMIT NO. PP132106**  
**ISSUED DATE 13 June 07**  
 [Signature]  
**PLANNING OFFICER**



**TONY JEAVONS SURVEYS**  
 LAND SURVEYORS  
 PO BOX 196  
 APOLLO BAY  
 PHONE (03) 52376757 FAX (03) 52376949  
 EMAIL tjsurveys@bigpond.com

ORIGINAL  
 SCALE 1:5000  
 SHEET SIZE A3

SCALE  
 50 0 100 200  
 LENGTHS ARE IN METRES

LICENSED SURVEYOR (PRINT) Anthony Harold Jeavons  
 SIGNATURE [Signature]  
 REF 1073  
 DATE 24/02/2008  
 VERSION 01

Sheet 2 of 2 sheets

DATE / /  
 COUNCIL DELEGATE SIGNATURE  
 Original sheet size A3



**PLANNING DEPARTMENT**  
**Admin Map**



Title : 605 Barham River Road, Apollo Bay



Map Zoom: 2215 m

**OM092503-13.3      *Item for Signing and Sealing - Section 173 Agreement, 195  
Mcdonalds Access, Kawarren***

The applicant agreed to enter into a Section 173 Agreement as per Condition 1 of Planning Permit PP370/05 that allowed for a 2 Lot re-subdivision.

Condition 1 reads

1. Prior to the issue of a Statement of Compliance, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning & Environment Act 1987 stating that:
  - (a) no further subdivision of Lot 1 or Lot 2 is permitted so as to create any additional lots;
  - (b) no additional dwellings may be constructed on Lot 1 or Lot 2.

This agreement must be registered on the title to Lot 1 and Lot 2. Evidence of lodging of this agreement with the Registrar of Titles in accordance with Section 181 of the Act must be submitted to the Responsible Authority. All costs associated with the agreement must be met by the owner/applicant.

**Recommendation**

***That Council sign and seal the Section 173 Agreement between Colac Otway Shire and F & E Fliss covenanting Certificate of Title Volume 7215 Folio 979 & Volume 6192 folio 234 that:***

- ***No further subdivision of lot 1 or lot 2 is permitted so as to create any additional lots; and***
- ***No additional dwellings may be constructed on lot 1 or lot 2.***

~~~~~\ ~~~~~



# PLANNING PERMIT

TO:  
ROD BRIGHT &  
ASSOCIATES PTY LTD  
26 MURRAY STREET  
COLAC VIC 3250

Assessment No. - 261019500  
Permit No - PP370/05  
Planning Scheme - Colac-Otway Scheme  
Responsible Authority - COLAC OTWAY SHIRE

## ADDRESS OF THE LAND:

195 McDONALDS ROAD, KAWARREN  
C/A PT.67, 64A, 64C, PARISH OF BARONGAROOK

## THE PERMIT ALLOWS:

TWO (2) LOT RE-SUBDIVISION (BOUNDARY REALIGNMENT) IN ACCORDANCE  
WITH THE ENDORSED PLANS

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

---

1. Prior to the issue of a Statement of Compliance, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning & Environment Act 1987 stating that:
  - (a) no further subdivision of Lot 1 and Lot 2 is permitted so as to create any additional lots;
  - (b) no additional dwellings may be constructed on Lot 1 or Lot 2.

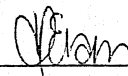
This agreement must be registered on the title to Lot 1 and Lot 2. Evidence of lodging of this agreement with the Registrar of Titles in accordance with Section 181 of the Act must be submitted to the Responsible Authority. All costs associated with the agreement must be met by the owner/applicant.

2. Individual access must be provided onto each lot created and the subject access must be constructed to the satisfaction of the Responsible Authority.
3. The subdivision as shown on the endorsed plan must not be altered save, with the written consent of the Responsible Authority.

---

Date Issued: 3 July 2007

Signature for the Responsible  
Authority:



---

**CONDITIONS CONTINUED FOR PERMIT NO. PP370/05**

4. Plans submitted for certification must meet the requirements of the Subdivision Act 1988, as amended.
5. The Statement of Compliance will not be issued prior to all conditions in relation to subdivision on the subject Planning Permit being complied with to the satisfaction of the Responsible Authority.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas, and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
7. 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.
8. 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.
10. Prior to the issue of the Statement of Compliance, the existing septic system must be upgraded to comply with EPA Guidelines to the satisfaction of the Responsible Authority.
11. All environmental weeds as outlined in "Environmental Weeds of the Colac Otway Shire" brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the Responsible Authority.
12. No environmental weeds as referred to in "Environmental Weeds of the Colac Otway Shire" brochure will be planted on or allowed to invade the site.
13. All vermin and pests must be controlled on the site at all times to the satisfaction of the Responsible Authority.
14. All development and works associated with this permit must be carried out in strict conformity with the recommendations of Geotechnical Engineers Report Number ES0616, prepared by 2020 Engineering Solutions, dated 18 October 2006.

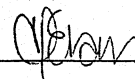
**Conditions required by Wannon Water:**

15. That the applicant prepare and submit to Wannon Region Water Authority for approval, and implement, an Environmental Management Plan for the proposal which addresses the following:

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**Date Issued: 3 July 2007**

**Signature for the Responsible Authority:**



**CONDITIONS CONTINUED FOR PERMIT NO. PP370/05**

- (a) the design and maintenance of the treatment system for treatment and disposal of the wastewater from the dwelling (septic tank or other treatment system):
- To comply with the EPA Publication No 891 Septic Tanks Code of Practice;
  - Containing all effluent within the lot boundaries throughout the year;
  - Maintenance of effluent disposal system (to ensure it is kept in effective working condition).
- (b) The development and use of the property to prevent:
- Any drift or discharge of chemicals or other foreign matter from the property to any adjoining watercourse or lands.
  - Erosion of soil and transportation of soil from the property to adjoining watercourses of lands.
- (c) Vegetation Management to ensure preservation of the natural vegetation within 30m of any water course.
- (d) Proposed Lot 1 and Lot 2 be subject to a Section 173 Agreement preventing:
- Subsequent excision of existing or future residential development on the lots.
  - The building of any additional occupancies on the lots.

**Conditions required by the CFA:**

16. There must be no obstructions within one metre of the edge of the formed width of roads at any time, and there must be four metres height clearance above all roads to allow fire vehicle access

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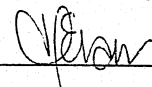
**Expiry of permit:**

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.

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**Date Issued: 3 July 2007**

**Signature for the Responsible Authority:**





# PLANNING DEPARTMENT Admin Map



Title :



Map Zoom: 7385 m

### Legend

- |  |                 |  |                                       |
|--|-----------------|--|---------------------------------------|
|  | Overlays - ALL  |  | PUBLIC CONSERVATION AND RESOURCE ZONE |
|  | Planning Apps   |  | ROAD ZONE - CATEGORY 1                |
|  | Property        |  | FARMING ZONE                          |
|  | Parcel          |  | RURAL LIVING ZONE                     |
|  | Parcel Proposed |  | TOWNSHIP ZONE                         |
|  | Crown Land      |  | PUBLIC USE ZONE - EDUCATION           |
|  | Easement        |  | PUBLIC PARK AND RECREATION ZONE       |
|  | Watercourse     |  | INDUSTRIAL 1 ZONE                     |
|  | Floodway (CMA)  |  | RESIDENTIAL 1 ZONE                    |
|  | Floodplan (CMA) |  | BUSINESS 1 ZONE                       |
|  |                 |  | BUSINESS 4 ZONE                       |
|  |                 |  | LOW DENSITY RESIDENTIAL ZONE          |
|  |                 |  | PUBLIC USE ZONE - TRANSPORT           |
|  |                 |  | INDUSTRIAL 3 ZONE                     |
|  |                 |  | RURAL CONSERVATION ZONE - SCHEDULE 2  |
|  |                 |  | INDUSTRIAL 2 ZONE                     |
|  |                 |  | SPECIAL USE ZONE - SCHEDULE 1         |
|  |                 |  | URBAN FLOODWAY ZONE                   |

\*\* Not all layers depicted here are necessarily shown on map \*\*

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



This map is produced on the Geocentric Datum of Australia (GDA94). GDA94 supersedes the Australian Geodetic Datum 1966 (AGD66). Colac-Otway Shire Council uses the Map Grid of Australia (MGA94) Zone 54 projection.



**OM092503-13.4      *Item for Signing and Sealing - Section 173 Agreement - 275  
Robinsons Road, Barongarook***

The applicant agreed to enter into a Section 173 Agreement as per Condition 2 of Planning Permit PP33/07 that allowed for the Use & Development of a Two (2) Storey Dwelling & Removal of Twelve (12) Trees and Other Vegetation

Condition 2 reads

1. Before the development starts, the owner/applicant must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 stating that the vegetation on the lot must be maintained in accordance with the Vegetation Management Plan endorsed as part of the planning permit.

Evidence of lodging of this agreement in accordance with Section 181 of the Planning and Environment Act 1987 must be submitted to the Responsible Authority. All costs associated with the agreement will be met by the owner/applicant.

**Recommendation**

***That Council sign and seal the Section 173 Agreement between Colac Otway Shire and J Pond and J Levine covenanting Certificate of Title Volume 9438 Folio 559 that:***

- ***The owner will maintain the vegetation on the lot in accordance with the Vegetation Management Plan dated 30 July 2008 endorsed by the responsible authority as forming part of Planning Permit PP33/07***

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TO:  
JAMIE POND  
3 REGAL ROAD  
JAN JUC 3228

Assessment No - 266027500  
Permit No - PP33/07  
Planning Scheme - Colac-Otway Scheme  
Responsible Authority - COLAC OTWAY SHIRE

**ADDRESS OF THE LAND:**

275 ROBINSON ROAD, BARONGAROOK  
LOT 9 LP137222, PARISH OF BARONGAROOK

**THE PERMIT ALLOWS:**

Use & Development Of A Two (2) Storey Dwelling & Removal Of Twelve (12) Trees & Other Vegetation In Accordance With The Endorsed Plans.

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT**

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1. Before the development starts, the owner must prepare and submit a Vegetation Management Plan to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the permit. The plan shall include, but not limited to, the following issues:
  - o A site plan clearly showing the building envelope (drawn to scale with dimensions and setbacks from boundaries) The building envelope will include a 10 metre clearance zone around the dwelling,
  - o Native Vegetation Protection and Enhancement;
  - o Pest Plant and Animal Control;
  - o Protection and management of natural features/risk areas on the property (e.g. erosion areas, rare or threatened flora);
  - o Forfeiting the right to collect firewood from the site;
  - o Management of domestic animals so they don't interfere with the biodiversity on the site;
  - o On-going maintenance of the effluent disposal system; and
  - o Any timeframes for completion of the above requirements.

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**Date Issued 8/5/2008**

**Signature for the  
Responsible Authority** \_\_\_\_\_

  
Council/Delegate

**CONDITIONS CONTINUED FOR PERMIT NO. PP33/07**

2. Before the development starts, the owner/applicant must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 stating that the vegetation on the lot must be maintained in accordance with the Vegetation Management plan endorsed as part of the planning permit.

Evidence of lodging of this agreement in accordance within Section 181 of the Planning and Environment Act 1987 must be submitted to the Responsible Authority. All costs associated with the agreement will be met by the owner/applicant.

3. The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. This permit will expire if one of the following circumstances applies:
- o The development and use are not started within two (2) years of the date of this permit.
  - o The development is not completed within four years of the date of this permit. 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.
5. The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.
6. Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.
7. The roof and exterior walls of the dwelling must be constructed of a non-reflective material which will effectively blend the development in with the natural colours of the surrounding landscape.
8. Stormwater discharge must only be distributed across the property by sheet flow (i.e. along a contour) or to a legal point of discharge as approved by the Responsible Authority. No sheet flow discharge point must be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge the septic effluent disposal system.
9. An all waste septic tank disposal system is to be constructed concurrently with the new dwelling, such that all liquid waste must at all times be contained within the curtilage of the title. Such system must be designed and installed to the satisfaction of the Responsible Authority.
10. The proposed septic tank system must not be located within 60 metres of the bank of any surface waters, unless the liquid waste is treated to the satisfaction of the Responsible Authority. Any such reduction in distance to the surface waters will be at the discretion of the Responsible Authority.

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**Date Issued 8/5/2008**

**Signature for the  
Responsible Authority**

  
Council/Delegate

**CONDITIONS CONTINUED FOR PERMIT NO. PP33/07**

**Conditions required by CFA**

**11. Water Supply Requirements**

- A static water supply, such as a pool, tank or dam, must be provided.
- A static water supply such as pool, tank or dam must be provided and must meet the following requirements:
  - A minimum of 10,000 litres on-site static storage must be provided on the lot and be maintained solely fire fighting.
  - The water supply must be located within 60 metres of the dwelling.
  - Fire brigade vehicles must be able to get to within four metres of the water as indicated on the wildfire development plan.
  - The water supply must be readily identifiable from the building or appropriate signage (see *Appendix A: Figure 1*) must point to water supply. All below-ground water pipelines must be installed to the following depths:
    - subject to vehicle traffic – 300 mm
    - under houses or concrete slabs – 75 mm
    - all other locations – 225 mm
    - all fixed above-ground water pipelines and fittings, including water supply, must be constructed of non-corrosive and non-combustible materials or protected from the effects of radiant heat and flame.
- If the static water supply is above ground the following additional standards apply:
  - All above-ground static water supply must provide at least one 64 mm. 3 thread/25 mm x 50 mm nominal bore British Standard Pipe (BSP), round male coupling (see *Appendix A: Figure 2*).
  - All pipe work and valving between the water supply and the outlet must be no less than 50 mm nominal bore.
  - If less than 20 metres from the building, each outlet must face away from the building to allow access during emergencies.

**12. Access Requirements**

- Access to the dwelling must be designed to allow emergency vehicles access to the dwelling. The minimum design requirements are as follows:
  - Curves in the driveway must have a minimum radius of ten metres
  - The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.

---

**Date Issued 8/5/2008**

**Signature for the  
Responsible Authority**



Council/Delegate

## CONDITIONS CONTINUED FOR PERMIT NO. PP33/07

- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.
- If the driveway from the road to the dwelling and water supply, including gates, bridges and culverts, is greater than 30m long; the driveway:
  - must be designed, constructed and maintained for a load limit of at least 15 tonnes,
  - Be all weather construction; and
  - Must provide a minimum trafficable width of four metres, and
  - Be clear of encroachments four metres vertically (see Appendix A: Figure 3).
- If the driveway is longer than 100 metres, a turning area for fire fighting vehicles close to the dwelling must be provided by either:
  - a turning circle with minimum radius of ten metres; or
  - by the driveway encircling the dwelling; or
  - a 'T' head or 'Y' head with a minimum formed surface of each leg being eight metres in length measured from the centre point of the head, and
  - four metres trafficable width (see Appendix A: figure 4).
- If the length of the driveway is greater than 200 metres, passing bays must be provided. Passing bays must be 20 metres long and must be provided every 200 metres, with a trafficable width of six metres (see Appendix A: Figure 5).

### 13 Vegetation Management Requirements

- The wildfire management plan September 2007 must be endorsed as part of the Permit.
- The vegetation management areas as indicated on the wildfire management plan be maintained to the following standard:

#### Inner Zone

A distance of 10 metres around the proposed dwelling must be maintained to the following requirements during the declared 'Fire Danger Period' to the satisfaction of the responsible authority.

- Grass must be no more than 100 mm in height.
- Leaf litter must be less than 10 mm deep.
- There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most, sparse, with very little dead material.
- Dry native shrubs must be isolated in small clumps more than 10 m away from the dwelling.
- Trees must not overhang the roofline of the dwelling.

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Date Issued 8/5/2008

Signature for the  
Responsible Authority

  
Council/Delegate

**CONDITIONS CONTINUED FOR PERMIT NO. PP33/07**

Outer Zones

Vegetation in outer zones, as specified in the wildfire development plan must be maintained to the following requirements during the declared 'Fire Danger Period' to the satisfaction of the responsible authority.

- Grass must be no more than 100 mm in height.
- Leaf litter must be less than 20 mm deep.
- There must be no elevated fuel on at least 50% of the outer zone area.
- Clumps of dry native shrubs must be isolated from one another by at least ten metres.

**Condition required by Barwon Water**

14. Effluent from the system must not exceed the following maximum limits
- 20mg/L BOD
  - 30mg/L suspended solids
  - 10E coli organisms / 100ml

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**Date Issued 8/5/2008**

**Signature for the  
Responsible Authority** \_\_\_\_\_

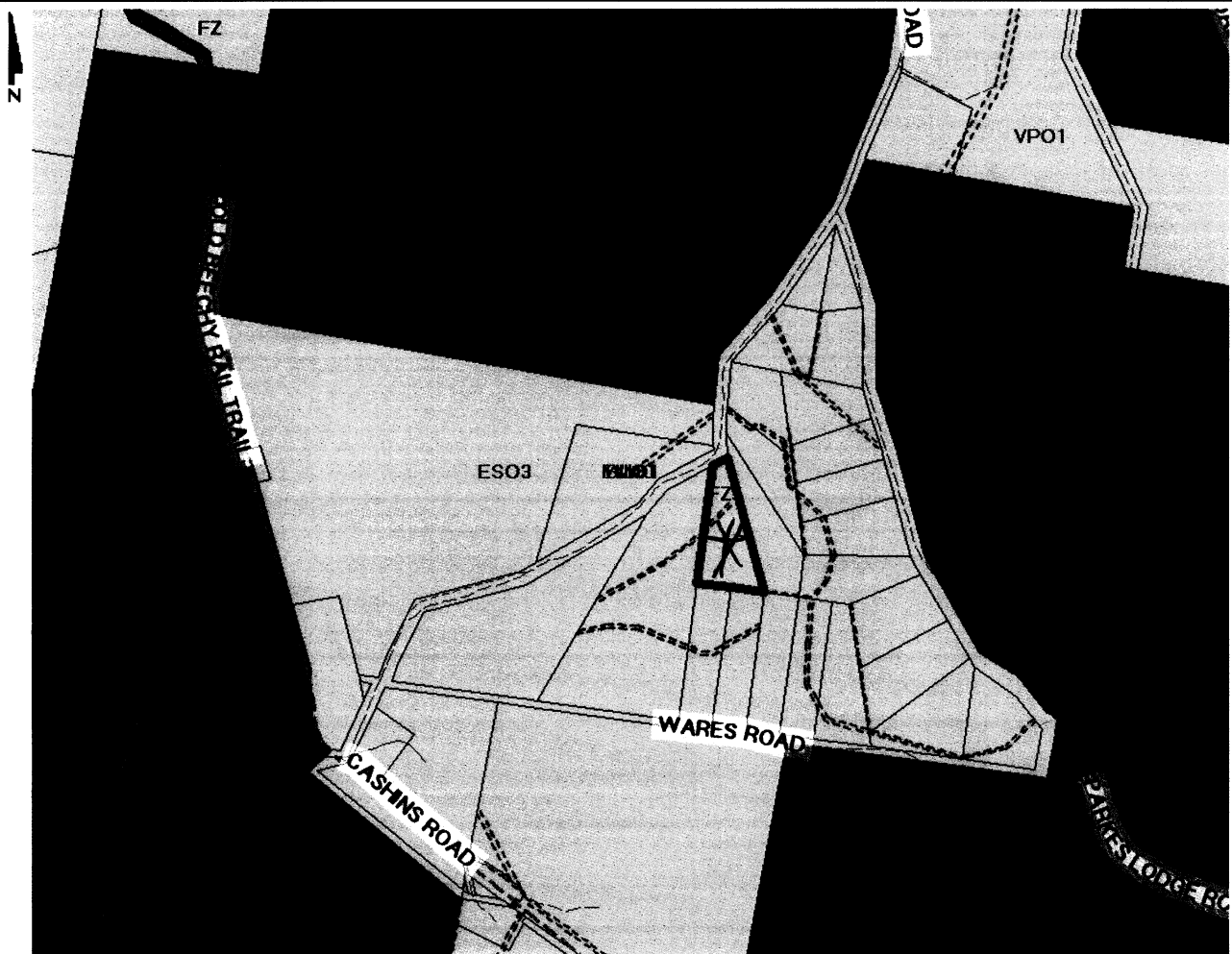
  
Council/Delegate



# PLANNING DEPARTMENT Admin Map



Title



Map Zoom: 3508 m

**Advertising (1)(Parcel)**

| MI_Key | assessnum | prop_address      | ratepayer               | owner_add1 | owner_add2     | owner_add3 | owner_add4 | owner_add5 |
|--------|-----------|-------------------|-------------------------|------------|----------------|------------|------------|------------|
| 11949  | 266027500 | 275 ROBINSON ROAD | J D LEVINE and J R POND |            | 3 REGAL STREET | JAN JUC    | VIC        | 3228       |

**Advertising-Zones (1)(Parcel)**

| MI_Key | title description | address           | Zone | Schedule | Name         | Parcel overlap |
|--------|-------------------|-------------------|------|----------|--------------|----------------|
| 11949  | LOT 9 LP137222    | 275 ROBINSON ROAD | FZ   |          | FARMING ZONE | 100%           |

**Advertising-Overlays (5)(Parcel)**

| MI_Key | title description | address           | Overlay(s) | Schedule(s) | Name  | Parcel overlap |
|--------|-------------------|-------------------|------------|-------------|---|----------------|
| 11949  | LOT 9 LP137222    | 275 ROBINSON ROAD | WMO        |             | WILDFIRE MANAGEMENT OVERLAY                     | 100%           |
| 11949  | LOT 9 LP137222    | 275 ROBINSON ROAD | ESO        | ESO1        | ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1 | 81%            |
| 11949  | LOT 9 LP137222    | 275 ROBINSON ROAD | SLO        | SLO1        | SIGNIFICANT LANDSCAPE OVERLAY - SCHEDULE 1      | 100%           |
| 11949  | LOT 9 LP137222    | 275 ROBINSON ROAD | ESO        | ESO3        | ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 3 | 100%           |
| 11949  | LOT 9 LP137222    | 275 ROBINSON ROAD | EMO        | EMO1        | EROSION MANAGEMENT OVERLAY - SCHEDULE 1         | 100%           |

**Legend**

|  |                 |  |                                       |
|--|-----------------|--|---------------------------------------|
|  | Overlays - ALL  |  | PUBLIC CONSERVATION AND RESOURCE ZONE |
|  | Planning Apps   |  | ROAD ZONE - CATEGORY 1                |
|  | Property        |  | FARMING ZONE                          |
|  | Parcel          |  | RURAL LIVING ZONE                     |
|  | Parcel Proposed |  | TOWNSHIP ZONE                         |
|  |                 |  | PUBLIC USE ZONE - EDUCATION           |
|  |                 |  | PUBLIC PARK AND RECREATION ZONE       |
|  |                 |  | INDUSTRIAL 1 ZONE                     |
|  |                 |  | RESIDENTIAL 1 ZONE                    |

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**OM092503-13.5      *Item for Signing and Sealing - Lease to Department of Primary Industries - Premises: 69-71 Nelson Street, Apollo Bay***

The expiry date for the current term of the lease between Council and the Department of Primary Industry (DPI) for office space at 69-71 Nelson Street, Apollo Bay is 28 February 2009. The current lease provides for one further option term of one (1) year based on a CPI increase. DPI indicated a wish to exercise this option. Council solicitors have prepared a renewal of lease including a rental review. Rent payable for the coming term will be \$15,463.90 (plus GST).

**Attachments**

Nil

**Recommendation**

***That Council sign and seal the Lease to Department of Primary Industries - Premises: 69-71 Nelson Street, Apollo Bay based on the new rent of \$15,463.90 (plus GST) per annum.***

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**IN COMMITTEE****Recommendation**

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

| <b>SUBJECT</b>                                                                         | <b>REASON</b>                                                                       | <b>SECTION OF ACT</b>                               |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b><i>Contract No 0821 –<br/>Provision of Engineering<br/>Consultancy Services</i></b> | <b><i>Contractual Matter</i></b>                                                    | <b><i>Section 89(2)(d)</i></b>                      |
| <b><i>Wingeel Recreation<br/>Reserve</i></b>                                           | <b><i>Contractual Matter<br/>Matter may prejudice<br/>Council or any person</i></b> | <b><i>Section 89(2)(d)<br/>Section 89(2)(h)</i></b> |