

**Colac Otway
SHIRE**

AGENDA

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

22 APRIL 2009

at 3.00 pm

**Senior Citizens Centre
Whelan Street, Apollo Bay**

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

22 APRIL 2009

TABLE OF CONTENTS

OFFICERS' REPORTS

CHIEF EXECUTIVE OFFICER

OM092204-1	CEO'S PROGRESS REPORT TO COUNCIL	8
OM092204-2	2008/2009 THIRD QUARTER PERFORMANCE REPORT	20

CORPORATE AND COMMUNITY SERVICES

OM092204-3	MELBOURNE CUP DAY/COLAC SHOW DAY PUBLIC HOLIDAY.....	28
OM092204-4	REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES	32
OM092204-5	BEECHY PRECINCT - JOINT USE LIBRARY AGREEMENT.....	36

INFRASTRUCTURE

OM092204-6	SPONSORSHIP OF THE NATIONAL SALEYARDS CONVENTION 2009....	45
OM092204-7	ROAD MANAGEMENT PLAN REVIEW	48
OM092204-8	MANAGEMENT OF CATTLE GRIDS ON LOCAL ROADS.....	52
OM092204-9	BEST VALUE SERVICES REVIEW REPORT: WASTE MANAGEMENT SERVICES	57
OM092204-10	SPECIAL CHARGE SCHEME – MORRISON STREET, COLAC.....	67
OM092204-11	GELLIBRAND LANDFILL REHABILITATION - SITE ACCESS AGREEMENT WITH PARKS VICTORIA	70
OM092204-12	RAIL/ROAD SAFETY INTERFACE AGREEMENT (SIA'S).....	72

SUSTAINABLE PLANNING AND DEVELOPMENT

OM092204-13	LAKE COLAC FISHING PLATFORM	77
OM092204-14	REVISION OF LAND SUBJECT TO INUNDATION OVERLAY AND INTRODUCTION OF THE FLOODWAY OVERLAY INTO THE COLAC OTWAY PLANNING SCHEME - AMENDMENT C12.....	80
OM092204-15	COUNCIL SUBMISSION TO THE NEW RESIDENTIAL ZONES CONSULTATION DRAFT	85

GENERAL BUSINESS

OM092204-16	GENERAL BUSINESS	
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OM092204-16.1	Item for Signing & Sealing - Section 173 Agreement, 1 Nizam Quay, Apollo Bay	93
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NOTICES OF MOTION

OM092204-17 NOTICES OF MOTION

OM092204-17.1	NOTICE OF MOTION NO. 147- 08/09 - BARWON DOWNS GROUND WATER PUMPING (CR STUART HART).....	96
OM092204-17.2	NOTICE OF MOTION NO. 148-08/09 - RECORDINGS OF COUNCIL MEETINGS (CR STEPHEN HART)	97
OM092204-17.3	NOTICE OF MOTION NO. 149-08/09 - C55 AND C29 PLANNING AMENDMENTS (CR STEPHEN HART)	98
OM092204-17.4	NOTICE OF MOTION NO. 150-08/09 - JOINT USE LIBRARY (CR STEPHEN HART)	99
OM092204-17.5	NOTICE OF MOTION NO. 151-08/09 - JOINT USE LIBRARY PAYMENT SCHEDULE (CR STEPHEN HART)	100

NOTICE is hereby given that the next **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in the Senior Citizens Centre, Whelan Street, Apollo Bay on 22 April 2009 at 3.00 pm.

AGENDA

1. OPENING PRAYER

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

AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

Colac Otway Shire 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

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5. QUESTION TIME

6. DECLARATION OF INTEREST

7. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 25/03/09.
- Special Meeting of the Colac-Otway Shire Council held on the 09/04/09.
- Special Meeting of the Colac-Otway Shire Council held on 15/04/09.

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Chief Executive Officer

OM092204-1 CEO'S PROGRESS REPORT TO COUNCIL
OM092204-2 2008/2009 THIRD QUARTER PERFORMANCE REPORT

Corporate and Community Services

OM092204-3 MELBOURNE CUP DAY/COLAC SHOW DAY PUBLIC HOLIDAY
OM092204-4 REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES
OM092204-5 BEECHY PRECINCT - JOINT USE LIBRARY AGREEMENT

Infrastructure

OM092204-6 SPONSORSHIP OF THE NATIONAL SALEYARDS CONVENTION 2009
OM092204-7 ROAD MANAGEMENT PLAN REVIEW
OM092204-8 MANAGEMENT OF CATTLE GRIDS ON LOCAL ROADS
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OM092204-11 GELLIBRAND LANDFILL REHABILITATION - SITE ACCESS AGREEMENT WITH PARKS VICTORIA
OM092204-12 RAIL/ROAD SAFETY INTERFACE AGREEMENT (SIA'S)

Sustainable Planning and Development

- OM092204-13 LAKE COLAC FISHING PLATFORM
- OM092204-14 REVISION OF LAND SUBJECT TO INUNDATION OVERLAY AND INTRODUCTION OF THE FLOODWAY OVERLAY INTO THE COLAC OTWAY PLANNING SCHEME - AMENDMENT C12
- OM092204-15 COUNCIL SUBMISSION TO THE NEW RESIDENTIAL ZONES CONSULTATION DRAFT

GENERAL BUSINESS

OM092204-16 General Business

- OM092204-16.1 ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 1 NIZAM QUAY, APOLLO BAY

NOTICES OF MOTION

OM092204-17 Notices of Motion

- OM092204-17.1 NOTICE OF MOTION NO. 147- 08/09 - BARWON DOWNS GROUND WATER PUMPING (CR STUART HART)
- OM092204-17.2 NOTICE OF MOTION NO. 148-08/09 - RECORDINGS OF COUNCIL MEETINGS (CR STEPHEN HART)
- OM092204-17.3 NOTICE OF MOTION NO. 149-08/09 - C55 AND C29 PLANNING AMENDMENTS (CR STEPHEN HART)
- OM092204-17.4 NOTICE OF MOTION NO. 150-08/09 - JOINT USE LIBRARY (CR STEPHEN HART)
- OM092204-17.5 NOTICE OF MOTION NO. 151-08/09 - JOINT USE LIBRARY PAYMENT SCHEDULE (CR STEPHEN HART)

Jack Green
Acting Chief Executive Officer

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM092204-1 CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive the CEO's Progress Report to Council for information.</i></p>		
<p><u>OM092204-2 2008/2009 THIRD QUARTER PERFORMANCE REPORT</u></p> <p>Department: Executive</p> <p><u>Recommendation</u></p> <p><i>That Council receive the 2008/09 Third Quarter Performance Report for the nine months ending 31 March 2009.</i></p>		

Recommendation

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

MOVED

SECONDED

OM092204-1 CEO'S PROGRESS REPORT TO COUNCIL

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

EXECUTIVE

Council's executive team and senior managers have undertaken an extensive series of workshops in relation to the preparation of the 2009/10 budget. The draft budgets for each department have been systematically worked through with relevant managers and the entire executive team to establish project priorities and to closely scrutinise each budget line item to ensure that the draft documents presented to Council for further workshop discussion are fully understood and costs minimised wherever possible. A number of broad strategic documents have also been prepared and presented to Council to assist in the budget process.

CORPORATE & COMMUNITY SERVICES**Recreation****Council Community Grants**

Representatives from community, sport and recreation organisations have been advised that the 2009/2010 Council Community Funding Program opened on 27 March 2009 with applications closing 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 well attended community information sessions were conducted on 6 and 7 April to provide further details on the funding criteria, application process and to answer any specific project queries.

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

Leisure Network in partnership with the Colac Otway Shire will be hosting a Liquor Licensing Seminar on Monday 4th May 2009 at COPACC, Meeting Room 1, from 7.00pm - 9.00pm.

A Responsible Serving of Alcohol course will also be conducted on Monday June 15, 2009 at COPACC – Meeting Room 1, from 7.00pm – 10.00pm. Community and Sporting Clubs are encouraged to attend these meetings.

Old Beechy Rail Trail Review and Strategic Action Plan

Colac Otway Shire commissioned *Insight Leisure Planning* to facilitate a workshop with representatives of the Rail Trail Committee, Friends Group and other stakeholders (e.g. relevant Council staff, Otway Tourism, private land owners) to explore the Strengths, Weaknesses, Opportunities and Threats (SWOT) associated with the Trail. Key outcomes from the workshop have been used to help inform the development of this 5-Year Strategic Action Plan for the Trail concentrating on the following key areas:

- Trail maintenance and management,
- Capital development and infrastructure improvement,
- Trail marketing and access,
- Trail development and expansion, and
- Risk management.

The SWOT analysis workshop was conducted on 23 March 2009, a draft version of the document featuring key comments and findings is currently being circulated to key stakeholders, for comment.

Barwon Downs Playground

Members of the Recreation Unit are currently assisting the Barwon Downs Community Group to implement community led suggestions for improvements to the existing playground in the township. Proposed improvements include: relocation of the current playground to take advantage of existing natural shade, installation of a swing set and additional playground features to existing playground pieces.

Cricket Wicket Improvements

The Cricket Wicket Improvement works at Central, Eastern and Warrion Reserves are complete. These works were made possible through Council and Colac District Cricket Association funding. Specifically these works have included scarifying, excavating, laser levelling and re-sowing turf. These works will improve the wicket levels and surface quality and ensure wicket sizes are consistent with requirements. Ongoing maintenance works are required over the immediate weeks to ensure the works are effective.

Central Reserve Multi Purpose Fields Improvement Project

The redevelopment of the Hockey Fields at Central Reserve project has been completed. The fields are now maintained and monitored in accordance with the response of the new drought tolerant turf. Watering of the fields continues over the coming weeks to ensure maximum take-up of the new turf. It is proposed that these fields will be accessible later in the year.

Barwon South West Regional Trails Master Plan Project

Project partners are currently reviewing the first draft document received. Further to feedback received to this draft report it is proposed a further draft document will be released for consideration by all interested parties over July 2009. A report will be tabled for Council seeking approval to release the draft report for public display and consideration.

Events – Make them your Business!

The Colac Otway Shire 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 goals of the project are to:

- Equip business and community groups with information and skills to maximise the impact of events taking place across the municipality.
- Identify ways local businesses and groups can take advantage of the economic, marketing and public relation opportunities afforded by events.
- Specific outcomes: training/information for businesses/community groups; a kit bag of information for businesses and community groups; tools for event organisers to help maximise outcomes.

Workshops have been conducted throughout March and April in Birregurra, Colac and Apollo Bay to gather community input to the project from business groups, community groups/service clubs and event organisers.

Part of the project involves obtaining information from regional and rural event organisers on how they successfully engage local businesses and community organisations. This process aims to

identify the benefits that events provide to local businesses and community groups.

Specific strategies that events use to engage businesses and community groups will be presented to local businesses and community groups to leverage the opportunities presented by events.

Youth Council

On the 5 and 6 April, the Youth Councillors took part in a hike along the Beechy Rail Trail from Beech Forest to Barongarook. The evening of 5 April was spent in Gellibrand where brainstorming activities and events for the year to come were discussed.

In 2009 the Youth Councillors are holding a formal meeting every fortnight. Youth Council will still meet every other fortnight socially with plans to undertake tasks within the community.

The 2008 Youth Council were successful in receiving Spark Funding to undertake a Stencil Art Project at the Colac Skate Park. Further project details regarding the actual art, location, timing etc. are to be determined and the 2009 Youth Council will complete these details and the project.

Events

E Team meetings – April

The April E Team meeting was held on 14 April to debrief the following events: GO Sports Festival (7 - 8 February) and Otway Odyssey (21 February). Preliminary discussions for the Rainforest Ride (22 November) were also held.

FReeZA

The first FReeZA event for 2009 was held at the Apollo Bay Music Festival on 28 March. Approximately 300 young people listened to the 3 bands chosen by the Colac FReeZA committee (now called Lac & Co Productions) in conjunction with the Apollo Bay Music Festival organisers.

Event Organisers Training Survey

The 2007-2011 Colac Otway Festivals & Events Strategic Plan recognises and aims to address issues and opportunities facing the events industry in the Colac Otway Shire over the next five years. As a part of Council's strategic focus for Events, Festival & Event professional development has been identified as a key strategic action. Officers are currently planning the development of a networking / training opportunity for Event Organisers within the Colac Otway Shire. Surveys were mailed to all past and present Event Organisers.

Keen Adventure Race (28 April to 2 May)

This event is a 5 day adventure race that starts at Wye River and traverses the Otway Ranges with a combined 400km of kayaking, mountain biking, running and fixed rope activities. Teams will complete the course in 4 stages that vary in length between a 2-3hr prologue and the 24-36hr stage 3. The event finishes at Anglesea. Between 35 and 40 teams of 2 people are expected to contest the event.

Festival and Events Support Scheme

The 2009/10 round of the Festival and Events Support Scheme opened on March 27 and will close 8 May, 2009. Letters have been mailed to all current Event Organisers with the Application Form and Application Guidelines. Advertising has also been conducted to

announce the opening of the Scheme. Evaluations will take place between May and June 2009, with successful recipients announced in July.

Upcoming Events

Events which will be held throughout Colac Otway in May include the Great Ocean Road Marathon (16 and 17 May), the Duck Drop Derby (17 May), Birregurra Celtic Celebration (22 to 24 May) and the Veterans Cycling Open race (24 May).

COPACC

March proved to be another successful month at COPACC.

Corporate

- Internally, the rollout for the Civica program continues with weekly project meetings and online training workshops
- Various committees and meetings, among them Roads, Audit, Oudit Quarry Consultative, Old Beechy Rail Trail, and Planning, Youth and Shire Council were held.
- Working Women's Network monthly meeting continue, the March event featuring Cathy Jubb as guest speaker.
- The Drug Action Plan for the region was launched from the Civic Hall with a special appearance by Minister Neville, Minister for Mental Health, Community Services and Senior Victorians.
- A very special event was the Parliamentary Education Office's provision of a Mock Parliament session to educate the youth of Colac on procedures and policies of government, with many would be Prime Ministers in attendance!!

Performance

- In performing arts there was the Polyglot Puppet Theatre with their hilarious production 'Checkout' which delighted 2 sellout youth audiences (and some big kids too!!)
- COPACC is now the proud hosts of Kate's Dance House classes and look forward to welcoming the girls from Adore2Dance and their students from Term 2.
- The excitement is progressively mounting for our busy May performance season with technical and staffing considerations top of mind.

Exhibitions

- COPACC hosted the Kana "Totally Wild" Exhibition in our Gallery Space which was well presented and attended.

The Civic Hall now has a specialty lighting truss, and block out blinds installed as we continue to move through the process of creating the hall as a dedicated 'theatre space', further increasing the scope of activities for the centre.

Bluewater Fitness Centre

Term 1 Learn to Swim program concluded in early April with all enrolments participating in the Royal Lifesaving Society Swim and Survive water safety campaign.

During the April school holidays the Learn to Swim Team for the first time conducted a specialised target program for 15 children called "Whipper Snappers". These swimmers demonstrated great potential and enthusiasm and are seeking to develop competitive and recreational swimming skills and experience.

A healthy lifestyle and physical activity program is currently being developed in a partnership opportunity with Colac Otway Shire Maternal Health Unit targeting new mums in our

community. The pilot program is proposed to commence in May with a 5 week program promoting physical exercise, healthy eating, social connectedness and interaction within mainstream environments.

The Apollo Bay community pool officially closed in early April after a shortened summer season. The pool operations are proposed to recommence in November/December 2009 and the adjoining recreation centre facilities remain operational for School and community use throughout winter.

INFRASTRUCTURE & SERVICES

Roads to Recovery Funding (R2R)

The Minister announced Roads to Recovery funding on 25 March 2009 for the Colac Otway Shire totalling \$6,222,210 over the next five (5) years. Officers will be reporting to Council on the R2R funded roads in due course as part of the budget process.

Barwon Regional Waste Management Group (BRWMG) Business Planning Workshop

A Regional Waste Management Planning Workshop was held on 26 March 2009 at the Geelong BRWMG office attended by representatives of all member councils. Cr Stephen Hart and Manager Major Contracts attended the Planning Workshop as representatives of Colac Otway Shire. A presentation was made on key regional achievements e.g. mattress recycling, polystyrene recovery, plastic bag free program, public place recycling for major event venues, regional litter campaign and the like.

The workshop included a brainstorming session for identifying key priorities towards the 2020 vision incorporating household, industrial and commercial waste streams. The input from the workshop will be collated and prioritized leading to development of a long-term Waste Action Plan. A copy of this plan will be circulated amongst member Councils upon finalisation.

Inspection of Key Regional Waste Facilities

Cr Stephen Hart, and Officers attended a tour of key facilities in the Barwon Region organised by the Barwon Regional Waste Management Group. These facilities included the BRWMG Education Centre, GDP Industries, Dreamsafe Mattress Recycling, Skilled Stadium, Visy Recycling and the proposed Dicom AWT Facility Site. The inspection was informative and helped develop familiarity with the nature and scope of operations at these facilities.

Waste Education

The Australian Conservation Foundation ran a workshop in Colac on the 22 March, aimed towards a sustainable future. Key areas targeted were transport, energy waste and water. The sessions on waste education were led by Council's Waste Management Officer.

Work has commenced on the installation of new litter bins along Murray Street in between Corangamite and Gellibrand St, adjacent to the memorial square facing Dennis Street and the Colac Visitor Information Centre.

Apollo Bay Music Festival

The organizers of the Apollo Bay Music Festival sought Council's assistance for waste collection from the festival site because of a sudden withdrawal of their own waste contractors. Council officers assisted with waste collection services utilizing Council's waste collection contractors. The incurred costs will be reimbursed by the festival organisers.

Apollo Bay Harbour – Dredging Options and Sand Management Study

The Department of Sustainability and Environment (DSE) funded a study on future dredging and sand management options for the Port of Apollo Bay. The study will build upon the information available through previous studies with a greater focus on long term dredging options for the port taking into account the life and condition of existing dredging vessels, possibility of clearance of the groyne for increasing the sand trapping ability and measures for control of sand movement into the harbour through breakwaters. The study will provide clear directions on sand control measures.

Apollo Bay Harbour – Asset Data Upgrade

DSE is undertaking an asset data upgrade for all South West Ports including the Port of Apollo Bay utilizing Asset Engineers. On Wednesday 8 April 2009 an asset engineer from GHD Geelong visited the Port of Apollo Bay and held discussions with the Port Manager and the Team Leader on the condition of various assets. The objective of DSE is to update the asset data base taking into account the condition of asset, remaining life, current value of assets and renewal costs. The asset data once updated will be used by DSE for determining work priorities and program funding.

Capital Works

- Implementation of the 2008/09 Capital Works Program is proceeding well, with 47% of infrastructure projects completed by March 2009. Of the remaining projects, 34% of projects are either ready for construction or construction has commenced.
- For the 68 projects directly managed by the Infrastructure and Services Department, 32 projects are completed, 24 projects are currently being constructed or implemented, 4 projects have been deferred, and 6 projects are behind schedule. Of the 6 projects that are behind schedule, it is anticipated that at least three of these projects will still be completed by the end of the financial year, as the projects are not reliant on favourable construction weather.
- Rehabilitation of Gallop Street at the Princes Highway intersection began on Monday 6 April 2009 and is expected to take about 2 weeks. Access to the industrial area north of the highway is via Marriner Street.
- Swan Marsh-Irrewillipe Rd construction is well underway. The project is in 2 parts. The 1.6km section west of Irrewillipe-Pirron Yallock Road was sealed on Friday 4 April 2009 leaving some minor works to finalise. The Intersection with the Timboon-Colac Rd is awaiting finalisation of some details with VicRoads. These works are anticipated to start in mid to late April.
- Works on Pound Rd commenced on 9 February 2009. The existing pavement was stabilised and the base course material placed. Problems with compaction of the base course material led to works being postponed on the 24 February 2009. Pavement testing in the form of Falling Weight Deflection tests were carried out on the 3 April 2009. The preliminary results of this testing are expected later this week. Decision about continuing work and what, if any, remedial works are required will depend upon the results and the recommendations of the geotechnical engineers.
- Officers have been continuing with the development of the Capital Works database to capture a range of projects across the Municipality. This will enable Officers to develop a 10 year Capital Works Program.

Binns Road Bridge - Design And Construct

Work commenced on site in March to demolish the existing Binns Road Bridge and start construction of a new single span bridge.

Prefabricated concrete super T beams and wingwall panels were transported from the casting yard in Tasmania and installed over three driven piles at each end. Each T beam weighs 24 tonne and was placed by a 250 tonne crane in preparation for the reinforced concrete deck.

It is expected the bridge will be opened to traffic in late April, 2009, after concrete has cured and reached the required design strength. Installation of barrier rails and appropriate signage will follow.



View of south abutment

Placing Super T Beams

Tenders

Current tenders advertised are :-

- 0906 Apollo Bay Transfer Station Construction – closed 16 April
- 0907 Supply & Deliver Grader - closed 15 April
- 0910 Supply & Service Of Multi-Function Devices (Photocopiers/Printers) - closed 15 April

Memorial Square Shrine Improvements

Works are nearing completion to install additional lighting at the Memorial Square Shrine. These lighting improvements are a component of a larger project to rehabilitate sections of stone work on the adjacent feature walls and garden bed. Additional lighting will provide both improved security and will be used during future ANZAC Day ceremonies. This project was made possible through funding received from the Department of Planning and Community Development.

COPACC Painting

Painting of the external walls around COPACC has commenced and is likely to be completed by mid April. However, this completion date is largely weather dependent. Other preparatory works include replacement of areas of plaster which had suffered due to water damage. This project is being completed as part of Council's annual Building Renewal Program at an approximate cost of \$35,000.

Sealed Road Condition Survey

Puredata Ltd have been engaged to undertake a condition audit of sections of Council's sealed road network. The areas to be surveyed include lengths of sealed road located in the northern and southern parts of the municipality. This is a rolling inspection program and it is to note and record those visible defects that can indicate the condition of the pavement structure and surface of a road pavement, assess the extent of defects, and estimate their relative severity. This survey will also include the capture of digital image information for those roads inspected. This will provide a valuable desktop information source. The information collected from these surveys provides input into Capital Works Planning and assessment of long term road rehabilitation needs. This project will be completed at a total cost of \$30,000.

Bridge Testing Program

Council has recently engaged Integrity Testing Pty Ltd to undertake inspection and structural assessment of the following bridges for a total cost of \$25,030 (ex.GST):

Bridge No	Road Name	Locality
CS022	Upper Gellibrand Road	Barramunga
CS044	Apollo Bay Recreation Reserve	Apollo Bay
CS051	Rollings Access	Kawarren
CS052	Veseys Access	Kawarren
CS055	Raffertys Road	Gellibrand
CS060	Scorcis Access	Johanna
CS249	Upper Gellibrand Road	Barramunga

The results of this testing will provide:

- A determination of the load capacity for each of the bridges nominated;
- An assessment of remaining useful life; and
- A rehabilitation strategy (if applicable) for each structure with consideration of cost/benefit for treatment options nominated.

The information from these assessments provides the ability to prioritise future bridge rehabilitation programs and to assess if load limits should be imposed on certain structures for the purposes of ensuring public safety. It is intended that these inspections will be undertaken during April 2009.

Saleyards

Work has commenced on the installation of the security gate and fence at the entrance to the Saleyard, with foundations poured and electrical cabling commenced.

The Truck Wash operations are progressing well with Council achieving savings in water supply costs and waste disposal costs due to the change in operating times.

Cosworks

Works carried out by Council's maintenance and construction crews to date are as follows:

- **Road Regrading:** Maintenance grading is being undertaken in all areas as weather permits.
- **Road Pavement Minor Patching:** Ongoing in all areas
- **Major Patching;** Springs Road and Hennigan Crescent intersection
- **Gravel Road Re-sheeting:** Undertaken in Warncourt Cemetery, Back Larpent, Collyers, Prices Lane, McPaddens, Callahans Road, Dewings Road and Forans Road.
- **Major Drainage completed:** Carlisle – Gellibrand, Ashes, Costins Access, Egans Track, Old Coach, Wild Dog, Tuxion and Sunnyside Roads
- **Routine Drainage:** Ongoing program mainly in the Otway areas
- **Vegetation and Tree Maintenance:** Ongoing program mainly in the Otway areas.
- **Footpath Replacement:** Gravesend, Queen, Wilson, Corangamite, Wilson, Murray, Manifold and Skene Streets.
- **Linemarking;** Statcons completed in all parts of the shire. Rural centreline marking has started.
- **Township Mowing:** This has been undertaken in all townships as required.
- **Weed Spraying:** This has begun around Roadside furniture.
- **Bridge Maintenance:** Spraying completed around structures
- **Gardens:** General maintenance and tree trimming, Shire-wide.
- **Capital Works:**
 - Slip repairs completed at Lardners Track, Hiders Access, Guardrail installed at Christies Road and Swan Marsh Road
 - Drainage at South Colac and Hamilton Street completed
 - Swan Marsh – Irrewillipe 70% completed
 - Binns Rd Slips and Drainage completed. Resheet 50% complete
- **Playground Maintenance:** Inspect and repair defects
- **Roadside slashing:** Works program completed.

SUSTAINABLE PLANNING & DEVELOPMENT

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

Written submissions outlining possible interim uses for the Heathfield Reserve site closed on Friday 17 April 2009. The issues identified will be included in a report prepared for Council consideration after this time.

Beeac Broiler Farm Proposals

An amended proposal has been received by Council Officers based on an agreement between the applicant and objector representatives for a single 640,000 bird capacity broiler farm at 210 Pierces Road Beeac, replacing two previous applications for that property.

Council considered a report on this matter at a Special Council Meeting on 15 April 2009.

Review of Victorian Code for Broiler Farms 2001

The Department of Primary Industries (DPI) recently released a revised draft Victorian Code for Broiler Farms for public comment. A number of public information sessions were run by DPI in early April. Council Officers attended the Geelong session. Broiler farm growers, Industry representatives and local government planners were present at the information session.

Council Officers will review the draft Broiler Code and prepare a submission for Council consideration. Submissions are due by 9 May 2009.

Review of Planning and Environment Act

The Minister for Planning has released a discussion paper "Modernising Victoria's Planning Act" which describes opportunities to improve the Planning and Environment Act 1987. The review aims to simplify current laws, remove redundant provisions, and strengthen timeliness in the planning process, including an examination of the planning permit and amendment processes. Submissions are invited from the community, industry, the planning profession and local government. The due date for submissions is Friday 1 May 2009. The MAV will be coordinating a sector-wide response. DPCD plans to establish a series of working groups to progress issues and themes raised in the discussion paper. Further information can be obtained from DPCD's website: www.dpcd.vic.gov.au/planning. Council Officers will be reviewing the discussion paper and will advise Council accordingly.

VCAT Review

The President of VCAT is conducting a review of VCAT to ensure it remains accessible to all Victorians and continues to improve its capacity to resolve disputes effectively and fairly. A consultation paper has been prepared. Submissions close on 8 June 2009. VCAT will be holding a number of information forums in April and May 2009. Further details can be obtained from the VCAT website: www.vcatreview.com.au/events.

Earth Hour

Council promoted and actively participated in Earth Hour in 2009 by organising a Free Family Movie Night on 28 March 2009 at the Colac Cinemas. Families or individuals who registered with Council to take part in Earth Hour 2009 by switching their lights off for 1 hour between 8:30pm and 9:30pm that day received free tickets. The movie shown was Wall-E (Pixar's Oscar-winning environmental fable about a lone robot charged with cleaning up a polluted Earth 700 years in the future). The event was powered by 100% accredited and certified GreenPower™ renewable energy by AGL and over 100 people attended. Although the amount of emissions reduced by the activities in Colac was not significant in itself, Earth Hour reaches more than one billion people in 1000 cities around the world. The event sends a strong message to world leaders for action on climate change.

Fire Prevention and Native Vegetation

The fires on 7 February 2009 have significantly increased the amount of enquiries relating to clearing native vegetation for fire prevention. The rules and regulations associated with vegetation are complex, and the recent fires have raised even more questions about the

current system. At times, tension is created where there is residential development within bushfire prone areas.

This is particularly relevant when considering the need to protect a dwelling from fire risk, and the need to protect vegetation and the character of the area. The challenge is to reach an appropriate balance between competing interests.

Federal, state and local planning policies all seek to protect vegetation while recognising the potential fire risk presented. In response to the recent fires across Victoria, the Victorian Government has 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. Through the Royal Commission, 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.

It is important to highlight that significant penalties apply for inappropriately removing vegetation under the Australian Government's *Environmental Protection and Biodiversity Conservation Act*, the Victorian Government's *Flora and Fauna Guarantee Act* and *Planning and Environment Act*. This legislation also applies to Council which has clear and significant responsibilities to both enforce and abide by the restrictions imposed. While it is understandable that people are concerned about bushfire safety, the current bushfire research, based on investigations following the disastrous Canberra fires, indicates that healthy trees help break wind speeds and assist in filtering flying fire embers. At the same time, it is also recognised that trees and vegetation close to homes can be dangerous but the message to the community is that anyone thinking about clearing vegetation needs to make sure they contact relevant agencies before proceeding.

Lake Colac Revegetation and Weed Control Plan

The implementation of the Lake Colac Revegetation and Weed Control Plan has been endorsed as an operational document. The first actions that have been 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 response from the community has been very positive. Now that the trees are removed mulch can be spread out over the area and indigenous vegetation can be planted. This initiative will make the area safer, more attractive and improve the health of both the creek and the lake. Subject to budget approval the next section of the creek (between the foot bridge and the Scout Hall) will be treated in a similar fashion during the next financial year.

Visitor Information Centres

An internal redevelopment of the Colac Visitor Information Centre is being planned. The project will use a combination of Federal and State funding. It is planned that the customer service area will be expanded to take in the little used meeting room providing a much more customer friendly centre which will benefit both visitors and operators alike. It will also allow for a more defined retail section which will assist in boosting the retail sales of the centre. The upgrade will also include an area for two public access internet computers and a large screen TV which will be used for promotional activities.

Federal Funding for Community Infrastructure

Council has received notification from the Federal Government of agreement to projects submitted under the \$525,000 grant that Council received under the Regional and Local Community Infrastructure Program.

The list of projects approved by Council for construction under this program were:

- Bluewater Fitness Centre Improvements
- Colac Visitor Information Centre Upgrade
- Apollo Bay and Lavers Hill Footpaths
- Colac Saleyards (Colac Livestock Selling Centre) secure fence and gate
- Forrest Tiger Trail - 1.8kms

After Council was advised by the Federal Government on 17 February 2009 that the Colac Saleyards project was ineligible under the program, it was determined that the \$65,000 allocated to this project would be reallocated to the construction of pathways in Apollo Bay and Birregurra.

Working Women's Networking Event

The third Working Women's Networking Event was held 24 March at COPACC with Vanessa Schernickau, Director of Intrinsic People P/L, speaking to the group on Life Balance. Over 40 local women in business attended and there was a lot of enthusiasm from attendees. An added spin-off from the event is that a "Walking group" has been established. Local business women will get together during their lunch breaks as a fitness and social activity.

3 Hour Sale

A very successful retail event took place on Saturday 21 March 2009 where over 80 local retail businesses participated in a "3 Hour Sale". Coordinated by 3CS/MIXX FM, Colac Herald, Otway Business Inc and Otways Tourism, the day attracted people from outside of the Shire to take advantage of the great sales Colac businesses had to offer. Feedback on the sale has been very positive.

Trade Training Centre

The Manager Economic Development is representing the Shire on the Colac Otway Secondary Cluster Project Management Group for the development of a Trade Training Centre (TTC). He has also convened the first meeting of the Industry Advisory Committee (IAC) to advise the Group Board on local and regional skills shortages. The IAC includes representation from the Building and Construction, Finance, Tourism, Employment, Manufacturing and Timber sectors, State Government, and the Australian Industry Group.

Recommendation(s)

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

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**OM092204-2 2008/2009 THIRD QUARTER PERFORMANCE REPORT**

|             |              |           |            |
|-------------|--------------|-----------|------------|
| AUTHOR:     | Colin Hayman | ENDORSED: | Jack Green |
| DEPARTMENT: | Executive    | FILE REF: | GEN01688   |

**Purpose**

This report provides information to Council and the community on the progress of achieving Council Plan priority issues, Capital Works Program, Financial Performance and Contract Performance.

Please refer to the Attachments to this report for more detailed information on:

- Council Plan Progress Report;
- Capital Works Progress Report; and
- Financial Performance

**Background****Council Plan Progress**

The attached report provides Council with the third quarter progress report as at 31 March 2009 for the 2008/09 financial year against the Council Plan 2005-2009.

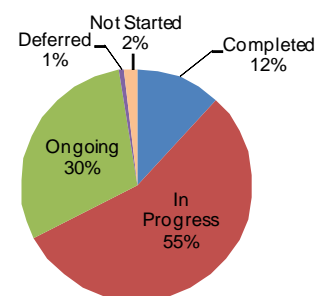
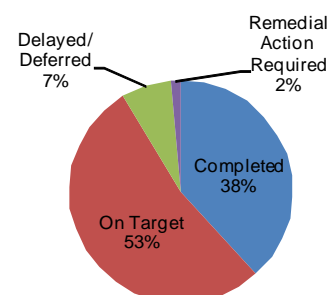
The Council Plan consists of seven themes or "Community Priorities", for the Shire during the four year Council Plan period.

- Strong Leadership;
- Roads and Infrastructure;
- Planning and Development;
- Health, Recreation and Community Services;
- Economic Development;
- Environment Sustainability; and
- Financial Sustainability.

Each Community Priority incorporates a number of Council Plan Objectives (what we want to achieve) and Strategies (how we will approach it). The Strategies are reviewed and updated every 12 months and form the basis of Annual Business Plans (what we will do) and Budgets for each Business Unit of Council.

The Council Plan contains 68 strategies. Of these, 33 are completed, 28 are on target and 7 are delayed or deferred. NB: Council Plan strategies and actions cannot be deferred unless this course of action is endorsed by Council.

Progress against the strategies and Annual Business Plan actions are routinely updated in the Interplan® business software performance system. Along with progress comments, responsible officers are required to indicate the current status and the percentage of achievement.

**Progress of Council Plan Actions****Council Plan Strategies**



Annual Business Plans contain a total of 116 Council Plan actions for the 2008/09 financial year. Of these 60 Actions are 'In Progress', 36 are Ongoing, 18 are completed, 2 are deferred or delayed.

As at 31<sup>st</sup> March 2009, the end of the third quarter, the organisation is on track to achieve a successful outcome for this financial year.

### **Development of the Council Plan 2009-2013**

Work progresses on the development of the Council Plan 2009-2013, with the process being a collaboration between elected Councillors, the organisation and the Colac Otway Shire community.

Objectives, Strategies and Key Actions have been developed for each of the Key Result Areas. At a Council Workshop held in January, the draft Strategies and Objectives, along with the Vision, Mission and Values, were workshopped. Based on Councillor feedback, a new Vision, Mission and Values were drafted and the Objectives and Strategies were refined.

During February and March a Community Engagement process, consisting of a survey on the Strategies in the draft Council Plan and eight Community Forums, held around the municipality, was conducted. Over 759 people took the opportunity to participate in the survey and 132 ratepayers were consulted at the Forums. Outcomes from the consultation process will provide direct input to the Council Plan.

Development of the Council Plan has also taken into consideration the results of detailed research undertaken on key factors and issues impacting on the future growth and development of the municipality. The results of the research will be included as an attachment to the Council Plan.

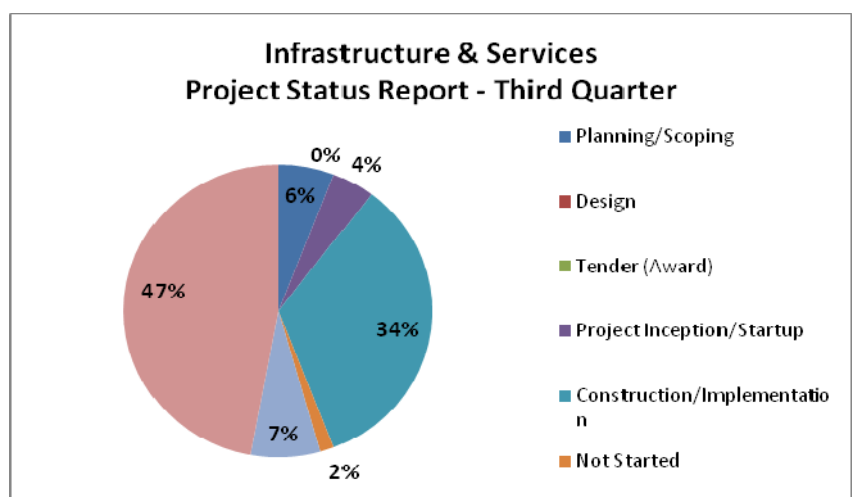
The draft Council Plan will continue to be refined as a result of further Council Workshops before being put out for public comment. Once finalised and adopted by Council, the Council Plan 2009-2013 will be sent to the Minister for Local Government by the legislated date of 30 June 2009.

The Council Plan will underpin and guide Council's work and establishes the direction and priorities for the organisation for the next four years. Supporting plans such as business plans and specific topic strategies are also aligned to the Council Plan. Progress against the Plan will be measured at least quarterly and annually, in reports to Council and the publication of the Annual Report.

### **Capital Works Program**

The capital works budget for the year in 2008/09 is \$10.114 million of which \$9.664 million relates to capital asset works and \$450,000 to major operational projects.

Implementation of the 2008/09 Capital Works Program is proceeding well, with 47% of



infrastructure projects completed by March 09.

Of the remaining projects, 34% of projects are either ready for construction or construction has commenced.

While the progression of project delivery from half year results (36% project completion) is encouraging, the delivery of some projects will be delayed due to the significant changes being made to existing systems for the planning and execution of projects. One project that has experienced significant delays is the construction of the Old Beechy Rail Trail from Dinmont Station to Beech Forest. The main causes of the delay for this project are in obtaining a Cultural Heritage Management Plan and completing the land exchange. So far the expected time taken for the development of a Cultural Heritage Management Plan is in excess of 9 months, and as yet Council is still to receive a completed and approved plan. The road exchange also is not yet complete.

Some challenges that have impacted on the delivery of projects to date include internal resourcing and the implementation of a new project management process. The improvements made to existing project management processes have been essential in order to minimise levels of risk to Council and increase the levels of accountability on individual project managers while providing a documented history for each project. These project management processes are also supported by the Project Review Group, which has been established to provide a forum for a review of project design and development from a broad range of internal stakeholders. The aim of this group is to highlight risks associated with a particular projects design and delivery are identified early in the development phase to ensure effective and timely management of such issues.

An analysis of the projects indicates that 47% of projects have been completed, 34% of projects are in the construction/implementation phase, 4% have reached start-up or ready for handover, 10% within the planning cycle, and 2% yet to start.

For the 68 projects directly managed by the Infrastructure and Services Department, 32 projects are completed, 24 projects are currently being constructed or implemented, 4 projects have been deferred, and 6 projects are behind schedule. Of the 6 projects that are behind schedule, it is anticipated that at least three of these projects will still be completed by the end of the financial year, as the projects are not reliant on favourable construction weather. Of the remaining three projects that are expected to be delayed beyond the end of the financial year, all projects have experienced lengthy delays during the planning phase due to required permits and management plans taking longer than anticipated.

The 5 projects that have been deferred include the Cressy Shelford Road final seal, Alexander Street rehabilitation, upgrade of stormwater drainage from Armstrong Street, Colac Lawn Tennis Club improvements. One project, being the rehabilitation of the Division Road bridge, was deferred with the budget allocation being reprioritised to bridge rehabilitation works at the end of Barham River Road.

Full details of the progress of each individual capital works project contained in the 2008/09 program are presented in the attached 'Interplan' Council Plan Capital Works Progress Report.

## **Financial Performance**

The third quarter report continues to reflect the difficulties inherent in delivering projects and activities in the complex regulatory and economic conditions faced by local government.

We can see that at 31 March 2009 it is forecast that the cash position deficit for the 2008/2009 year will be approximately \$0.488 million. It is worth noting that the cash position includes carried forward surpluses from prior years. Budget expectations were for a cash flow deficit of approximately \$1.1 million over the course of the year, so although the forecast result is not on a positive footing, the forecast deficit is a substantial improvement on the budget.

Additionally, based upon current forecasts, an operating surplus of approximately \$0.78 million is predicted for the year. This is approximately \$0.565 million more than the budget result expected for the year and can be attributed in part to the additional Commonwealth funding provided. The difference between budget and forecast is a positive result; especially considering that at the time the budget was prepared Council was unaware of the need to undertake road rectification works.

It continues to be a priority of Council to achieve an operating surplus for the 2008/2009 year and that we will continue to refine our forecasts and adjust our activities to ensure that, insofar as it is possible, Council is in the position to report an operating surplus for the 2008/2009 financial year.

Council has a cash at bank balance of \$9.79 million, which is higher than for the same time in 2007/2008. Rates notices were issued to rate payers in September and reminders for instalments sent as required in each quarter with final instalments due 31 May. To date we have received 84.20% of the rates and charges which is a slightly lower proportion than for the same period last year of 85.00%. Council has also received \$0.150 million in investment interest for the year to 31 March 2009 which is lower than for the same period last year due to significant reduction in the investment interest rates.

Council's financial position will continue to be monitored with the following aims in mind:

- An operating surplus achieved for the second consecutive year;
- Council continuing to meet the Infrastructure Renewal Gap;
- Delivery of projects designed to enhance the community;
- Delivery of a strong capital works programme; and
- An improved positive financial position.

Our focus now shifts to ensuring that we deliver a relevant and responsible budget for the new financial year. In order to move forward with confidence, careful and regular analysis of our position will be required in order provide the basis for the delivery of the new budget. With system wide changes nearly upon the organisation we are striving to ensure that we are in the position to supply Council with timely and considered financial reporting to aid in the decision making process.

**Contracts awarded and Tenders Advertised**

Contracts awarded and tenders advertised for the quarter ending March 2009.

**JANUARY 2009****Contracts Awarded**

| <b>Contract No.</b>       | <b>Description</b> | <b>Contractor</b> | <b>Value \$<br/>(excluding GST)</b> |
|---------------------------|--------------------|-------------------|-------------------------------------|
| No Contracts were awarded |                    |                   |                                     |

**Tenders Advertised**

| <b>Tender No.</b>          | <b>Description</b> | <b>Closing Date</b> |
|----------------------------|--------------------|---------------------|
| No Tenders were advertised |                    |                     |

**FEBRUARY****Contracts Awarded**

| <b>Contract No.</b> | <b>Description</b>                         | <b>Contractor</b>  | <b>Value \$<br/>(excluding GST)</b> |
|---------------------|--------------------------------------------|--------------------|-------------------------------------|
| 0819                | Central Reserve Hockey Field Redevelopment | Turfcare & Hire    | 193,048                             |
| 0820                | Colac & Apollo Bay Carpark study           | Maunsell Australia | 75,000                              |

**Tenders Advertised**

| <b>Tender No.</b> | <b>Description</b>                       | <b>Closing Date</b> |
|-------------------|------------------------------------------|---------------------|
| 0901              | Supply & Deliver Backhoe/Loader          | 4/3/09              |
| 0902              | Supply & Deliver 4WD Out Front Mower     | 4/3/09              |
| 0903              | Supply & Deliver Three 3Tonne Tip Trucks | 4/3/09              |
| 0904              | Supply & Deliver 5 Cubic Metre Tip Truck | 4/3/09              |

**MARCH****Contracts Awarded**

| <b>Contract No.</b> | <b>Description</b>                                        | <b>Contractor</b> | <b>Value \$<br/>(excluding GST)</b> |
|---------------------|-----------------------------------------------------------|-------------------|-------------------------------------|
| 0808                | Aged & Disabilities Food Services (Meals On Wheels) Colac | Colac Area Health | Schedule of Rates                   |

**Tenders Advertised**

| <b>Tender No.</b> | <b>Description</b>                         | <b>Closing Date</b> |
|-------------------|--------------------------------------------|---------------------|
| 0815              | Birregurra Skate Park Construction         | 1/4/09              |
| 0906              | Apollo Bay Transfer Station Construction   | 16/4/09             |
| 0907              | Supply & Deliver grader                    | 15/4/09             |
| 0910              | Supply & Service Of Multi-Function Devices | 15/4/09             |

**Council Plan/Other Strategies/Policy**

The Council Plan provides the elected Council and the organisation with its aims, goals and strategic objectives for the period 2005/09.

**Issues/Options**

Details on programs and projects either completed or progressing well in the first 9 months of 2008/09 are included in the body of the report.

**Risk Management & Compliance Issues**

There are no statutory requirements for this reporting to take place, but it is considered good practice to undertake this reporting to the community. Colac Otway Shire's integrated planning framework includes a regime of quarterly reporting to Council to monitor the implementation of the Shire's Annual Business Plan's activities.

**Environmental Considerations**

There are no environmental implications.

**Communication Strategy/Consultation**

Colac Otway Shire's integrated planning framework includes a reporting regime of quarterly reporting to Council to monitor the implementation of Annual Business Plan activities and initiatives as approved in the 2008/09 Annual Budget and 2005/2009 Council Plan.

**Implementation**

Not applicable

**Conclusion**

There has been significant progress on achieving Council Plan priorities and the Capital Works Program is highlighted. Council will continue to be updated monthly on progress of these projects through the Chief Executive Officer's update in the Council agenda.

Council Plan Progress Report indicates that the majority of actions listed for the fourth and final period of 2005/2009 Council Plan are underway and the Capital Works Progress report indicates significant progress on projects.

**Attachments**

- Council Plan Progress Report
- Capital Works Progress Report
- Financial Performance Report

**Recommendation**

***That Council receive the 2008/09 Third Quarter Performance Report for the nine months ending 31 March 2009.***

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✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Priority 1 Roads and Infrastructure

Objective 1.1 Increased State and Federal Government funding for infrastructure projects

| Strategy | Status | Comments |
|---|--------|---|
| Advocate for the upgrade of Turtons Track as a major sealed 2WD Touring route. | ✓ | |
| Advocate for improved infrastructure services – telecommunications | ✓ | Optus have advised that their plans are on hold in relation to Forrest and Lavers Hill. Telstra have advised that Beech Forest is still a high priority and Forrest is now under consideration. |
| Advocate for the upgrade of the main access roads between Princes Hwy and the Great Ocean Road including the Colac/Forrest Road, Birregurra/Forrest Road, Forrest/Skenes Creek Road and Forrest/Apollo Bay Road and the Colac/Lavers Hill Road consistent with actions contained in the Great Ocean Road Regional Strategy. | ✓ | Colac-Lavers Hill Road upgrade works have commenced based on constructing an 8 metre seal for the full length. The project cost is \$15 Million and commenced in November 2008. The project consists of 4 stages and Stage 1 - Colac to Ferguson will be constructed in the current financial year. |
| Advocate for the location of the Geelong By-Pass connection with the Princes Highway to enable a continuous 100kmh speed zone. | ✓ | |
| Advocate for the Construction of a dual carriageway Princes Highway from Geelong to Colac and then beyond to the South Australian border. | ✓ | VicRoads has announced funding for the Waurin Ponds to Winchelsea section, with construction expected to be completed in late 2010. |
| Advocate for the development of an alternative heavy vehicle route for the City of Colac. | ✓ | See below. |
| Advocate for the identification of a designated route for the future location of a Colac By-Pass for the Princes Highway. | ✓ | Discussions undertaken with CEO & VicRoads at the Council offices on 13 March 2009, requesting that VicRoads advise of the process and timing for reviewing the Colac by-pass options. VicRoads will respond in writing, and have commenced origin destinations surveys for freight movements. |
| Continue increased funding of infrastructure asset renewal, particularly on rural road resheeting, drainage, timber bridges and footpaths. | * | Renewal forecasts reviewed to inform 2009/10 budget planning process. Long term forecasts will also provide direct inputs to development of Strategic Resource Plan and Long Term Financial Plan. |

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Objective 1.2 Improved and renewed infrastructure

| Strategy | Status | Comments |
|--|--------|--|
| Investigate the feasibility of a Regional Saleyards complex with other municipalities in the G21 Region. | ✓ | Completed and reported to Council September 2005. |
| Develop and implement the Asset Management Plans and Asset Management System for all infrastructure categories. | * | Review of existing building stock to be undertaken using assessment tool provided through the Advanced STEP program. This will allow establishment of building performance which, matched with utilisation information, will provide an indication of those facilities which may be surplus to needs. Business case prepared for consideration to undertake a community service level review for roads. Further work to be undertaken to prepare background information. |
| Implement the Road Safety Plan and Council approved road safety initiatives in partnership with VicRoads and other agencies. | ✓ | Final report endorsed at the February 2009 Council meeting, and was exhibited for public comment. Public consultation phase is for a 6 week period, and is due to close mid April. Any submissions received will be considered for inclusion into the Road Safety Strategy, with final adoption anticipated by June 09. |
| Manage our roads consistent with Council's Road Management Plan. | * | Compliance with Road Management Plan as per reports to Road Committee. |
| Strategically manage the impacts on Council's local road network giving consideration to emerging industries and changes in transport demands. | * | A number of projects have either been completed or are in the process of being completed that address significant transport issues. These projects include the widening of Larpent Road, the replacement of the Binns Road bridge and resheeting works along the Beech Forest section of Binns Road. |
| Provide appropriate Waste Management facilities in accordance with Best Practice. | * | Long Term Program reviewed in light of delayed rehabilitation of Marengo, priorities re-set and costs reassessed. Minister's approval sought for extension of Council's waste contracts to 5 September 2010. |

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Priority 2 Planning and Development

Objective 2.1 Sustainable development of the Colac Otway Municipality

| Strategy | Status | Comments |
|---|--------|---|
| Develop and implement a Sustainability Action Plan for the organisation and the Community. | * | The Environment Strategy project plan has been signed off by the steering committee along with a draft terms of reference. Community engagement has been initiated through the Council Planning process to gauge the community's assessment of the major environmental issues Council needs to be addressing in the strategy. A first draft will be developed for the Steering Committee by the end of April. Water Audits finalised after some changes requested by relevant Facility Managers. Seeking external funding for implementation of recommendations. Blackout shutters installed in Civic Hall, COPACC and skylight installation scheduled for April school holidays. |
| Continue to implement the Lake Colac Master Plan and Management Plan, including advocating for funding contributions from the State Government, relevant Authorities and the community. | () | Delays in the approval of the Cultural Heritage Management Plan by Aboriginal Affairs Victoria have delayed any works. Actions have recently been taken to escalate the approval of the Plan to allow projects to proceed. The Lake Colac and Barongarook Creek Weed Control and Revegetation Plan has been endorsed by the Lake Colac Consultative Committee. As part of this Plan, the Elms and Poplars along Barongarook Creek between Murray Street to the walking bridge are going to be removed. |
| Continue the redevelopment of the Apollo Bay Harbour, including the development of a Concept Plan specific to the Apollo Bay Harbour precinct, which will form an important component of the Apollo Bay Structure Plan. | ✓ | Master Plan Project completed. Adopted by Council in October 2008, with this decision reaffirmed by Council in March 2009. Further feasibility work to be completed as part of the Business Case associated with the bid for State Government funds to implement the Master Plan. Planning Scheme Amendment and associated detailed investigations to commence upon allocation of State funds. |

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Objective 2.2 *Well planned and developed municipality*

| Strategy | Status | Comments |
|--|--------|--|
| Continue the development of the Colac Botanic Gardens. | ✓ | The WaterMAP (Water Action Plan) has been completed and submitted to Barwon Water. A major action from the Plan is to audit water usage at the Gardens. Council has participated in an EOI process to utilise recycled water from the Colac Water Reclamation Plant when it becomes available (likely 2009/10). Council has determined to use only Class 'A' or 'B' water and has written to Barwon Water expressing an interest in recycled water if raised to Class 'A' or 'B' standard. |
| Develop a Colac Structure Plan that provides a long term vision for Colac, by setting a planning and development framework that will provide for the orderly sequencing of development. This will ensure that community and infrastructure servicing, open space, industrial and commercial facilities are provided in a staged and efficient manner. | ✓ | Colac Structure Plan developed. Projects being developed out of the Plan include a detailed analysis of parking issues within the Colac Commercial Centre. The Structure Plan is being implemented through Planning Scheme Amendment C55 which was adopted by Council in October 2008 and is awaiting Ministerial approval. |
| Undertake a comprehensive review of the Colac Otway Planning Scheme and prepare an updated Municipal Strategic Statement and Local Planning Policy Framework to address the recommendations arising from the planning scheme review. | ✓ | Planning Scheme review completed. Ministerial approval for Amendment C55 of the Colac Otway Planning Scheme still pending. |
| Prepare a Developer Contributions Plan which will facilitate developer contributions towards the provision of social and physical infrastructure. | 0 | Deferred. To be reviewed in the second half of 2009. |
| Improve the Eastern Entrance to Colac. | 0 | Not yet funded due to other higher funding priorities of Council. |
| Complete the Apollo Bay Structure Plan incorporating the results of the Apollo Bay character Study to provide guidance and direction for the future development of Apollo Bay, including the identification of car parking needs, a continuation of the streetscape development program, and the development of a Concept Plan for the future development of the Apollo Bay Harbour. | * | Apollo Bay Structure Plan completed. The Concept Plan for the Harbour and the Parking Precinct Plan are being undertaken separately. A consultant has commenced work on the Apollo Bay carpark precinct. Parking surveys have been completed and an issues paper is being prepared for April 2009. Work will continue with the project, anticipated to be completed early in the 2009/10 financial year. |
| Complete a Neighbourhood Character Study and Structure Plan which will provide guidelines and a policy basis for determining development applications in the towns of Kennett River, Wye River, Skenes Creek and Separation Creek. | * | Structure plans adopted by Council in February 2008. An amendment to include the Kennett River, Wye River, and Separation Creek Structure Plans in the Planning Scheme being sought. A report to Council in February 2009 resulted in a resolution to include in the amendment, a rezoning of Low Density Residential land north of Separation Creek to Rural Conservation Zone. Ministerial authorisation to exhibit the amendment has now been sought on that basis. |
| Prepare Structure Plans that provide long-term vision and planning and development framework for the townships of Birregurra and Forrest. | 0 | Tender documents calling for consultants to undertake the project being finalised. The project will be completed in 2009/10. |

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

| Strategy | Status | Comments |
|---|--------|---|
| Through effective community engagement, develop a Colac Otway 2030 Vision, with a view to developing a long-term strategic vision for the municipality around a number of key themes including: Quality of Life, Environmental Stewardship, Built Environment, Local Economy, Tourism and Culture, and Living and Learning. | ✓ | Proposal had been developed for the development of a Community Plan, which was based largely on an external funding commitment, but the project was discontinued following a Council resolution in December 2008. |
| Priorities identified for the Hinterland are incorporated into the review of the Colac Otway Planning Scheme and the Economic Development and Environment Priority areas. These include the completion of the Neighbourhood Character Studies, Structure Plans, policy development and a review of the impact of the transfer of agricultural land to forestry use. | ✓ | Structure Plan, Neighbourhood Character Study, Planning Scheme review and Rural Land Strategy completed. Ministerial approval for Amendment C55 of the Colac Otway Planning Scheme still pending. |

Priority 3 Financial Sustainability

Objective 3.1 *Financial sustainability of the Colac Otway Shire Council*

| Strategy | Status | Comments |
|---|--------|---|
| Advocate for increased State Government recognition and funding as compensation for the Shire's larger than average area of non-rateable land. | ✓ | |
| Undertake a review of rating which includes: - Council Pensioner Rate Concessions - Other concessions and rental waivers - Special rates and charges schemes - An assessment of the impact of increased forestry use of land. | ✓ | Rating Strategy completed and implemented. |
| Maintain internal audit program based on the outcomes of the Risk Assessment Audit. | * | Audit Committee met in March 09 - normal scheduled meeting. New Audit plan was approved by Audit Committee focussing on Fraud and Risk analysis and Cash audit. |
| Optimise the effectiveness and work towards the minimisation of the Council subsidy for the Bluewater Fitness Centre, Colac Otway Performing Arts and Cultural Centre (COPACC) and Visitor Information Centres. | * | Federal Funding of \$300,000 secured to improve facilities at the Bluewater Fitness Centre, specifically at the Stadium. Continuing work on the COPACC Business Plan entails a mentoring project with Australian Business Arts Foundation to grow theatre attendances. The Tile Display Wall at the Great Ocean Road Visitor Information Centre is now full with advertisers, which will bring in over \$7,000 in revenue for the year. Other opportunities still exist for operators on the Big Screen TV, with these opportunities being virtually endless. |
| Ensure our debt is managed and levels are maintained below prudential guidelines. | ✓ | |
| Ensure our Financial Plan is sustainable. | * | Preparation of the Strategic Resource Plan has commenced. |

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Priority 4 Health Recreation and Community Services

Objective 4.1 Quality health and community services that promote community wellbeing

| Strategy | Status | Comments |
|--|--------|--|
| Develop, implement and review Council's Festival and Events Strategy. | * | Funding achieved from the Municipal Association of Victoria to conduct workshops to gain community input into the Events Marketing and Communications Plans, identifying methods for community and business groups to leverage off events. Workshops were held in Birregurra (10 th March) and Colac (30 th March), with a third workshop proposed for 20 th April 2009. The 2009-2010 Festival and Events Support Scheme was launched on the 27 th March 2009, with applications to close on the 8 th May 2009. Current training needs of event organisers have been identified through development of a survey and database. Guest speakers are currently being sourced for the training day planned for May/June. A successful partnership with Otways Tourism has been developed to co-fund the 2009 Great Victoria Bike Ride with Colac Otway Shire. |
| Ensure that Health and Wellbeing programs are available and accessible to all residents. | ✓ | Ongoing. |
| Continue to support strong integration between the Colac Otway Shire and Health Services within the Shire. | ✓ | Worked with a number of health services within the Shire on activities such as the recently launched Drug Action Plan; Health Promotion; Physical Activity and Healthy Eating; a Family and Children's Centre proposal; and various coordinated service planning issues. |
| Review and implement the recommendations of the Colac Otway Shire Arts and Culture Strategy. | * | Ongoing implementation collaboratively between COPACC and Recreation. |
| Assess the impact and demand implications of an ageing population. | ✓ | Positive Ageing Strategy reviewed. No direct impact on Council's Aged and Disability Services at this stage. |
| Implement the signage recommendations from the Colac Municipal Precinct Signage Access report. | ✓ | VicRoads have released the revised Tourist Signing Guidelines. These new guidelines are very comprehensive and will be used as a basis for the Colac Otway Shire Tourism Signing Policy. This policy will replace all previous documentation. |
| Coordinate, implement and support youth initiatives across the Shire. | * | Plans for World Environment Day for Meredith Park are underway which will involve up to 100 school children. |

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Objective 4.2 *Recreation facilities that support community participation and wellbeing*

| Strategy | Status | Comments |
|---|--------|---|
| Develop a sustainable approach for our sporting grounds. | * | User agreements to be rolled out with new Fees and Charges Policy. Officers to consider draft proposal before going to Council for consideration in April 2009. |
| Investigate strategies to fund and develop Central Reserve and Bluewater Fitness Centre Precinct. | * | The Department of Education and Early Childhood Development have advised the project tender for Stage 2 of the Beechy Precinct, including the Joint Use Library, has been awarded to BDH Constructions. Works are expected to commence over the coming weeks. At the March 2009 meeting Council resolved to accept the \$30,000 offered by Department of Planning and Community Development to investigate enhanced library services. |
| Develop, implement and review Council's Recreation Strategy. | * | Recreation Strategy adopted in August 2006. Year 3 of the Tennis Facilities program: Business Case submitted to include Tennis Audit and new works program. Regional Trails Master Plan: A workshop was conducted on the 27 th March 2009 with all project stakeholders to discuss the Draft Master Plan Report. An agreed timeline schedule was also developed to work through the draft review process, acknowledging the volume of project partners and each public display requirements. |
| Continue the renewal of Council's Playground Program. | * | Ongoing improvements further to the independent audits and community engagement. |
| Advocate for the development of a Hydrotherapy Pool located at the Bluewater Fitness Centre. | ✓ | Detailed advocacy undertaken. Resulted in Council decision not to proceed. |

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Priority 5 Economic Development

Objective 5.1 Regeneration of our small towns

| Strategy | Status | Comments |
|---|--------|---|
| Review the impacts of population growth and the need for workforce planning. | 0 | Deferred – low priority for the business community. |
| Continue Implementation of Small Town Improvement Program in partnership with community groups. | * | Applications for the Small Towns Improvement Program have been assessed by an internal committee of Council officers. Recommendations will be taken to a committee involving Councillors who will consider the projects for endorsement. Approved projects will become part of the 2009/10 budget. Signage for the townships of Birregurra, Barwon Downs and Cape Otway is progressing. |

Objective 5.2 Promotion of our local business and attraction of new business

| Strategy | Status | Comments |
|--|--------|--|
| Continue to implement the Economic Development and Tourism Strategy. | * | Brochure on Economic Development services and achievements printed and distributed; also published in the Colac Herald. Facilitated the Working Women's Networking group as well as promoted the 2009 business development training program. Database of current businesses completed and active. Dairy Industry project, 'Life's Good on the Farm' DVD launched. Project completed. A review of Affordable Housing Strategy actions to date has been compiled and will be presented to the Advisory Group in the next meeting. A Memorandum of Understanding between Colac Otway Shire and the new Affordable Housing group to be signed shortly. |
| Continue support for and attract additional Major Events to be held within the Municipality. | ✓ | Funding and resource support provided for Event development and delivery. Funding partnership with Regional Development Victoria developed. |
| Undertake a review of Council funding of tourism activities. | ✓ | Completed and recommendations implemented. |
| Advocate for the provision of a natural gas supply for Birregurra and extension of coverage for the whole of the Colac urban area. | ✓ | Birregurra and whole of Colac urban area is a longer term objective. |
| Work with the State Government to explore the possible co-uses of the Colanda site. | ✓ | Ongoing discussion and consultation looking at residents' needs. |
| Support an increase in nature based tourism opportunities across the Shire. | ✓ | Will be supported through the development of the Regional Trails Strategy. |
| Complete implementation of Old Beechy Rail Trail and undertake promotion of the Trail. | * | Ongoing requirement to continue work with the Beechy Committee of Management. |

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Objective 5.3 *Tertiary education opportunities and attraction of skilled and unskilled employees to our Shire*

| Strategy | Status | Comments |
|--|--------|--|
| Implement the recommendations of the Tertiary Feasibility Study by advocating and lobbying the State Government for additional training hours to be provided within the Shire. | ✓ | The Beechy Centre Global Connector will include a TAFE 'one stop shop' to coordinate TAFE training in Colac. |

Priority 6 **Environmental Sustainability**

Objective 6.1 *Best practice environmental management*

| Strategy | Status | Comments |
|--|--------|--|
| Establish environmental best practice as a benchmark for managing natural resources in relation to Council assets (including storm water management, energy use and water use). | * | In February 2009 Council was presented with Milestone 4 of the Cities for Climate Protection Program by a representative from the International Cities for Local Environmental Initiatives. Weed control works on Barongarook Covenant, Harrington Park, Poorneit Lane, Deepdene Reserve, Beeac and the Colac Bird Reserve are completed. Discussions are continuing with the CFA to undertake ecological burning operations where possible. Revegetation projects on some of these reserves are planned for winter. |
| Implementing environmental best practice through planning conditions in line with regional, state-wide and national legislation and established procedures in regard to land use management. | ✓ | Council continues to use planning conditions to improve land use management, particularly in relation to native vegetation management. Consultants appointed by the Colac Otway Shire continue to assist with professional advice regarding requirements Council has under the Code of Practice for Timber Production 2007. The majority of the Forestry auditing will occur in mid-late autumn once harvesting has been completed and re-establishment occurs. The web-based tool is expected to be completed before the end of the financial year. |

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

Objective 6.2 Local communities addressing local environment priorities

| Strategy | Status | Comments |
|--|--------|--|
| Implementation of approved recommendations from the three Towns Stormwater Management Strategy (concept Study). | 0 | Project brief prepared for consideration for funding of projects in 2009/10. |
| Focus on the control of weeds on both Council and privately owned properties. | * | Weed control works concentrating on Council land with conservation values are drawing to a close. A partnership between Council, Department of Sustainability and Environment and Parks Victoria has been established to address weeds on high conservation roadsides. |
| Pursue waste water issues in the towns of, Colac East, Birregurra, Cressy, Beeac, Forrest, Gellibrand, Kennett River, Separation Creek, Wye River. | * | SKM engaged by Barwon Water to develop a strategic plan for sewerage. Council involved in the assessment of current septic systems and which ones should go to sewerage. The conversion rate from septic tank systems to sewerage for domestic properties in Skenes Creek has slowed significantly. A review of properties yet to convert to sewerage will need to be undertaken with the view to finalise connection to sewerage by 2010. |
| Determine a location for the development of an Apollo Bay Transfer Station. | * | Site selected and land purchase agreement about to be finalised. Planning permit obtained. Tendering in progress to select the successful contractor. Tenders close 16 April 2009. |
| Raise awareness of environmental issues through increased community engagement and improved access to information. | * | Work has commenced to enhance and upgrade the Environment and Community Safety web pages. A newspaper column is being submitted every month. Issues covered between December and March included the Lake Drying, Water Saving and Energy Saving (Earth Hour). Fishing workshops across the Shire have commenced, with over 700 students from 9 local schools getting involved in the "Kids getting hooked on fishing" workshops. |

Objective 6.3 Addressing major environmental issues in partnership with State and Federal Government bodies

| Strategy | Status | Comments |
|--|--------|--|
| Investigate options for a future waste management system to be implemented following completion of the existing contracts in September 2009. | * | In progress - part of a Best Value review process. Will be completed in May/June 2009. |
| Develop a strategy for the provision of a hard waste collection throughout the municipality and options for a green waste collection for non resident property owners. | ✓ | Strategy developed and implemented. |

✓ Completed * On Target () Delayed/Deferred) Remedial Action Required

| Strategy | Status | Comments |
|---|--------|---|
| Working in partnership with other responsible authorities and environmental groups to improve facilitation of environmental projects. | * | A grant is being sought to remove carp from Barongarook and Deans Creeks and a workshop will be run to look at all the issues associated with a dry lake (e.g. Fairy Grass and dust). Council officers attended the meeting of the Otway Barham Reference Group and G21 Climate Change Alliance. The focus of the discussion was the opportunities to work together to value add to our initiatives such as weed control and sustainability actions. Council now has a database of roadside vegetation for 70% of roadside within the Shire. The remaining 30% will be surveyed in the coming months. A Department of Primary Industry funding submission for a grant to purchase geographical information system mobile software has been supported and the development of this project has begun. |

Priority 7 Strong Leadership

Objective 7.1 Strong community leadership, governance and advocacy

| Strategy | Status | Comments |
|--|--------|---|
| Councillors and Council Officers to advocate strongly to other levels of government on issues of importance to the Shire's communities. | ✓ | Continued active involvement in key industry associations and forums gaining information and providing input on issues relevant to Colac Otway Shire. |
| Continue the (Best Value) business planning process of organisational review: <ul style="list-style-type: none"> Annually identify potential savings and efficiencies that can be redirected by Council to higher priorities Work towards improved Community Satisfaction Survey results Assess the impact on the Council's reliance on grants Assess the level of community demand for services Undertake a review of the development and implementation of Council's major projects process | () | Completion of the Asset Development and Waste Management Best Value service reviews have experienced delay due to unforeseen circumstances, however both reviews will be completed within the 2008/09 financial year. The Waste Management Report is to be discussed at a Council Workshop in April prior to going to a Council meeting. The Audit Committee have reviewed the timetable for Best Value. To be further discussed in terms of resource implications. |
| Develop, implement and review Council's Volunteer Strategy. | ✓ | 5 Year Strategic Plan endorsed by Council in January 2008. |



Capital Works Progress Report

Period: 08/09



Capital Works Progress Report

Council Plan **1 Roads and Infrastructure**
Priority:

Council Plan **1.2 Improved and renewed infrastructure**
Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-----------|--------|---|--------------------------|------------------|------------|
| Strategy: 1.2.1 Investigate the feasibility of a Regional Saleyards complex with other municipalities in the G21 Region | | | | | | |
| 1.2.1.4 Colac Saleyards - Achieve compliance with Worksafe Saleyards Project | Completed | 100% | Water metre installed. Data being collected. 20.12.06. Data being collected expect collation in July 07.4.5.07

5.10.07 Cattle unloading ramps and Loading ramps to be completed by Nov 30 2007.No Change 10 Nov 07. July 08 Compliance achieved. Sep 08
No outstanding issues. Dec 08
No outstanding issues Mar: 09
No outstanding issues | | Manager Cosworks | 30/06/2009 |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|---|-------------|--------|---|--------------------------|-----------------------|------------|
| Strategy: 1.2.2 Develop and implement the Asset Management Plans and Asset Management Systems for all infrastructure categories | | | | | | |
| 1.2.2.2 Ensure timely preparation of tender documents and undertaking tendering process for capital works in conjunction with Asset Development Services. | In Progress | 75% | <p>Sep 08:
Maintaining performance in this area.</p> <p>Dec 2008 : All tendering currently complete. Several contracts to be evaluated and awarded.</p> <p>Mar 09:
All tendering up to date. New tender being prepared for Gellibrand Landfill.</p> | | Contracts Coordinator | 30/06/2009 |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|---|-------------|--------|---|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.6 Birregurra Footpath rehab | Completed | 100% | Dec 08:
Construction works completed. Paver sealing included in the scope of works as extra.

March 09:
Project completed | | Capital Works Coordinator | 31/08/2008 |
| 1.2.4.7 Bromfield St GPT | Completed | 100% | Sept 08 - Works completed mid September

March 09:
Works completed | | Capital Works Coordinator | 31/08/2008 |
| 1.2.4.8 Carpendeit-Bungador Rd (Dairy Industry Road Program) - Carry over project. Includes the upgrade of the Speedway Road Intersection | In Progress | 90% | Sept 08 - Works complete with the exception of the works on Speedway Rd corner

Dec 08:
Road upgrade works completed. Culvert upgrade at intersection with Speedway Road still to be completed.

March 09:
Quotes sought for culvert upgrades. Works programmed for completion by June 09 | | Capital Works Coordinator | 31/12/2008 |
| | | | | | | |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|--|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.9 Lighting Improvements - Forest Street, Colac East | In Progress | 80% | <p>Sept 08 - Powercor have provided quotation for initial proposal of \$30,000. Currently reviewing scope to undertake works within budget of \$10,000</p> <p>Dec 08:
Scope revised. Powercor engaged to complete street lighting upgrade with installation programmed for completion by the end of January 09</p> <p>March 09:
Still waiting for Powercor to carry out works</p> | | Capital Works Coordinator | 31/08/2008 |
| 1.2.4.10 Mclachlan St Footpath | In Progress | 95% | <p>Sept 08 - Works complete with the exception of the returns into Thomson St and minor clean up works. These works expected to be completed by early October</p> <p>Dec 08:
Construction works complete - only outstanding is minor sealing at the intersection of McLachlan Street and Thomson Street.</p> <p>March 09:
Still waiting for minor sealing works to be completed.</p> | | Capital Works Coordinator | 31/07/2008 |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|---|-------------|--------|--|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.11 Old Beechy Rail Trail Maintenance/Upgrades | In Progress | 75% | Sept 08:- Maintenance work proceeding as required.

Dec 08:
Maintenance work proceeding as required.

March 09:
Maintenance works proceeding as required. | | Capital Works Coordinator | 30/09/2008 |
| 1.2.4.14 Slater St - Construction of bike lanes and additional car parking spaces for the school. Manage project concurrent with Special Charge Scheme. | Completed | 100% | Sept 08 - Works completed in early September | | Capital Works Coordinator | 31/08/2008 |
| 1.2.4.15 Storm Water Management Study Colac | In Progress | 20% | Sept 08 - Project Brief prepared. Quotes to be sought in October

Dec 08:
Quotes received and consultant appointed

March 09:
Consultant appointed and are proceeding with study | | Capital Works Coordinator | 30/09/2008 |
| | | | | | | |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|---|-----------|--------|---|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.16 Wye R TV Tower upgrade | Completed | 100% | Sept 08 - Electronics upgrade works completed by Broadcast Australia in July. Security fence yet to be erected - expected in Nov/Dec when access is more reliable.

Dec 08:
Security fence yet to be erected

March 09:
Security fence installed. Works completed | | Capital Works Coordinator | 31/07/2008 |
| 1.2.4.18 Marks St - Special Charge Scheme. Construct unsealed shoulders | Completed | 100% | Oct 08: Works completed and final notices issued | | Manager Capital Works | 30/12/2008 |
| 1.2.4.19 Slater Street, Special Charge Scheme - Construction of unsealed section of Slater St | Completed | 100% | March 09
Second Notices for payment issued January 2009. Project completed. | | Manager Capital Works | 30/05/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|---|-------------|--------|--|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.29 Swan Marsh-Irrewillipe Rd - Construction
3.3-5.1km (Unsealed section to Timboon -Colac Rd) | In Progress | 75% | <p>Oct 08: - Design complete. Works to be undertaken by Cosworks. Currently finalising environmental assessment. Construction likely to occur in Feb/Mar 2009</p> <p>Dec 08:
Currently finalising the environmental requirements and planning permit. Construction likely to occur in Feb/March 2009</p> <p>March 09:
Practice completion reached on the construction of the road. Intersection improvement works to commence 14 April</p> | | Capital Works Coordinator | 30/03/2009 |
| 1.2.4.30 Larpent Road, Larpent - Pavement Widening & Sealing
0.6-4.1km Sth of Hwy (2 Narrow seal sections between Back Larpent Rd and Underwoods Rd) | Completed | 100% | <p>Oct 08: design 90% complete - completion expected by mid Oct. Environmental assessment complete. Cosworks to expecting to undertake work in Jan / Feb 2009</p> <p>Dec 08:
Practical completion of works, only outstanding works to be completed is the installation of a culvert endwall.</p> <p>March 09
Works completed</p> | | Capital Works Coordinator | 30/03/2009 |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-----------|--------|--|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.31 Poorneet Rd Final Seal
5.3km to 9.8km | Completed | 100% | Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)

Dec 08:
Completed as part of reseal program | | Capital Works Coordinator | 30/03/2009 |
| 1.2.4.32 Marks St - Special Charge Scheme - Final Seal | Completed | 100% | Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)

Dec 08:
Completed as part of reseal program | | Capital Works Coordinator | 30/03/2009 |
| 1.2.4.33 Slater St - Special Charge Scheme - Final Seal | Completed | 100% | Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)

Dec 08:
Completed as part of reseal program | | Capital Works Coordinator | 30/03/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|---|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.34 Pound Rd - Special Charge Scheme - Construction | In Progress | 40% | <p>March 09
Works commenced in late January 09 for the construction of Pound Road. Works have been placed on hold due to concerns with the strength of the subbase pavement. Further tests have been conducted by a pavement engineer. Anticipate a cause of action by the end of March 09 to be finalised, with works recommencing at this time. It is still anticipated the works will be completed by the end of April 09.</p> | | Manager Capital Works | 30/05/2009 |
| 1.2.4.35 Binns Rd - Rehabilitation 13km - 19km (Aire R. to Beech Forest Rd) | In Progress | 85% | <p>Oct 08: Scope complete, environmental assessment complete. Cosworks expect to undertake works in Apr/May 2009</p> <p>Dec 08:
Project planning completed, Cosworks expect to undertake works in April May 09</p> <p>March 09
Works commenced. Base course of material has been laid, all drainage improvements etc are completed. Wearing course to be laid in May</p> | | Capital Works Coordinator | 30/05/2009 |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-----------|--------|--|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.36 Cape Otway Rd - Final Seal | Completed | 100% | Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)

Dec 08:
Completed as part of reseal program | | Capital Works Coordinator | 30/03/2009 |
| 1.2.4.37 Carpendeit-Bungador Rd - Final seal
Bungador School Rd to Speedway Rd | Completed | 100% | Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)

Dec 08:
Completed as part of reseal program | | Capital Works Coordinator | 30/03/2009 |
| 1.2.4.38 Conns Lane - Final Seal | Completed | 100% | Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)

Dec 08:
Completed as part of reseal program | | Capital Works Coordinator | 30/03/2009 |
| 1.2.4.39 Hiders Access - Slip Rehabilitation at 0.3km | Completed | 100% | Oct 08: Scope of works complete, environmental assessments complete. Cosworks expect to undertake works in Apr/May 2009.

Dec 08:
Project planning completed, Cosworks expect to undertake works in April May 09

March 09
Works completed | | Capital Works Coordinator | 30/04/2009 |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|--|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.40 Division Rd - Bridge Rehabilitation | In Progress | 25% | <p>Oct 08: Scope finalised. Cosworks to do works in Apr/May 2009</p> <p>Dec 08:
Environmental assessments and referrals to be completed</p> <p>March 09
Project deferred. Budget allocation moved to bridge on Barham River as this work was deemed higher priority. Works are programmed in May</p> | | Capital Works Coordinator | 30/04/2009 |
| 1.2.4.41 Lardners Tk - Slip Rehabilitation 3.1km | Completed | 100% | <p>Oct 08: Scope of works complete, environmental assessments being finalised. Cosworks expect to undertake works in Apr/May 2009.</p> <p>Dec 08:
Project planning completed, Cosworks expect to undertake works in April May 09</p> <p>March 09
Works completed</p> | | Capital Works Coordinator | 30/04/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|---|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.42 Alexander St - Pavement Rehabilitation | In Progress | 50% | <p>Oct 08: Scope of works complete, pavement investigations underway, environmental assessments complete. Cosworks expect to undertake works in Nov/Dec.</p> <p>Dec 08: Project planning completed, Cosworks expect to undertake works</p> <p>Mar 09: Works reevaluated. Preferred option is to now undertake a slurry seal. Only available contractor is not available until September/October 2009. Works deferred until then</p> | | Capital Works Coordinator | 30/03/2009 |
| 1.2.4.43 Gallop St Rehabilitation 0 to 0.2km | In Progress | 50% | <p>Oct 08: Scope of works complete, pavement investigation underway, environmental assessment complete. Cosworks expect to undertake works in Nov/Dec.</p> <p>Dec 08: Project planning completed, Cosworks expect to undertake works</p> <p>Mar 09: Cosworks have completed Stage 1, Stage 2 (the intersection with the Highway) commenced on the 6/4/2009 and is expected to be completed by 17/4/2009.</p> | | Capital Works Coordinator | 30/04/2009 |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|--|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.44 Irrewillipe Rd - Final Seal 9.4 - 12.0 | Completed | 100% | Oct 08 : Works planned to be undertaken in conjunction with reseal program (Dec 08 - Feb 09)

Dec 08:
Completed as part of reseal program | | Capital Works Coordinator | 30/03/2009 |
| 1.2.4.45 Cressy-Shelford Rd - Final Seal - 3km to 6km | Deferred | 0% | Oct 08 : This project has been deferred based on advice from external design consultant

Dec 08:
Intended to be completed within the 2009/10 cap works program | | Capital Works Coordinator | 30/03/2009 |
| 1.2.4.46 Footpaths - Apollo Bay | Not Started | 0% | Oct 08: Not yet started

Dec 08:
Not yet started

Mar 09: Not yet started | | Capital Works Coordinator | 30/05/2009 |
| 1.2.4.47 Regent Place - Lighting Improvements | Not Started | 0% | Oct 08: Not yet started

Dec 08:
Not yet started

Mar 09:
Have liaised with Powercor and discussed options. Awaiting offer from Powercor for cost of preferred option. | | Capital Works Coordinator | 30/04/2009 |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|--|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.48 Road Furniture Upgrade | In Progress | 90% | Oct 08: Cosworks have commenced work

Dec 08: Cosworks have commenced work on the program

March 09: Expenditure is approximately 87% complete | | Capital Works Coordinator | 30/06/2009 |
| 1.2.4.49 Mitchell Grove - Guardrail | Completed | 100% | March 09 Works completed | | Manager Capital Works | 30/06/2009 |
| 1.2.4.50 Christies Rd - Guardrail | Completed | 100% | March 09 Works completed | | Manager Capital Works | 30/06/2009 |
| 1.2.4.51 Swan Marsh Rd - Guardrail 0.7km | Completed | 100% | March 09 Works Completed | | Manager Capital Works | 30/06/2009 |
| 1.2.4.52 Red Johanna - Guardrail 2.6km & 3.6km | Completed | 100% | March 09 Works completed | | Manager Capital Works | 30/06/2009 |
| 1.2.4.53 Hamilton St Drainage | Completed | 100% | March 09 Works completed | | Manager Capital Works | 30/11/2008 |
| | | | | | | |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|---|-------------|--------|--|--------------------------|----------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.55 Local Roads - Resealing Program (Capital). Annual reseal program (Budget \$790,000) | Completed | 100% | Oct 08: Tendered awarded to Boral. Sealing program to commence November/December 2008
Dec 08: Sealing program for 2008/09 largely complete. Will be finalised early 2009.
Mar 09: Sealing works completed | | Manager Sustainable Assets | 30/06/2009 |
| 1.2.4.56 Local Roads - Cosworks Supply/Cart Aggregate (Capital). Supply and cartage of aggregate to support reseal program (budget \$120,000) | Completed | 100% | Oct 08: Sealing works to commence during November/December 2008.
Dec 08: Sealing works largely complete. Programs finalisation early 2009.
Mar 09: Sealing works completed | | Manager Sustainable Assets | 30/06/2009 |
| 1.2.4.58 Binns Road Bridge. Replacement of existing bridge (budget \$450,000) | In Progress | 40% | Oct 08: Tenders currently being evaluated. Contract to be awarded at October 2008 Council meeting. All project planning completed (e.g. planning permit, etc)
Dec 08: Tender awarded to Van Ek. Preplacement bridge presently being designed. Anticipate onsite works to commence Feb/Mar 09.
Mar09: Onsite works commenced March 2009. Expected that works will be finalised by Easter 2009 | | Manager Sustainable Assets | 30/06/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|---|--------------------------|----------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.59 Pedestrian Area - Rae Street.
Works to replace pavers and areas of concrete footpath with poor condition in front of Rae Street Customer Service Centre. (budget \$25,000) | In Progress | 20% | Oct 08: Project planning commenced. Quotations currently being sourced to undertake works.
Dec 08: Quotations from asphalt contractors presently being sourced.
Mar09: Awaiting Exec sig off for removal of trees in front of Rae Street Office | | Manager Sustainable Assets | 30/06/2009 |
| 1.2.4.60 Armstrong Street Drainage | Deferred | 0% | March 09
Project deferred as other priorities for funds. | | Manager Capital Works | 30/06/2009 |
| 1.2.4.61 South Colac Recreation Reserve Drainage | Completed | 100% | March 09
Works complete | | Manager Capital Works | 30/06/2009 |
| 1.2.4.62 Montrose Ave - Drainage | In Progress | 25% | Oct 08: Not yet started

Dec 08:
Not yet started

March 09:
Scope of works have been defined with CosWorks. Works programmed for completion by the end of May | | Capital Works Coordinator | 30/06/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|---|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.63 Costin Street - Drainage | Deferred | 0% | <p>Oct 08: Not yet Started</p> <p>Dec 08:
Not yet started</p> <p>March 09:
Works deferred and will be incorporated into works proposed for 09/10, The works proposed in 09/10 include extends the scope of the works by improving the drainage and road width near the school through to the intersection with Montrose Avenue.</p> | | Capital Works Coordinator | 30/06/2009 |
| 1.2.4.64 Cressy Township Drainage Improvements | In Progress | 25% | <p>Oct 08: Stage 2 of those works commenced last year. Scope of works complete. Cosworks anticipate undertaking works in Apr/May 2009.</p> <p>Dec 08:
Cosworks plan to undertake works in April 09</p> <p>March 09:
CosWorks have programmed for completion by mid June.</p> | | Capital Works Coordinator | 30/06/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|--|--------------------------|---------------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.65 Birregurra Footpath | In Progress | 50% | Oct 08: Not yet started

Dec 08:
Not yet started

March 09:
Scope of works defined and quote for works excepted. Works programmed. | | Capital Works Coordinator | 30/06/2009 |
| 1.2.4.66 Old Beechy Line Rail Trail | In Progress | 20% | Oct 08: Yet to be formally advised about declaration of a piece of Crown land as a road. Awaiting results of Cultural Heritage Management Plan and environmental assessment.

Dec 08:
As above

March 09:
Quotes requested for works from Ditchley Park to Beech Forest Information Centre. Since waiting Cultural heritage Management Plan and finalising the land exchange process with DSE. | | Capital Works Coordinator | 30/06/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|--|--------------------------|------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.7 Unsealed Roads - Capital.
Report monthly on progress. | In Progress | 100% | Annual Resheeting program is on target with works been completed in Carlisle, Beech Forest, Kawarren, Alvie, Eurack Yeodene , Forrest, and Hordern Vale areas. Birregurra areas planned prior to New Year. 20.12.06 Angelsea gravel to be completed March 07 Rest of works completed by June 07. 4.5 07
5.10.07 Annual Resheet Program is on target with annual Program \$365,000 spent. 10.11.07 \$400,000 spent.
July 08 Report and Works Completed.
Sep 08
Works ahead of schedule
Expenditure \$420,000
Dec 08
Works on schedule. Expenditure \$500,000
Mar: 09
Works on schedule and will be completed by end of June 09 | | Manager Cosworks | 30/06/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan **1.2 Improved and renewed infrastructure**

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|---|--------------------------|------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.8 Drainage - Capital. Report monthly on progress. | In Progress | 100% | <p>Works planned to coincide Annual Resheet program.4.5 07</p> <p>5.10.07. MDW is on target with Works Program. \$65,000 spent.</p> <p>10.11.07 \$70,000 spent.</p> <p>July 08 Report and Works Completed.</p> <p>Sep 08
Works just started expect increase in expenditure as weather improves
Expenditure \$25,000.</p> <p>Dec 08
Works to increase with improved weather. Expenditure \$50,000</p> <p>Mar: 09
Capital drainage works well ahead of schedule</p> | | Manager Cosworks | 30/06/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|--|--------------------------|------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.9 Footpath - Capital. Report monthly on progress. | In Progress | 100% | Works to restart in March 07
Completion by June 07. 4.5.07

5.10.07 Works has started \$20,000 spent.10.11.07 \$20,000 spent.
July 08 Report and Works completed

Sep 08
Works started Expenditure \$15,000
Dec 08
Works ongoing. Expenditure \$44,000
Mar: 09
Works ongoing. Expenditure \$100,000 | | Manager Cosworks | 30/06/2009 |
| 1.2.4.10 Sealed Roads - Rehab. Report monthly on Progress. | In Progress | 100% | Asphalt at lake corangamite rd completed in Mar awaiting accounts 4.5.07.

5.10.07 Works about to start in Oct 07.10.11.07 \$60,000 spent.
July 08 Works completed .
Sep 08
Reseal prep works started 8.9.08
Dec 08
Works in progress. Expenditure \$140,000
Mar: 09
Works near complete. | | Manager Cosworks | 30/06/2009 |

Capital Works Progress Report

Council Plan 1.2 Improved and renewed infrastructure

Objective:

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|--|--------------------------|------------------|------------|
| Strategy: 1.2.4 Manage our roads consistent with Council's Road Management Plan | | | | | | |
| 1.2.4.12 Sealed Roads Aggregate Capital - Supply & Delivery of aggregate for Capital Road Reseal program Report monthly on Progress. | In Progress | 100% | Works completed 4.3..07.
5.10.07 Works to start in Oct 07.
10.11.07 Works 90% complete \$84,000 spent.
July 08 Completed.
Sep 08
Works started 6.9.08
Dec 08
Aggregate supply completed.
Stacksites to be cleaned up at completion of Reseal program
Mar: 09
Program completed | | Manager Cosworks | 30/06/2009 |

Capital Works Progress Report

Council Plan **2 Planning and Development**
Priority:

Council Plan **2.1 Sustainable development of the Colac Otway Municipality**
Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|--|--------------------------|---|------------|
| Strategy: 2.1.1 Develop and implement a Sustainability Action Plan for the organisation and community | | | | | | |
| 2.1.1.1 Complete the Office Accommodation Review for the municipal technical and administration offices within Colac and manage the communication and consultation process including Council, community and staff to ensure a smooth decision making and implementation process. | In Progress | 85% | <p>Dec 08:
 Report to In Committee Council Meeting on 16 December 2008 which recommended that a short term option be investigated with the long term investigation be referred to the 2009/10 Capital Works Program. Negotiations are currently being undertaken into short term options. Office Accommodation review is progressing with progress report provided to Council at the December Council meeting. A further report is required for the January Council Briefing session.</p> <p>Mar 09:
 Draft legal agreement developed and ready for signing for the purchase of the Skills Connection building at the rear of the COPACC facility as an interim short term option. Awaiting confirmation from Skills Connection to settlement date. Funding for long term option referred to the draft 2009/10 budget for consideration.</p> | | General Manager - Infrastructure & Services | 30/06/2009 |

Capital Works Progress Report

Council Plan 2.1 Sustainable development of the Colac Otway Municipality

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|---------|--------|---|--------------------------|------------------------------|------------|
| Strategy: 2.1.2 Implement the Lake Colac Master Plan and Management Plan | | | | | | |
| 2.1.2.1 Implemetation of Lake Colac Management Plan and Foreshore Master Plan:
Lake Colac Fishing Platform
Lake Colac Stodart Street Pathway
Colac Secondary College Leadership Project
Lake Colac Pathway Interpretive Signage
Botanic Gardens & Family Recreation Area
Meredith Park Upgrade
Lake Colac Environmental Projects
Cultural Heritage Management Plan | Ongoing | | <p>Sep 08:
Works deferred until the Cultural Heritage Management Plan is produced. Site inspections and research for this have been completed, with a draft report expected mid October. Once this is complete and agreed upon by Aboriginal Affairs Victoria, works will commence.</p> <p>Dec 08
Draft report has been passed to Aboriginal Affairs Victoria and the local Registered Aboriginal Parties for comment. Awaiting response.</p> <p>Mar 09
Delays in the approval of the Cultural Heritage Management Plan have delayed any works. Actions have recently been taken to escalate the approval of the plan to allow projects to proceed.</p> | | Economic Development Officer | 30/06/2009 |

Council Plan 2.2 Well planned and developed municipality

Plan

Objective:

Capital Works Progress Report

Council Plan 2.2 Well planned and developed municipality

Objective:

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|----------|--------|--|--------------------------|------------------|------------|
| Strategy: 2.2.1 Continue development of the Colac Botanic Gardens | | | | | | |
| 2.2.1.2 Complete upgrades of the Botanic Gardens. | Deferred | 100% | Ongoing improvements in conjunction with friends of botanic gardens.20.12.06
Tree planting to start in June 07.
4.5.07

5.10.07 Ongoing improvements in conjunction with friends of Botanic Gardens.No change 10.11.07.
July 08 Tree climbing works completed.
Sep 08
Ongoing Improvements in conjunction friends of Botanic Gardens
Dec 08
No budget allocation 2008/9
Mar 09
No budget allocation 2008/2009 | | Manager Cosworks | 30/06/2009 |

Capital Works Progress Report

Council Plan 2.2 Well planned and developed municipality

Objective:

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|----------|--------|--|--------------------------|--|------------|
| Strategy: 2.2.5 Improve the Eastern entrance to Colac | | | | | | |
| 2.2.5.1 Develop and implement Colac Entrance Improvements Design project | Deferred | 10% | <p>Oct 2006: This proposal is part of the draft structure plan which is incomplete.</p> <p>Dec 2006: Community consultation undertaken and submissions forwarded to consultants for consideration. Workshop conducted with Council November 22, 2006. Further meetings with relevant Authorities conducted. Consultants currently redrafting plan. Programmed for Council workshop in February 2007 to consider final draft.</p> <p>Feb 2007: The Colac Structure Plan was adopted by Council on February 28, 2007. While this plan addresses the issue of Colac entrances in Section 6 under the Heading Urban Design Framework, it does not and was never intended to, provide a detailed Design Framework for the Colac Entrances. This needs to be undertaken through a separate Design Project and the brief now needs to be prepared and consultants engaged to complete this aspect of the project.</p> | | General Manager - Sustainable Planning and Development | 30/06/2009 |

Capital Works Progress Report

Council Plan **2.2 Well planned and developed municipality**

Objective:

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|--------|--------|--|--------------------------|---------------|-----------|
| Strategy: 2.2.5 Improve the Eastern entrance to Colac | | | | | | |
| | | | <p>April 2007: Initial discussion with consultant undertaken. Further meeting between consultant, GM's Infrastructure and Sustainable Planning and Development to be scheduled.</p> <p>June 2007: Consultants, Planning by Design, have been engaged to review the history of the project, including the 2000 Colac City Entrance Strategy and a subsequent proposal put to Council in 2004 which was not supported by certain elements in the community and subsequently was not implemented by Council. The consultants brief is to:</p> <ul style="list-style-type: none"> - prepare a brief to take the project forward; - prepare an information report for Council; - research opportunities for funding the project; and, - develop a consultation process for the project and implement the initial stages of this process. <p>An initial meeting was held on June 29, 2007, with community representatives with a prior involvement in the project. The</p> | | | |

Capital Works Progress Report

Council Plan 2.2 Well planned and developed municipality

Objective:

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|--------|--------|--|--------------------------|---------------|-----------|
| Strategy: 2.2.5 Improve the Eastern entrance to Colac | | | | | | |
| | | | <p>meeting was also attended by Crs Stuart Hart, Geoff Higgins, Chris Smith, Peter Mercer and the Mayor, Cr Warren Riches. A process was established for seeking expressions of interest for the Committee, identified key elements of the project to be driven by the Committee and identified elements for inclusion in Terms of Reference for the committee and the appropriate committee structure/representation. It was resolved to conduct a workshop with Council to consider the outcomes of this meeting and determine the future directions for this project. The consultant is to prepare a scoping document for the project</p> <p>September 30, 2007: Meeting scheduled for Tuesday October 8 with Planning by Design to refocus project.</p> <p>December 2007: Meeting conducted with consultant to refocus project. Further meeting held with Jack Barclay (CRF) to discuss level of interest in participating in project. Issues remain around best</p> | | | |

Capital Works Progress Report

Council Plan **2.2 Well planned and developed municipality**

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|--------|--------|---|--------------------------|---------------|-----------|
| Strategy: 2.2.5 Improve the Eastern entrance to Colac | | | | | | |
| | | | <p>process to progress project and provide a positive outcome given different perceptions and expectations of community against the reality of the need to ensure proper good design principles are utilised to provide long term benefits to the community. Lack of available funding opportunities are also a serious limiting factor for this project proposal to be effectively implemented. As an example the seven leafs project on the Princes Highway at Werribee cost around \$250,000 which was fully funded by that Council. Little progress to date - will re-examine early in 2008 as a priority with a view to either advance or abandon the project at this time.</p> <p>April 2008: Project to be reviewed and considered as part of Community Planning proposal in 2008/09 budget process.</p> <p>June 2008: Project to be reviewed and considered as part of Community Planning proposal in 2008/09.</p> <p>Sept 2008: No further update as per</p> | | | |

Capital Works Progress Report

Council Plan Objective: 2.2 Well planned and developed municipality

Plan Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|--------|--------|--|--------------------------|---------------|-----------|
| Strategy: 2.2.5 Improve the Eastern entrance to Colac | | | | | | |
| | | | <p>June 2008 progress.</p> <p>Dec 2008: Was to be investigated through the Community Planning Proposal which Council has now resolved to discontinue.</p> <p>March 2009: Project deferred due to current budget limitations. Project will be considered in future programs. Project deferred for 08/09 as no works will be undertaken.</p> | | | |

Capital Works Progress Report

Council Plan Priority: 3 Financial Sustainability

Council Plan Objective: 3.1 Financial sustainability of the Colac Otway Shire Council

Capital Works Progress Report

Council Plan 3.1 Financial sustainability of the Colac Otway Shire Council

Objective:

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-----------|--------|--|--------------------------|---------------------------------|------------|
| Strategy: 3.1.4 Optimise the effectiveness and work towards the minimisation of the Council subsidy for the Bluewater Fitness Centre, Colac Otway Performing Arts and Cultural Centre and Visitor Information Centres | | | | | | |
| 3.1.4.9 Implement and review the Council Community Grants Program | Completed | 100% | <p>Oct 08:
New timelines and guidelines developed for the 2009/2010 have been developed in consultation across the organisation. These will be presented to Council for consideration by the new Recreation and Events Coordinator.</p> <p>January 2009
Propose Council report early 2009 detailing changes and timelines for 2009/2010 program.</p> <p>March 09
Council report completed and endorsed February 2009. Meetings conducted with relevant Officers to develop timelines for delivery of Funding Program. Advertising schedule developed for promotion of Funding Scheme. Applications for Council Community Funding Program open 27th March 2009.</p> | | Recreation & Events Coordinator | 31/12/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan 3.1 Financial sustainability of the Colac Otway Shire Council

Plan

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|---|--------------------------|---------------------------------|------------|
| Strategy: 3.1.4 Optimise the effectiveness and work towards the minimisation of the Council subsidy for the Bluewater Fitness Centre, Colac Otway Performing Arts and Cultural Centre and Visitor Information Centres | | | | | | |
| 3.1.4.10 Project development, management and implementation for the Country Football Netball Program | In Progress | 95% | <p>Oct 08:
Gellibrand Football Netball Club application has been resubmitted. West Oval Netball Court redevelopment is currently being acquitted.</p> <p>January 2009
West Oval works completed. Forrest to be submitted in next intake (likely February 2009)</p> <p>Mar 09:
Currently reviewing the program and the proposed projects for consideration in 2009/2010. SRV have recently advised that the Gellibrand Netball Club application was not successful in receiving State Government funding and the club have been advised. Awaiting notification with regard to both Alvie Recreation Reserve Improvements and the Forrest Netball Court project. The business case request for the Council contribution to the Country Football Netball program has been submitted for consideration.</p> | | Recreation & Events Coordinator | 30/09/2009 |

Capital Works Progress Report

Council Plan Priority: 4 Health, Recreation and Community Services

Council Plan Objective: 4.1 Quality health and community services that promote community wellbeing

Capital Works Progress Report

Council Plan 4.1 Quality health and community services that promote community wellbeing

Plan

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|---|--------------------------|---------------------------------------|------------|
| Strategy: 4.1.2 Ensure that health and wellbeing programs are available and accessible to all residents | | | | | | |
| 4.1.2.4 HACC Minor Works Program to continue with the extension to the Kanyana building and a potential store room for the Apollo Bay Senior Citizen Centre. | In Progress | 25% | <p>30 March 2009
Mixed feelings to the proposed extension from potential user's. Discussions with U3A (Jenny Todorovich) to upgrade and remodel existing centre without an extension. This has been further discussed with the Kanyana Committee which is satisfied with most of the redevelopment ideas. Will undertake some work in near future with architect to draw up new plans.</p> <p>December 2008
Kanyana Planning Approval adopted. No further work at this stage. Further investigations to be undertaken on quotations for works.</p> <p>11/10/2008
Planning application for the extension to be determined by Planning Committee on 14/10/08. Builders EOI's have been put on hold until Council decision.</p> <p>18/12/2007
Quotes have been obtained from Westvic Kitchens for the replacement of kitchen cabinets and stove.</p> | | Manager Health and Community Services | 30/06/2009 |

Capital Works Progress Report

Council Plan Objective: 4.1 Quality health and community services that promote community wellbeing

Council Plan Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|--------|--------|---|--------------------------|---------------|-----------|
| Strategy: 4.1.2 Ensure that health and wellbeing programs are available and accessible to all residents | | | | | | |
| | | | Discussions with user's of Kanyana have required changes. These have been discussed with cabinet maker. Works to commence in new year.

Plan for extension to Kanyana have been discussed with user's. Problem with sewerage pipes from neighbouring property. After discussions with Barwon Water our plans will need to allow for access to these pipes as they cannot be re-laid due to concrete floor. Amended plans sent to Toronga Drafting for redesign. | | | |

Council Plan Objective: 4.2 Recreation facilities that support community participation and wellbeing

Council Plan Objective:

Capital Works Progress Report

Council Plan Objective: 4.2 Recreation facilities that support community participation and wellbeing

Plan

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|---|-------------|--------|--|--------------------------|--------------------------------------|------------|
| Strategy: 4.2.2 Investigate strategies to fund and develop Central Reserve and Bluewater Fitness Centre Precinct | | | | | | |
| 4.2.2.2 Project Manage the Beechy Centre development project. | In Progress | 75% | <p>Oct 08:
MOU completed and endorsed.
Currently working through final stages of the Development and Joint Use Agreement.</p> <p>January 2009
DJUA completed and endorsed.
Council currently investigating options to reconsider agreement.</p> <p>March 2009
Two reports going to March Council regarding preference to exit the Joint Use Agreement for the Library and a current status report on all remaining elements within the Precinct.</p> | | Manager Recreation, Arts and Culture | 30/06/2009 |

Capital Works Progress Report

Council Plan 4.2 Recreation facilities that support community participation and wellbeing

Plan

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-----------|--------|--|--------------------------|--------------------------------------|------------|
| Strategy: 4.2.3 Develop, implement and review Council's recreation Strategy | | | | | | |
| 4.2.3.1 Implement the 3 Year Tennis Facilities Program | Completed | 100% | <p>Oct 08:
Review of the Tennis Audit and consideration of a new audit to be considered in the new year.</p> <p>January 2009
Business Case to include Tennis Audit and new works program to be developed.</p> <p>March 2009
Business Case submitted - no further progress.</p> | | Manager Recreation, Arts and Culture | 30/06/2009 |

Capital Works Progress Report

Council Plan **5 Economic Development**
Priority:

Council Plan **5.1 Regeneration of our small towns**
Objective:

Capital Works Progress Report

Council Plan 5.1 Regeneration of our small towns

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|----------|--------|--|--------------------------|------------------------------|------------|
| Strategy: 5.1.2 Continue to implement the Small Town Improvement Program in partnership with community groups | | | | | | |
| 5.1.2.1 Install Small Town Entry Signage - Swan Marsh, Carlisle River. | Deferred | 90% | Sep 08:
No budget for Small Town Entry Signage was allocated for this financial year. | | Economic Development Officer | 30/06/2009 |
| 5.1.2.2 Coordinate the Small Towns Improvement Program in partnership with the Economic Development and Grants Officer | Ongoing | | Sep 08:
Application's are now open for the 2008/09 Small Towns Improvement Program. These close in November.

Dec 08
Application's have been received from 9 community groups. These will be assessed in the coming months, and adopted in the 2009/10 budget

Mar 09
Applications have been assessed by internal committee of Council officers. These recommendations will be taken to a committee involving Councillors who will consider the projects for endorsement. These projects will then become a part of the 2009/10 budget. | | Economic Development Officer | 30/06/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan 5.1 Regeneration of our small towns

Plan

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|---------|--------|--|--------------------------|------------------------------|------------|
| Strategy: 5.1.2 Continue to implement the Small Town Improvement Program in partnership with community groups | | | | | | |
| 5.1.2.3 Implement small town visitor information signage boards - Forrest, Beac, Cressy. | Ongoing | | <p>Sept 08
All signs have been temporarily removed to be framed. These will be reinstalled as soon as possible. Signs being developed for Kennett River. Signs to be developed for Birregurra, Barwon Downs and Beac as part of park upgrades within each township.</p> <p>Dec 08
initiated discussions with the Birregurra, Barwon Downs and Cape Otway community groups about signs for their areas.</p> <p>Mar 09
Project ongoing</p> | | Economic Development Officer | 30/06/2009 |

Capital Works Progress Report

Council Plan Priority: 6 Environmental Sustainability

Council Plan Objective: 6.1 Best practice environmental management

Capital Works Progress Report

Council Plan 6.1 Best practice environmental management

Plan

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|---|---------|--------|--|--------------------------|-----------------------|------------|
| Strategy: 6.1.1 Establish environmental best practice as a benchmark for managing natural resources in relation to Council assets (including storm water management, energy use and water use) | | | | | | |
| 6.1.1.1 Continue to implement the Kennett River Water Quality and Drainage Study recommendations. | Ongoing | | <p>Dec 08:
The Environment Unit is continuing to work with the infrastructure Unit to improve the water quality entering Kennett River. This includes getting a surveyor to check the levels within the wetland to check that the levels are as per the original plan. Once this is determined, the wetland will be cleaned out and the levels will be re-set. A final report is being prepared to submit to the CCMA once the work has been completed.</p> <p>March 09:
The Environment Unit and the Infrastructure Unit continue to work together to improve the water quality entering Kennett River from the Kennett River township. The Infrastructure Unit will appoint a surveyor to check the levels in the wetland to those on the original design plan. Once these levels have been determined, the wetland will be cleaned out and the levels will be re-set. Once the work is complete a final report will then be prepared to submit to the CCMA.</p> | | Environmental Planner | 30/12/2008 |

Capital Works Progress Report

Council Plan Objective: 6.2 Local communities addressing local environment priorities

Plan

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|---|--------------------------|-------------------------|------------|
| Strategy: 6.2.4 Determine a location for the development of an Apollo Bay Transfer Station | | | | | | |
| 6.2.4.1 Prepare an MOU to facilitate the land purchase of property for the development of the transfer station | In Progress | 80% | <p>Sep 08:
A land purchase contract agreement is being developed by the solicitors, to be completed by December 08.</p> <p>Jan 09
The contract agreement has been delayed due to decision to incorporate acid Sulphate Soil Report and Cultural and Heritage Management Plan. Likely to be completed by Feb 09.</p> <p>March 2009
Land purchase agreement about to be finalized by Harwood Andrews.</p> | | Manager Major Contracts | 31/12/2008 |

Capital Works Progress Report

Council Plan Priority: 7 Strong Leadership

Council Plan Objective: 7.1 Strong community leadership, governance and advocacy

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|---|-----------|--------|---|--------------------------|------------------|------------|
| Strategy: 7.1.2 Continue the Best Value business planning process of organisational review: <ul style="list-style-type: none"> - Annually identify potential savings and efficiencies that can be directed to by Council to higher priorities - Work towards improved Community Satisfaction Survey results - Assess the impact of Council's reliance on grants - Assess the level of community demand for services - Undertake a review of the development and implementation of Council's major project processes | | | | | | |
| 7.1.2.2 Road Furniture upgrades - Report monthly on progress. | Ongoing | | Mar:08
Reports given monthly | | Manager Cosworks | 30/06/2009 |
| 7.1.2.3 Capital Works - Measure Tender attempt vs success rate | Completed | 100% | 5.10.07 Tendered for 1 Project and was Successful. Rate 100% No change 10.11.07.
July 08 Same As Above.
Sep 08
Works program now sufficient and are not requiring to tendere this year.
Dec 08
Tendering not required
Mar: 09
Tendering not required | | Manager Cosworks | 30/06/2009 |

Council Plan Objective: 7.2 Well structured internal and external services support the organisation in meeting community needs.

Capital Works Progress Report

Council Plan Objective: 7.2 Well structured internal and external services support the organisation in meeting community needs.

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|---|-------------|--------|---|--------------------------|----------------------------|------------|
| Strategy: 7.2.1 Provide Internal and External services to support the organisation in meeting the community's needs | | | | | | |
| 7.2.1.2 Develop and monthly update the progress report spread sheet for all ongoing contracts. | In Progress | 75% | Completed spreadsheet for current works and back to 2004 & 2005

Sept 08: End of the financial year report for 07/08 completed, indicating the status of all contracts. Tender have been called for approx 50% of the contract projects.
Ongoing reporting and update of project status.

Dec 2008 : Continuing
Mar 09:
Continuing | | Contracts Coordinator | 30/06/2009 |
| 7.2.1.7 School Bus Routes. Annual budget allocation to assist in providing improvements along existing school bus routes (ie signage instalation, localised shoulder improvements etc). (Budget \$20,000) | In Progress | 75% | Oct 08: Upgrades to existing scholl bus stops undertaken as required in conjunction with Department of Transport
Dec 08: Ongoing program implementation in conjunction with Department of Transport and school bus operators.
Mar 09: Improvement works completed as required | | Manager Sustainable Assets | 30/06/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan Objective: 7.2 Well structured internal and external services support the organisation in meeting community needs.

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|---|--------------------------|-------------------|------------|
| Strategy: 7.2.1 Provide Internal and External services to support the organisation in meeting the community's needs | | | | | | |
| 7.2.1.15 Memorial Square - Shrine Works.
Replace missing stones, repoint existing stone work. (budget \$14,000) | In Progress | 75% | Oct 08: All stonework completed.
Lighting on order and will be installed upon delivery
Dec 08: Awaiting delivery of lighting components.
Mar 09: Project to be finalised prior to Anzac Day ceremony | | Buildings Officer | 30/06/2009 |
| 7.2.1.19 Air Conditioning Unit Replacement.
Major repairs to existing package units and replacement of duct work. (budget \$20,000) | Completed | 100% | Oct 08: Scope of works has changed due to failure of package unit.
Replacement unit on order and will be installed when delivered. Revised budget \$45,000
Dec 08: Project completed. | | Buildings Officer | 30/06/2009 |
| 7.2.1.20 Bluewater - Roof Access.
Install roof access system to allow contractors to safely access and traverse roof. (budget \$25,000) | Completed | 100% | Oct 08: Quotations accepted. Works to commence November 2008
Dec 08: Project completed | | Buildings Officer | 30/06/2009 |
| 7.2.1.21 Council Building Assets Renewal Program - Rae Street Roof Access.
Install safety rail around perimeter of first floor. (budget \$10,000) | Completed | 100% | Oct 08: Quotations accepted. Works to commence November 2008
Dec 08: Project completed | | Buildings Officer | 30/06/2009 |
| | | | | | | |

Capital Works Progress Report

Council 7.2 Well structured internal and external services support the organisation in meeting community needs.

Plan

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|--|--------------------------|------------------|------------|
| Strategy: 7.2.1 Provide Internal and External services to support the organisation in meeting the community's needs | | | | | | |
| 7.2.1.1 Manage the Large Plant Replacement to maximise plant utilisation and timely changeovers within the Plant Replacement Program | In Progress | 65% | Further Investigation required into Jetpatcher - costs benefits etc. Streetsweeper, A Bay grader and Flocon to be changed this year. 20.12.06 Plant replacement to begin in Mar 07. 4.5.07

5.10.07 Completed as before. Sep 08 Plant replacement program completed. Start to changeover plant in Nov - Dec 08. Dec 08 Plant replacement to start in Jan 09 Mar: 09 Plant replacement well on it's way | | Manager Cosworks | 30/06/2009 |
| | | | | | | |

Capital Works Progress Report

Council 7.2 Well structured internal and external services support the organisation in meeting community needs.

Plan

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|---------|--------|---|--------------------------|------------------|------------|
| Strategy: 7.2.1 Provide Internal and External services to support the organisation in meeting the community's needs | | | | | | |
| 7.2.1.2 Memorial Square Improvements. Report monthly on progress. | Ongoing | | <p>Tree removal programmed for Nov/Dec06.Completed.20.12.06 Tree planting by June 07 . Report being conducted on Elm trees by Wayne Knight.4.5.07.</p> <p>5.10.07 Further Tree Works planned in drier months. 4 trees need to be removed as per report.10.11.07. July 08 2 Trees removed June 08. 2 tree removed in 08/09.</p> <p>Sep 08
Replace seating and tree removal planned for may 09.</p> <p>Dec 08
Seating & tree removal may 09</p> <p>Mar: 09
On target May 09</p> | | Manager Cosworks | 30/06/2009 |
| | | | | | | |

Capital Works Progress Report

Council 7.2 Well structured internal and external services support the organisation in meeting community needs.

Plan

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-------------|--------|--|--------------------------|---------------------------------------|------------|
| Strategy: 7.2.1 Provide Internal and External services to support the organisation in meeting the community's needs | | | | | | |
| 7.2.1.3 Tree Planting Program.
Report monthly on progress. | Deferred | 0% | Programmed to start April/May07
20.12.06. No change to last comment
4.5.07.

5.10.07 Works programmed to start
April/May 08. No change 10.11.07.
July 08 Completed
Sep 08
No budget for tree planting in
2008/09.
Dec 08
No budget allocation 2008/9
Mar: 09
No budget allocation 2008/2009 | | Manager Cosworks | 30/06/2009 |
| 7.2.1.6 Governance - Purchase
Furniture and Equipment as required | In Progress | 75% | Dec 08:
Adjustments have been made to this
item as between Finance & HR an
additional staff memeber had to be
accommodated - therefore new desks
were installed.

Mar 09:
Minor purchases continue to made for
the organisation. | | Manager Finance &
Customer Service | 30/06/2009 |
| | | | | | | |

Capital Works Progress Report

Council Plan Objective: 7.2 Well structured internal and external services support the organisation in meeting community needs.

Plan

Objective:

| ACTIONS | STATUS | % COMP | PROGRESS COMMENTS | REMEDIAL ACTION REQUIRED | RESP. OFFICER | COMP DATE |
|--|-----------|--------|--|--------------------------|--|------------|
| Strategy: 7.2.1 Provide Internal and External services to support the organisation in meeting the community's needs | | | | | | |
| 7.2.1.3 Investigate and develop a location for the Apollo Bay Static Library | Completed | 100% | <p>September 2008
Otway Health have advised their preferred location for the library. Awaiting final designs from Architect prior to a further meeting of the Working Group and sending out information to the community. Project can then be finalised.</p> <p>December 2008
Final reports prepared. Forwarded to Government</p> <p>March 2009 - To be further considered as part of the Council Plan process</p> | | General Manager
Corporate and
Community Services | 31/12/2008 |

FINANCIAL PERFORMANCE REPORT

Introduction

The following Financial Performance Report is for the nine month period to the end of March 2009.

Budget Variances

Rates and Charges of \$18.0m raised. Projected accumulated cash deficit of \$0.49m, 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 \$0.27m for the month of March. Improved cash position of \$0.94m compared to previous year.

Rates Debtors

Rates to the value of \$18.0m raised. Percentage collected slightly down to previous year at 84.20 % compared to 85.00% for 2007/8. Final instalments due 31 May.

Trade Creditors

Total creditors paid of \$1.85m for month of March, compared to \$2.64m previous year. Previous year's figures include \$0.56m for Road Resealing Contract.

Interest on Investment

Interest received for the month of March of \$24,786.93. Current interest rate is 3.15%. Lower cash carrying balance combined with falling interest rates is resulting in lower interest income.

Capital Works to March 2009

| | |
|--|---------|
| Elliminyt Gas Project | \$0.65m |
| Cosworks Unsealed Roads Rehabilitation | \$0.62m |
| Plant Replacement | \$0.49m |
| Resealing Program | \$0.43m |
| Larpent Road | \$0.42m |
| Cosworks Plant Replacement | \$0.21m |
| Cosworks Local Sealed Roads Rehabilitation | \$0.14m |
| Special Charge Scheme – Slater St | \$0.13m |
| Binns Rd (Better Roads) | \$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 |
| Lakeside Estate Expenses | \$0.07m |
| Virtualisation Project | \$0.06m |
| Council Building Asset Renewal Program | \$0.05m |
| Cosworks Footpaths | \$0.05m |
| 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>\$4.31m</u> |

FINANCIAL PERFORMANCE REPORT
FOR MONTH OF MARCH 2009

TABLE OF CONTENTS

| | | Page |
|----|------------------------------|------|
| 1 | Budget Variances | 1 |
| 2 | Operating Statement | 2 |
| 3 | End of Year Predicted Result | 3 |
| 4 | Working Capital Ratio | 3 |
| 5 | Cash Position | 4 |
| 6 | Rates Debtors | 4 |
| 7 | Other Debtors | 5 |
| 8 | Trade Creditors | 6 |
| 9 | Loan Liability | 6 |
| 10 | Interest on Investment | 7 |
| 11 | Capital Works | 8 |

**BUDGET VARIANCES
Net Cost to Council**

Summary by Service

| | Actual
31-Mar-09 | Budget | Forecast | % Actual
of Forecast |
|--------------------------------|-----------------------------|--------------------|--------------------|---------------------------------|
| GOVERNANCE | \$2,740,331 | \$4,160,126 | \$4,700,521 | 58.30% |
| INFRASTRUCTURE | \$2,680,147 | \$5,573,556 | \$5,286,199 | 50.70% |
| STRATEGIC DEVELOPMENT | \$3,769,556 | \$5,143,800 | \$5,433,607 | 69.37% |
| DEBT SERVICES | \$530,487 | \$682,700 | \$682,700 | 77.70% |
| CAPITAL WORKS | \$3,521,277 | \$6,014,029 | \$6,446,410 | 54.62% |
| RATES | (\$15,561,188) | (\$15,542,939) | (\$15,520,898) | 100.26% |
| OTHER INCOME | (\$4,989,873) | (\$4,950,351) | (\$4,989,873) | 100.00% |
| Net from Revenue | <u>(\$7,309,263)</u> | <u>\$1,080,921</u> | <u>\$2,038,666</u> | |
| APPROPRIATION | (\$1,551,009) | (\$1,551,009) | (\$1,551,009) | |
| (SURPLUS)/DEFICIT C/FWD | <u>(\$8,860,272)</u> | <u>(\$470,088)</u> | <u>\$487,657</u> | |

Points to Note

Governance

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

Infrastructure

- Approx \$1.9m 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

| | March
YTD ACTUAL | BUDGET | FORECAST | NOTE |
|---|---------------------|---------------------|---------------------|------|
| OPERATING REVENUE | | | | |
| Rates | \$13,432,601 | \$13,454,089 | \$13,426,898 | |
| Garbage Charge | \$2,144,252 | \$2,143,599 | \$2,156,000 | |
| Municipal Charge | \$2,010,321 | \$2,003,850 | \$2,009,000 | |
| Grants Commission | \$4,989,873 | \$4,950,351 | \$4,989,873 | |
| Recurrent Grants & Subsidies | \$2,194,591 | \$2,525,619 | \$2,612,779 | |
| Non-recurrent Grants & Subsidies | \$1,808,282 | \$3,095,871 | \$3,979,516 | 1 |
| Charges Fees & Fines | \$2,874,832 | \$3,862,919 | \$3,890,386 | 2 |
| Reimbursements & Contribution | \$454,826 | \$442,923 | \$747,480 | 3 |
| Interest Revenue | \$285,352 | \$420,000 | \$480,000 | |
| Donated assets | \$104,250 | \$139,000 | \$139,000 | |
| TOTAL OPERATING REVENUE | \$30,299,179 | \$33,038,221 | \$34,430,932 | |
| OPERATING EXPENDITURE | | | | |
| Employee Costs | \$7,341,703 | \$10,875,000 | \$10,743,589 | |
| Materials & Services | \$8,175,802 | \$11,671,000 | \$12,770,977 | 4 |
| Plant Costs | \$520,021 | \$427,000 | \$548,955 | |
| Loan Interest | \$145,730 | \$190,500 | \$190,600 | |
| Grants & Donations | \$134,360 | \$140,900 | \$149,400 | |
| Other | \$727,412 | \$936,883 | \$978,114 | |
| Depreciation | \$6,097,500 | \$8,430,000 | \$8,130,000 | |
| Written Down Value - Assets Sold | \$412,500 | \$550,000 | \$550,000 | 5 |
| TOTAL OPERATING EXPENDITURE | \$23,555,028 | \$33,221,283 | \$34,061,635 | |
| NET SURPLUS/(DEFICITS)
FROM OPERATIONS | | | | |
| | \$6,744,152 | (\$183,062) | \$369,297 | |
| Proceeds from Sales | \$258,504 | \$550,000 | \$563,000 | |
| Property, Plant & Equipment Write Off | (\$112,500) | (\$150,000) | (\$150,000) | |
| RESULTING FROM OPERATIONS | \$6,890,156 | \$216,938 | \$782,297 | |

Notes

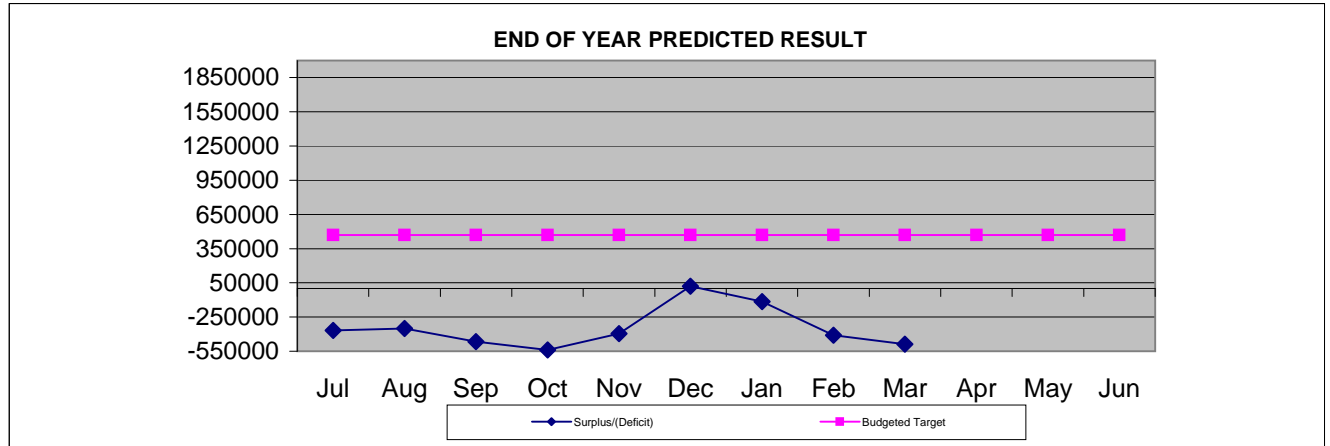
- 1 Non-Recurrent Grants & Subsidies
 - Living Libraries grant \$0.1m received
 - Joint Use Sports Facilities Grant \$0.2m received
 - Additional funding sourced Beechy Centre \$0.4m; Landfill Rehabs \$0.2m
- 2 Charges, Fees & Fines
 - Council Property rentals raised
- 3 Reimbursements and Contributions
 - 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 31/03/2009.

Comments

Estimated accumulated cash surplus \$0.4m
 Projected cash deficit as at 31/03/2009 forecast at approx \$0.49m



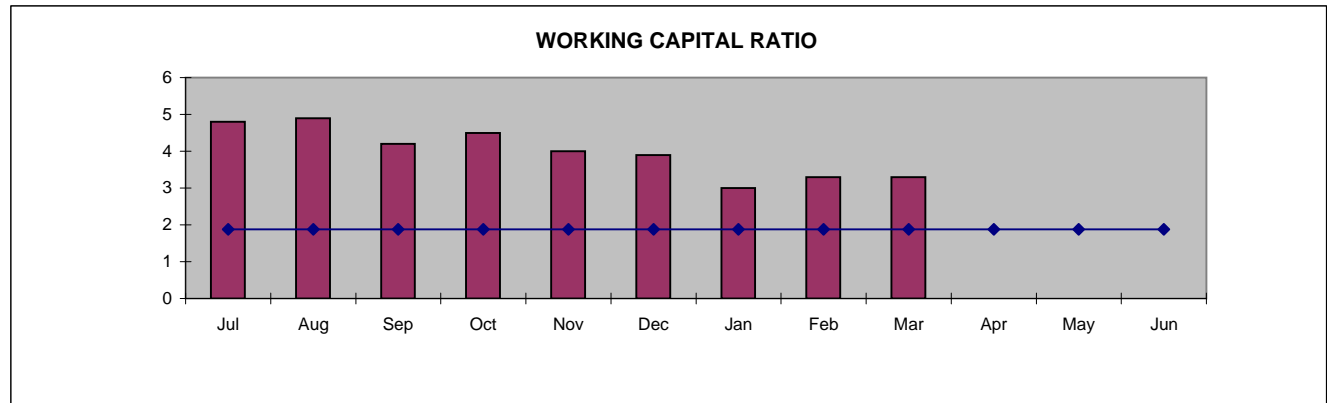
WORKING CAPITAL RATIO

To assess Council's ability to meet current commitments.

Comment

Current Ratio of 3.3:1 as at 31/03/09

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



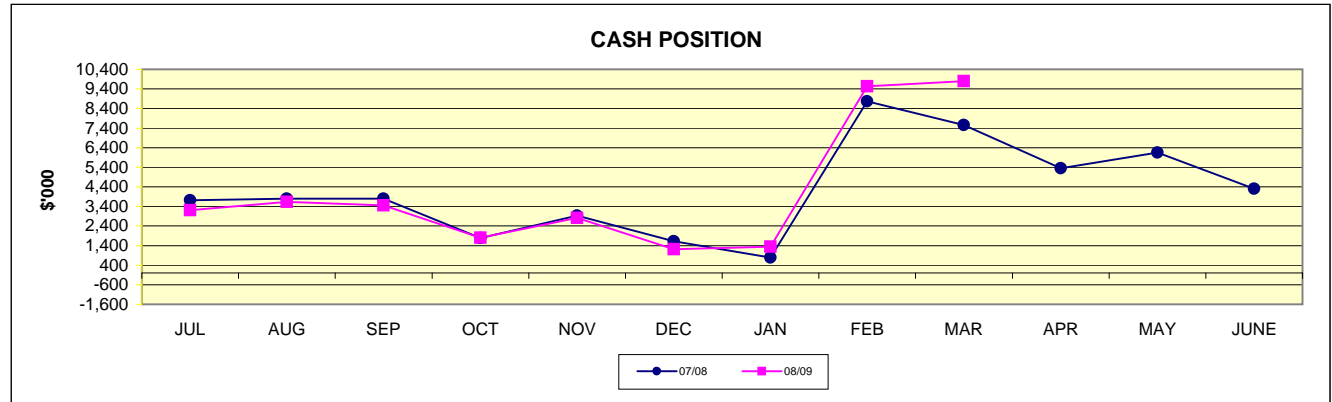
CASH POSITION

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. \$0.27m for March 2009. Increased cash position of approx \$0.94m as compared to previous year.

| | 2008/09 | 2007/08 |
|---------|----------|----------|
| Income | \$3.08m | \$2.25m |
| Exp. | -\$2.81m | -\$3.46m |
| Net | \$0.27m | -\$1.21m |
| Balance | \$9.79m | \$7.55m |



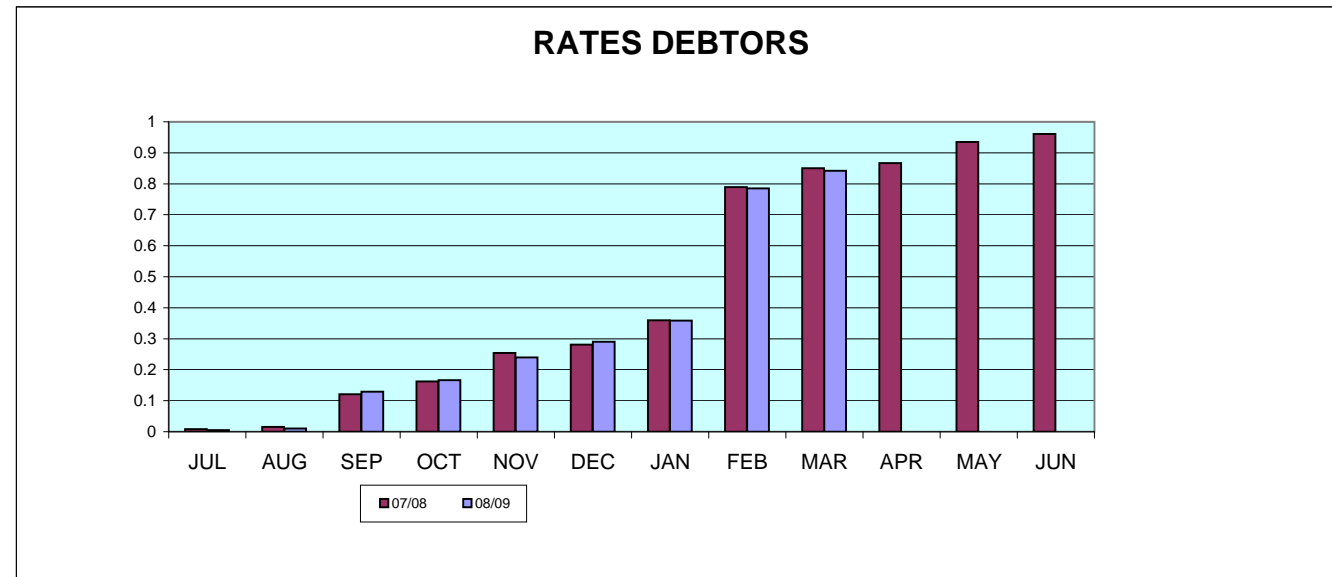
RATES DEBTORS

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

Comment

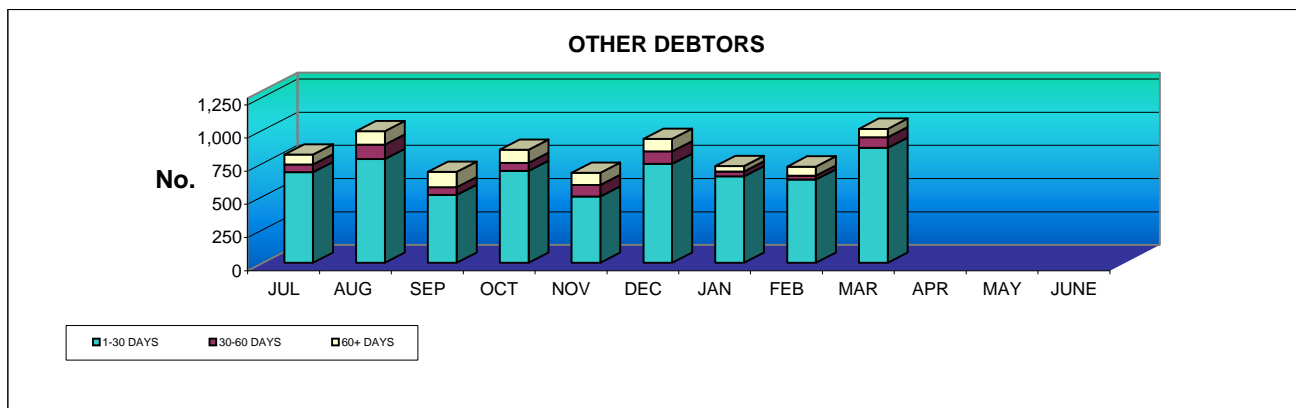
Rates to the value of \$18.0m raised. Collection % slightly lower to previous year.

| | 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 | \$1,022 | 84.20% | 85.00% |
| April | | | |
| May | | | |



OTHER DEBTORS

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



| | NUMBER | AMOUNT | % OF TOTAL | | WORKS | MISC | TOTAL | % OF TOTAL |
|----------------------|------------|------------------|-------------|-----------------|-----------------|------------------|------------------|-------------|
| 1-30 Days^ | 112 | \$273,273 | 36% | | | | | |
| 30-60 Days^ | 5 | \$13,911 | 2% | | | | | |
| 60+ Days^ | 40 | \$64,186 | 8% | | | | | |
| Payment Arrangements | 1 | \$15,500 | 2% | 1-30 DAYS | \$14,084 | \$259,189 | \$273,273 | 36% |
| Final Notice | 0 | \$0 | 0% | 30-60 DAYS | \$580 | \$13,331 | \$13,911 | 2% |
| Debt Collectors | 1 | \$2,685 | 0% | 60+ DAYS | \$13,249 | \$69,123 | \$82,371 | 11% |
| Other Debtors* | 603 | \$88,771 | 12% | Other Debtors* | - | - | \$88,771 | 12% |
| Private Schemes | - | \$262,593 | 35% | Private Schemes | - | - | \$262,593 | 35% |
| Harbour | 10 | \$34,980 | 5% | Harbour | - | - | \$34,980 | 5% |
| TOTAL | 772 | \$755,900 | 100% | TOTAL | \$27,912 | \$341,643 | \$755,900 | 100% |

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

^ Values are for Works & Miscellaneous debtors only

Major debtors outstanding greater than \$20,000.

| | 1-30 DAYS | 30-60 DAYS | 60+ DAYS | TOTAL | COMMENT |
|---------------------------------------|--------------|------------|------------|--------------|--|
| Dept Planning & Community Development | \$111,958.00 | \$0.00 | \$2,035.01 | \$113,993.01 | Transport Connections, Community Planning Grants |
| Wheellie Waste | \$29,299.85 | \$0.00 | \$0.00 | \$29,299.85 | Tipping Fees & Bins |

| | | | |
|---------------------|---------------|-------------------|---------------------|
| \$141,257.85 | \$0.00 | \$2,035.01 | \$143,292.86 |
|---------------------|---------------|-------------------|---------------------|

TRADE CREDITORS

Payments to trade creditors for the month.

Creditor Voucher No.s 39237 - 39359 for \$222,378.30 and Electronic Funds Transfers Nos. 42646 - 43031 for \$1,624,506.33 for the month of March were approved by the Chief Executive officer under delegated authority on Wednesday 25th of March 2009

Major creditor payments for the month comprising 43% of total payments were:

| | | |
|--------------------------------------|----------------------------|--------------|
| Bartons Waste Collection Pty Ltd | Transfer Station Operation | \$191,029.79 |
| Australian Taxation Office | Employee Tax | \$152,905.80 |
| Wheele Waste Pty Ltd | Waste Contract | \$77,802.77 |
| Econopave Asphaltng Services Pty Ltd | Road Sealing Works | \$66,220.00 |
| Minter Ellison Lawyers | Legal Fees Library | \$54,807.17 |
| Mr L Presani | Concreteing Works | \$52,586.00 |
| Cemex Australia Pty Ltd | Materials (Road Sealing) | \$44,458.75 |
| Colac Cleaning Services | Cleaning Contract | \$42,026.16 |
| City Of Greater Geelong | Recycling Fees | \$37,957.84 |
| Apollo Bay Associated Concrete | Concreteing Works | \$35,680.70 |
| Inspiring Place | Regional Mastertrails | \$30,158.70 |

\$785,633.68

LOAN LIABILITY

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

| <u>Comments</u> | <u>LOAN NO.</u> | <u>BAL</u>
<u>01/07/08</u> | <u>NEW</u>
<u>LOANS</u> | <u>PROJ.</u>
<u>REDEMP.</u>
<u>2007/2008</u> | <u>YTD</u>
<u>ACTUAL</u> | <u>BAL</u>
<u>30/06/09</u> |
|--|-----------------|-------------------------------|----------------------------|--|-----------------------------|-------------------------------|
| 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 | \$49,986 | \$1,192,619 |
| | C.O.S. 8 | \$234,118 | \$0 | \$89,200 | \$66,280 | \$144,918 |
| | C.O.S. 9 | \$558,687 | \$0 | \$83,800 | \$62,402 | \$474,887 |
| | | <u>\$2,978,860</u> | <u>\$0</u> | <u>\$517,900</u> | <u>\$385,285</u> | <u>\$2,460,960</u> |

INTEREST ON INVESTMENT

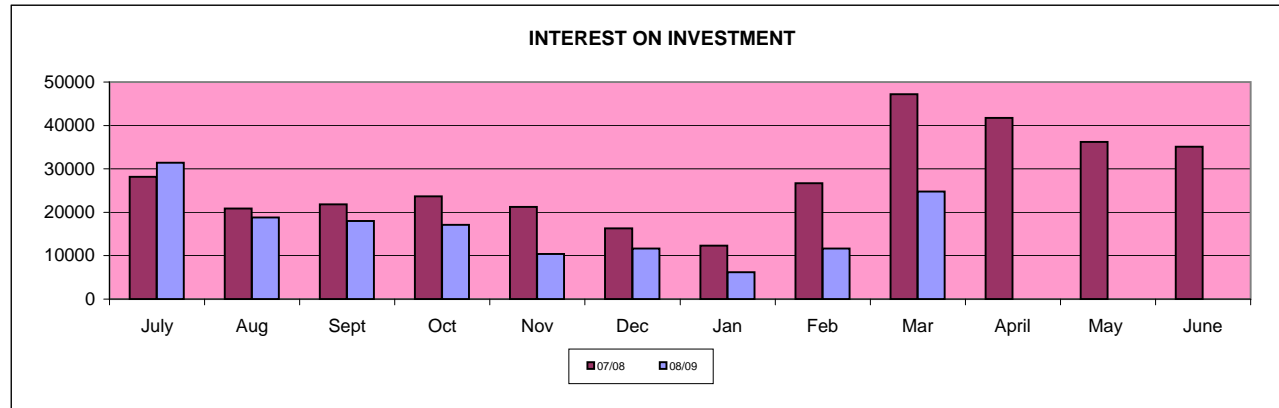
Comparison of interest earned on credit balances of Colac Otway Shire's bank accounts at the end of each month to previous year.

Comment

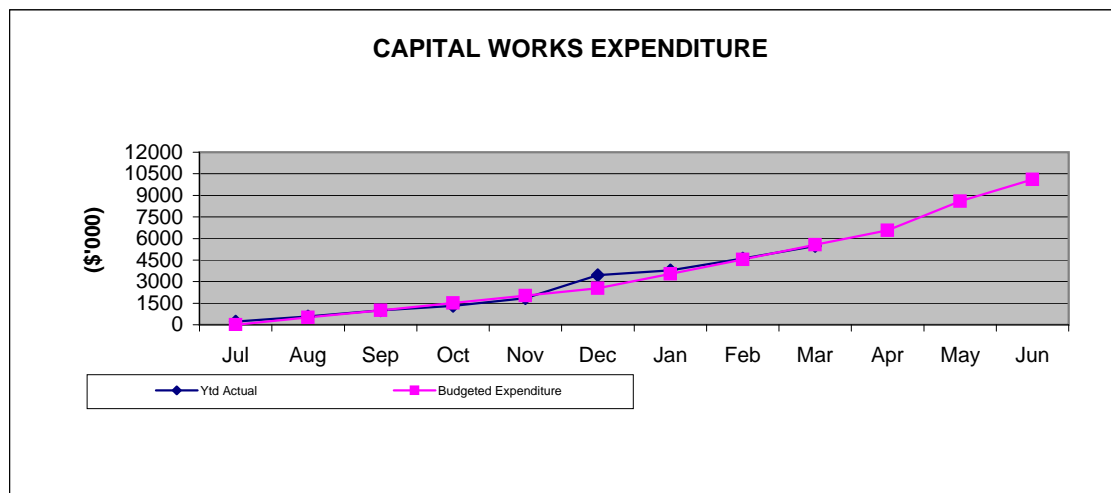
Progressive 2008/09 to 31/03/2009 \$150,041

Progressive 2007/08 to 31/03/2008 \$218,346

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 Landslide Rehab - complete
School Bus Route Program - complete
Porneet 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
Elliminyt Gas Project - works complete, private scheme details being finalised

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM | D | W |
|---|---|---|
| <p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM092204-3 MELBOURNE CUP DAY/COLAC SHOW DAY PUBLIC HOLIDAY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council make no change to the Melbourne Cup Day Public Holiday.</i></p> | | |
| <p><u>OM092204-4 REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Notes the submissions received in respect of the Review of Mayoral and Councillor Allowances.</i> <i>2. In accordance with the resolution at the 25 February Council meeting, Council set the following Mayoral and Councillor allowances for the year period 1 May 2009 to 30 April 2013:</i> <ol style="list-style-type: none"> <i>(a) Mayoral Allowance - \$59,100</i> <i>(b) Councillor Allowance - \$19,700</i> <i>3. That letters be forwarded to those who made submissions thanking them for their submissions and advising them of Council's decision.</i> | | |

OM092204-5 BEECHY PRECINCT - JOINT USE LIBRARY AGREEMENT

Department: Corporate and Community Services

Recommendation(s)

That Council:

- (a) Resolves formally to proceed with the Beechy Precinct Joint Use Library.***
- (b) Authorises the first Council payment of \$440,000 (inc GST) in accordance with Council's financial contribution as detailed in the Schedule of Contribution Payments in the Joint Use and Development Agreement between Council and the Department of Education and Early Childhood Development.***
- (c) Advises all project partners of this resolution.***

Recommendation

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

MOVED

SECONDED

OM092204-3 MELBOURNE CUP DAY/COLAC SHOW DAY PUBLIC HOLIDAY

| | | | |
|-------------|----------------------------------|-----------|------------------|
| AUTHOR: | Colin Hayman | ENDORSED: | Jack Green |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | GEN01379 General |

Purpose

For Council to consider changing the Melbourne Cup Day public holiday to the Friday of the Colac Show. For 2009 this would be Friday 6 November 2009.

Background

The following is taken from a fact sheet that was provided last year for non-metropolitan municipalities.

- “
- Last year the Minister for Small Business, Joe Helper, wrote to all non-metropolitan councils advising that amendments would be made to the Public Holidays Act 1993 this year, to prescribe Melbourne Cup Day as a public holiday throughout Victoria, except where a non-metropolitan council gazetted an alternative local day.
 - Previously, the Act prescribed Melbourne Cup Day as a public holiday only for metropolitan Melbourne.
 - The Act has now been amended. Prior to these amendments, some non-metropolitan municipalities had gazetted an alternate public holiday for 2008 and these gazettals will stand for this year.
 - However, if substitute public holiday arrangements have not been gazetted for 2008 in a municipal district, then Tuesday 4 November 2008 – Melbourne Cup Day – will be a public holiday automatically.
 - It is the Government’s intention that in future, all Victorian non-metropolitan municipal Councils will have a full day public holiday for Melbourne Cup Day, or an alternative as arranged.
 - In the future, non-metropolitan municipalities will still be able to nominate an alternative public holiday to Melbourne Cup Day if they wish. However, it must be a full day and it must apply right across the entire municipal district.
 - The Government’s intention in making these amendments is to provide consistency and certainty and ensure that, to the greatest extent possible, Victorian workers are entitled to 11 public holidays each year.
 - Employees and employers should always refer to their particular employment arrangement to determine how public holidays are treated.
 - No shop trading restrictions apply to Melbourne Cup Day.”

It should be noted that previously Councils could have half days and have different days off for different areas of the municipality. This has been changed to it must be a full day and it must apply across the entire municipal district.

At the Council meeting held on 25 February 2009 Council resolved:

“That Council pursue the opportunity of changing the Melbourne Cup Day Public Holiday to the Friday of the Colac Show and go through the process of public consultation.”

Advertisements were placed in the Colac Herald on Friday, 27 February 2009 and other local newspapers the following week.

On the 2 March letters were sent to 17 schools and 18 community groups.

On the 3 March 803 letters were sent to businesses across the Shire.

Council Plan/Other Strategies/Policy

Not applicable.

Issues/Options

As indicated above advertisements were placed in local newspapers and letters were sent to schools, community groups and businesses.

Submissions on the proposed change were to be received by Friday, 27 March 2009.

As a result of the public notices and letters forwarded eleven written responses were received and one phone message. A total of twelve responses. The twelve responses were made up of 4 schools and 8 businesses. (Copies have been forwarded to Councillors).

Six of the responses were in favour of Colac Show Day while five submissions preferred Melbourne Cup Day as a more appropriate public holiday.

Reasons In Favour of Colac Show Day

- Opportunity to support the local event.
- Melbourne Cup Holiday is disruptive to our works schedule.
- Beneficial for families in the Colac region having the opportunity to support and attend the Colac Show.

Reasons Against Colac Show Day

- On the day of the Melbourne Cup, many charity organisations hold luncheons and various events which keep shoppers out of the shopping precinct. Would and does happen even if the day is not a holiday.
- Gazetting the Colac Show Day as a public holiday is in reality taking another days trade away from retailers.
- Services provided are reliant on the government, legal and finance sectors throughout the State of Victoria; the majority of which recognise the Melbourne Cup Day Public Holiday.
- Melbourne Cup Day tends to be a day of low productivity for business if it is not taken as a holiday. Difficult to operate at full capacity when contact cannot be made with other organisations throughout the State who are taking the day as a public holiday.
- Colac Show is a successful trading day whilst Melbourne Cup Day has been one of the quietest retail trading afternoons in the year. Retailers do not need successful trading days taken out of their year.
- The school's calendar for 2009 indicates that Tuesday, November 3 will be a holiday.

Options

As indicated in the report to the February Council meeting, there are two options:

- (a) Council not to declare a substitute day as a public holiday. If a substituted public holiday has not been gazetted, then Melbourne Cup Day will automatically become the Public Holiday.
- (b) Declare the Colac Show Day as a public holiday.
As indicated above, if Council declares an alternative day eg. Colac Show Day it will need to apply for the whole of the Shire.
The Colac Show is an important event in the calendar for Colac and surrounding areas, but is not seen as being of regional significance to celebrate a public holiday throughout the whole shire. The Colac Show Day is usually held late October/early November.

For 2009 Colac Show Day will be Friday, 6 November 2009.

Based on the limited response and the reasons stated against the Colac Show Day being declared a public holiday, it is considered that retaining Melbourne Cup Day as the public holiday is the preferred option as it is a recognised day across the whole of the Shire. As noted any declared public holiday must be a full day and it must apply across the whole Shire.

Proposal

That no change is made to the current Melbourne Cup Day Public Holiday arrangements.

There has been very little response to the letters and advertisement regarding the possible change.

Financial and other Resource Implications

Officer time was spent in preparing and sending out 838 letters, cost of postage and stationery and advertisements.

Risk Management & Compliance Issues

The *Public Holidays Act 1993* provides details of the process where Council wishes to change the declared Melbourne Cup Day public holiday.

Environmental Considerations

Not applicable

Communication Strategy/Consultation

Advertisements were placed in the local newspapers regarding the possible change to the Melbourne Cup Day public holiday and seeking submissions on the proposed change.

Letters were also sent out to:

- 17 schools
- 18 community groups
- 803 businesses

Implementation

The proposal is that no change is made to the current Melbourne Cup Day public holiday arrangements. If a substitute public holiday has not been gazetted then Melbourne Cup Day will automatically become the Public Holiday.

A letter would be forwarded to the twelve businesses and schools who made a submission advising of Council's decision.

Conclusion

Non-metropolitan municipalities are able to nominate an alternative public holiday to Melbourne Cup Day.

Following the February Council meeting, advertisements were placed in local newspapers and 838 letters were sent out seeking public comment on the proposal to change the public holiday to Colac Show Day. Twelve responses were received.

No further action would be required if Melbourne Cup Day was the Public Holiday. All businesses and Schools etc. would be required to take Melbourne Cup Day as the public holiday.

Attachments

Nil

Recommendation(s)

That Council make no change to the Melbourne Cup Day Public Holiday.

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**OM092204-4 REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES**

|             |                                  |           |            |
|-------------|----------------------------------|-----------|------------|
| AUTHOR:     | Colin Hayman                     | ENDORSED: | Jack Green |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | GEN0460    |

**Purpose**

The purpose of this report is to enable Council to determine Mayoral and Councillor Allowances for the period 1 May 2009 to 30 April 2013.

**Background**

A report on the Review of Mayoral and Councillor Allowances was considered at the Council meeting held on 25 February 2009.

Council resolved:

*“That Council give public notice of its intention to determine at the 22 April 2009 Council meeting the following Mayoral and Councillor allowances for the four year period 1 May 2009 to 30 April 2013 in accordance with section 74 and section 223 of the Local Government Act 1989 (as amended);*

- a) Mayoral Allowance - \$59,100*
- b) Councillor Allowance - \$19,700*

The report informed Councillors that:

- Allowances must be reviewed by Council within seven months of the 29 November 2009 election.
- Allowance levels had been reviewed by the State Government following a detailed report by a panel appointed to review the allowances.
- Allowances are to be set for the next four years.
- 9% superannuation equivalent is now to be paid.
- Public submissions must be invited and submissions received must be considered by Council or a Council appointed Committee.

Subsequently, public notice of Council's proposed Mayoral and Councillor Allowances and inviting public submissions was given via the Colac Herald and other local newspapers.

Submissions closed at 5.00 pm on Monday, 30 March 2009. 7 submissions were received (copies of submissions have been provided to Councillors).

In accordance with section 223 of the *Local Government Act 1989*, any person who had made a written submission to the Council and requested that he or she be heard in support of the written submission was entitled to appear in person or by a person acting on his or her behalf.

The Special Meeting of Council was included in the advertisement to be held at 1.00 pm on Wednesday, 8 April at COPACC. Due to the unavailability of Councillors on that day, the Special Council meeting was changed to 12.30 pm on Thursday 9 April.

2 submitters indicated that they wished to be heard in support of their written submissions.

**Council Plan/Other Strategies/Policy**

The Councillor Support Policy sets out details with respect to Councillor support.



**Issues/Options**

As indicated above seven submissions were received. All seven were against the allowances that were being proposed.

**Summary of Reasons**

- Council been in office for less than six months and find it necessary to give themselves 40% allowance increase.
- Councillors say we need to reign in expenditure.
- Ratepayers of the Shire are losing their jobs, finding it hard in providing essentials.
- Believed that being a Shire Councillor was a voluntary position.
- Agree that travel costs should be reimbursed given the width of our Shire, however funds for phones, computers, superannuation and a 'wage' is certainly not warranted to those in a voluntary position.
- Meaning of an allowance is that it is payment to cover costs and out of pocket expenses incurred by Councillors whilst undertaking Shire duties and should not be confused or linked to a salary or wage.
- Colac Otway Shire is one of the lowest socio-economic areas within the State of Victoria.
- Suggest that the allowances be reviewed:
  - \$17,094 – allowance for Councillors
  - \$50,820 – allowance for Mayor
- Colac Otway Shire barely meets the population and budget criteria as a level 2 municipality, Councillors in COS should not be deserving of allowances equal to a municipality with \$80 million annual budget.
- The majority of 'new' Councillors campaigned for less spending. This is obvious with their objection to major projects even though large proportions of project money would be provided by the State Government grants. Yet those same Councillors grant themselves a 31% allowance increase plus fringe benefits. Surely there is an inconsistency in this decision.
- The average annual income for Colac households would be somewhere just above \$25,000.00 and yet Councillors are prepared to set their allowances just below this figure for part-time volunteer positions.
- In time of economic recession Councillors should be seen to be setting an example of restraint. A 31% allowance increase does not demonstrate leadership. It sends a message of greed to the community.
- Acting as a Councillor is not compulsory. It is a volunteer position. The operation of the organisation is not reliant on Councillors being there. "Out of pocket" expenses for travel etc are reasonable. Excessive allowances to individuals are not.
- Position of Councillors is not a paid position, or a position of employment, but is an opportunity and a privilege for persons within a community to the community.
- Council has discretion within the allowable range to determine the allowances it will pay to its Mayor and Councillors, having regard to local circumstances and priorities.

As noted, Council at the Special Meeting held on 9 April heard 2 verbal submissions.

At the Special meeting it was resolved:

***That Council:***

1. *Note that seven (7) written submissions have been received in response to the public advertisements on the Mayoral and Councillor allowances being fixed and set for the next four financial years.*

2. *Hear submissions from those who have indicated that they wish to be heard in response to the public advertisement on the Mayoral and Councillor allowances being fixed and set for the next four financial years.*
3. *That a report including a summary of matters raised by the submitters be presented to the Council meeting on 22 April 2009.*
4. *To formally consider the adoption of the Mayor and Councillor allowances being fixed and set for the next four financial years at the Council meeting on 22 April 2009.*

### Previous Report

The previous report provided the following information:

*“The adjustments to Councillor allowances followed a detailed report by the Local Government (Councillor Remuneration Review) Panel which was released in January 2008.*

*This was followed by “The Government’s Policy Statement on Local Government Mayoral and Councillor Allowances and Resources – April 2008.”*

*The report provides information on the demands of Mayors and Councillors.*

*The Mayor and Councillors commit considerable time in the execution of their responsibilities.*

*The change to Councillor and Mayoral allowances plus other benefits reflects the State Government’s commitment to encourage greater participation at the Local Government level.*

### Level of Allowances

*Other than provide the range of allowances, the State Government has not provided any guidelines for Councils to use in determining the Mayoral and Councillor allowances within the range.*

*The previous allowances were set at the maximum level for Councillors at \$15,000. The Mayor was previously paid \$45,000.*

*The current range for a Category 2 Council:*

|                             |                            |
|-----------------------------|----------------------------|
| <i>Councillor Allowance</i> | <i>\$8,400 to \$20,200</i> |
| <i>Mayoral Allowance</i>    | <i>up to \$62,500</i>      |

### Issues

*In setting the level of allowances Council needs to take account of Councillor responsibilities, workloads and the need to adequately remunerate Councillors.*

*Councillors also need to consider the size of the Shire and the impact resulting from the removal of wards.*

*It is important that the level of allowances that are set encourages people in all sections of the community to stand for Council.*

### Future Increases

*In future years any further adjustments based on movement in payments to Victorian Statutory and Executive Officers will also apply from the time they are given effect by the Minister for Local Government.”*

**Proposal**

That Council note the submissions that have been received and that letters be forwarded to submitters advising of Council's decision.

That Council set the allowances as advertised in the public notice.

**Financial and other Resource Implications**

The 2009/10 budget will incorporate the allowances that are set for Councillors and the Mayor.

**Risk Management & Compliance Issues**

The *Local Government Act* sections 73 to 75 and section 223 detail provisions relating to allowances and the submission process.

**Environmental Considerations**

Not applicable.

**Communication Strategy/Consultation**

As noted advertisements were placed in the Colac Herald on 2 March 2009 as well as other local newspapers. Date for submissions closed on 30 March 2009.

**Implementation**

Following Council's decision, letters will be written to those who made submissions.

Any revisions to the level of allowances will apply from 1 May 2009.

**Conclusion**

- The order in Council has set down the new level of Councillor allowances.
- A review of allowances must be held within 7 months of the 29 November 2008.
- Once the level of allowances was determined by Council a public consultation process was required to be undertaken.
- As a result of the public consultation process 7 submissions were received.
- A Special Council meeting was held on Thursday 9 April to hear those submitters who requested to be heard in support of their submission.
- Council is required to confirm the level of Mayoral and Councillor Allowances.

**Attachments**

Nil

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

1. ***Notes the submissions received in respect of the Review of Mayoral and Councillor Allowances.***
2. ***In accordance with the resolution at the 25 February Council meeting, Council set the following Mayoral and Councillor allowances for the year period 1 May 2009 to 30 April 2013:***
  - (a) ***Mayoral Allowance - \$59,100***
  - (b) ***Councillor Allowance - \$19,700***
3. ***That letters be forwarded to those who made submissions thanking them for their submissions and advising them of Council's decision.***

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OM092204-5 BEECHY PRECINCT - JOINT USE LIBRARY AGREEMENT

| | | | |
|-------------|----------------------------------|-----------|--------------|
| AUTHOR: | Marg Scanlon | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | GEN00376 |

Purpose

The purpose of this report is to address the outstanding resolution regarding the Beechy Precinct Joint Use Library and Council's future involvement.

Background

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.

Since the 10 December 2009 Council resolution several briefings have been held with Council with regard to the legal and other advice gained from various authorities and information received has been provided to Council pertaining to these investigations.

At the February 2009 Special Council Meeting Council resolved;

1. *The former Colac Otway Shire Council agreed to enter into an agreement with the State Government regarding the Joint Use Library one month prior to the 2008 Shire election.*
2. *The State Government has informed Council representatives that it intends to implement the Joint Use Agreement.*
3. *The State Government has agreed to consider the funding of a feasibility study to investigate the provision of a library annexe in Colac.*
4. *This Council, after consideration of legal advice and a deputation to the Hon Bronwyn Pike, Minister for Education, has decided there is a need for further and immediate negotiations with the Department and/or State Government with respect to the Joint Use Library about a number of matters, including but not limited to:*
 - (a) *An exit of the Colac Otway Shire Council from the joint use library arrangement by agreement between the Parties;*

and / or

 - (b) *The continued involvement of Council in the joint use library arrangement with issues about operational costs, building specifications and the joint operation of the library needing to be resolved as an urgent priority.*
 - (c) *In relation to the above matters Council draws particular attention to the requirements outlined in Clauses 6, 27 and 28 of the Agreement.*
5. *Council is not attempting to delay the building process. However, Council has a responsibility to ensure that relevant matters, as outlined in point 4 are resolved.*

Further to this Council resolved at the 25 March 2009 Council Ordinary Meeting that Council;

“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.”

In addition Council resolved at the same March 2009 meeting that Council;

- 1. Resolves that Council Officers continue involvement and participation in the Beechy Precinct Project Management Group and the relevant sub-committees. Any decision regarding financial commitments in relation to the Beechy Precinct Project by the Colac Otway Shire Council must be referred to Councillors in a report for a decision by the Council. The Department of Education and Early Childhood Development is to be advised in writing of this decision.*
- 2. Endorses:*
 - (a) Officers are to continue to progress and complete the TravelSmart Project with funding secured from the Department of Transport together with Council funds within the 2008/09 budget.*
 - (b) Officers are to complete the Bluewater Fitness Centre Stadium Feasibility Study to conform with funding agreement requirements with Sport and Recreation Victoria.*
- 3. Notes that its financial position is at risk due to a number of yet to be quantified contingent liabilities outstanding from the previous Council and resolves that:*
 - (a) Any further financial commitment to the Traffic Management Plan, and*
 - (b) All other elements of the Beechy Precinct are to be deferred pending the outcome of the 2009/10 Budget and the Council Plan with contingent liabilities needing to be quantified.*

Correspondence was received on 12 March 2009 from Professor Peter Dawkins, DEECD, stating that the Development and Joint Use Agreement is a legally binding agreement and that the specific issues raised by Council for further clarification are detailed in this agreement. The correspondence also confirmed that the construction tender had been awarded and works were to commence 14 days from the correspondence date.

Construction works for Stage 2 of the Beechy Precinct have commenced with site preparation and security in place.

Council Plan/Other Strategies/Policy

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

Issues/Options

There is a lack of clarity from the project partner's perspective with regard to Council's involvement in the Beechy Precinct Joint Use Library. It is assumed that further to the establishment of the Development and Joint Use Agreement and the Department of Education and Early Childhood Development's announcement regarding the progression of Stage 2 which includes the Joint Use Library, that Council are continuing their involvement.

As a result of the previous resolution Officers are relying on Council for further direction in relation to this matter. Apart from the DEECD advising that the project Stage 2 Works Tender has been awarded and construction has commenced, no further progression of the

Joint Use Library project has occurred. Prior to the Council investigations into Council's future involvement in the Joint Use Library, a Draft Funding Agreement as presented by the Department of Planning and Community Development (DPCD) was being considered by the Project Management Group. A component of the Funding Agreement is the engagement of a Senior Projects Officer in partnership with the City of Greater Geelong and DPCD.

Specific elements within the Development and Joint Use Agreement for the Joint Use Library were developed consistent with proposed project timelines and other funding specifications. For example the payment schedule was based on the understanding the progress reports would have been completed and funding received from DPCD by May 2009 enabling Council to meet the first invoice from DEECD.

Many operational aspects of the Joint Use Library were to be considered and confirmed through the Joint Use Library Sub Committee. While this subcommittee had been active providing input to the facility plan development, this subcommittee has not operated since the commencement of Council investigations. This has resulted in many of the operational aspects of the facility not developing and now with the commencement of construction pressure is on all parties to ensure these aspects are addressed immediately ready for operations proposed early 2010.

Without a resolution from Council clearly endorsing Council future involvement in the Joint Use Library Council Officers and project partners are unclear and this is preventing the project and associated operational developments to progress.

Specifically outstanding items include:

- DPCD Funding Agreement
- Confirmation and engagement of the Senior Project Officer Position
- Numerous operational aspects including but not limited to book-stock collation and management, facility and resource access, equipment provision, use and maintenance, systems and processes.

One of the objectives within the State Government funding was the engagement of a Project Officer in partnership with the City of Greater Geelong. This project officer would specifically develop the governance and operational models for the Joint Use Library with the intention for these models to be transferred to other joint use elements within the Beechy Precinct. The City of Greater Geelong through the Vines Road Redevelopment Project identified in partnership with Colac Otway and the Department of Planning and Community Development the similarities in the two projects and the opportunity to gain funding to support these needs. Further to the current situation with the Beechy Precinct the City of Greater Geelong are unable to proceed with this aspect of the funding agreement and this objective.

Proposal

It is proposed that Council acknowledge the advice and information provided and agrees to formally advise the DEECD of their decision to proceed with the Joint Use Library as detailed in the Development and Joint Use Agreement.

It is also proposed that Council endorse the payment of the first invoice being \$440,000 inc. GST for Council's contribution to the Joint Use Library.

It is proposed that all project partners be advised of Council's continued involvement in the Joint Use Library and subsequently the project governance and other operational developments can proceed in accordance with the associated draft funding agreements and the Agreement.

Financial Implications

The first invoice for Council's contribution to the Joint Use Library has been received by Council and is to be paid by 1 May 2009. This invoice is consistent with the Development and Joint Use Agreement between Council and the Department of Education and Early Childhood Development. This invoice is for \$440,000 (inclusive of GST).

The payment schedule as detailed in the Development and Joint Use Agreement was developed consistent with the proposed DPCD funding allocations as detailed in the draft funding agreement. It was proposed that the first payment towards the construction of the Joint Use Library would not be Council funds but rather state government funding secured through the Living Libraries Program and the Community Support Fund. Given the impacts on the project progression as a result of the recent Council investigations it is suggested outstanding funding agreements and the associated actions will have to be confirmed immediately with ongoing progression.

The 2009/2010 budget will include the balance of funding for the Joint Use Library.

Council Officers have been informally advised that future meetings of the Project Management Group cannot be reactivated until confirmation of Council's resolution to proceed with its participation in the project has been advised. Until this occurs the finalisation of the State Government funding allocations cannot be finalised and the initial Council payment will need to be sourced from Council funds until this outstanding matter is resolved.

Risk Management & Compliance Issues

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

There are numerous risks associated with the outstanding Council resolution regarding Council's commitment to the Joint Use Library project within the Beechy Precinct. As a result of the outstanding resolution the project progression has halted and specifically this has impacted on the development and confirmation of several operational aspects of the facility. A significant risk to Council is the outstanding funding agreements which could result in Council having to meet the 50% contribution of the construction of the Joint Use Library.

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 to ensure clarity with regard to Council's position on this matter.

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

It is proposed that the Minister for Education and all project partners will be advised immediately following this meeting with the associated outcomes.

Conclusion

Project Officers and project partners require clarity with regard to Council's formal decision to proceed with the Joint Use Library in partnership with the DEECD. Many operational and process requirements with regard to the Joint Use Library remain incomplete. Without this clarity there is a lack of confidence from project partners as to Council's intent or current position with the Joint Use Library and this impacts other potential or proposed projects.

Attachments

Nil.

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

- (a) Resolves formally to proceed with the Beechy Precinct Joint Use Library.***
- (b) Authorises the first Council payment of \$440,000 (inc GST) in accordance with Council's financial contribution as detailed in the Schedule of Contribution Payments in the Joint Use and Development Agreement between Council and the Department of Education and Early Childhood Development.***
- (c) Advises all project partners of this resolution.***

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

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | D | W |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>INFRASTRUCTURE</u></b></p> <p><b><u>OM092204-6 SPONSORSHIP OF THE NATIONAL SALEYARDS CONVENTION 2009</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council supports the National Saleyards Convention 2009 to be held in Colac in August 2009 and provides sponsorship estimated at \$3,562 in the form of venue hire and convention dinner.</i></p>                                                                                                                          |   |   |
| <p><b><u>OM092204-7 ROAD MANAGEMENT PLAN REVIEW</u></b></p> <p>Department: Infrastructure</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. Endorses the Draft Road Management Plan (Version 2.0);</i></b></li> <li><b><i>2. Places the Plan on exhibition for 28 days in accordance with Section 223 of the Local Government Act and invites submissions to the Plan in accordance with the provisions of the Road Management Act 2004.</i></b></li> </ol> |   |   |

**OM092204-8 MANAGEMENT OF CATTLE GRIDS ON LOCAL ROADS**

Department: Infrastructure

**Recommendation(s)**

***That Council resolve to:***

- 1. Adopt the draft Installation and Usage of Cattle Grids Policy;***
- 2. Provide a written response to all those parties whom provided formal feedback through the public consultation process;***
- 3. Undertake direct consultation with landowners in the vicinity of all existing cattle grids identified to determine ongoing use requirements;***
- 4. Review existing cattle grids and implement the Policy in relation to usage of cattle grids.***
- 5. Remove all grids and reinstate the road where landowners with vested interests in the cattle grids are not prepared to enter into a Section 121 Agreement within a reasonable time frame.***
- 6. Immediately remove all cattle grids considered to be a potential safety risk.***

**OM092204-9 BEST VALUE SERVICES REVIEW REPORT: WASTE MANAGEMENT SERVICES**

Department: Infrastructure

**Recommendation(s)**

***That Council:***

- 1. Note and endorse the findings of the attached report titled "Best Value Service Review Report – Waste Management Services".***
- 2. Approves in principle, the recommended changes to the waste services contained in the continuous Improvement Plan and endorses the recommendations being included in the specification for the new Waste Management Services contract for the purpose of obtaining tender prices for proposed changes to the Service.***
- 3. Consider the cost implications of any proposed service changes based on tenders received.***

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p><b><u>OM092204-10 SPECIAL CHARGE SCHEME – MORRISON STREET, COLAC</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendations</u></b></p> <p><b><i>That Council –</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Abandon the proposal to construct the unsealed shoulders of Morrisons Street by way of a Special Charge Scheme, and remove the project from the 10 year Capital Works and Major Projects Program; and</i></b></li> <li><b><i>2. Notify affected property owners that the proposal has been abandoned and removed from Council's 10 year Capital Works and Major Projects Program.</i></b></li> </ol> |  |  |
| <p><b><u>OM092204-11 GELLIBRAND LANDFILL REHABILITATION - SITE ACCESS AGREEMENT WITH PARKS VICTORIA</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council Sign and Seal the Consent – Section 27(1), National Parks Act 1995, site access agreement for access to Gellibrand Landfill Rehabilitation Site, a part of Great Otway National Park.</i></b></p>                                                                                                                                                                                                                                |  |  |
| <p><b><u>OM092204-12 RAIL/ROAD SAFETY INTERFACE AGREEMENT (SIA'S)</u></b></p> <p>Department: Infrastructure</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. Notes that the above report including the continued involvement of Council officers to work with the various authorities to develop Safety Interface Agreements; and</i></b></li> <li><b><i>2. Receives a further report from Officers detailing specific recommendations for Safety Interface Agreements for all crossings within the Municipality prior to 30 June 2010.</i></b></li> </ol>         |  |  |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

**OM092204-6 SPONSORSHIP OF THE NATIONAL SALEYARDS CONVENTION 2009**

|             |                |           |                    |
|-------------|----------------|-----------|--------------------|
| AUTHOR:     | Neil Allen     | ENDORSED: | Jack Green         |
| DEPARTMENT: | Infrastructure | FILE REF: | GEN00158 Saleyards |

**Purpose**

The purpose of this report is to seek Council's endorsement for the Sponsorship of the National Saleyards Convention 2009.

**Background**

Colac Otway Shire has previously given a commitment to host the National Saleyards Convention 2009 in Colac. This is an annual event and involves saleyard representatives from around Australia. The Convention is aimed at the networking of the saleyard operators, cattle agents, livestock transporters, meat processors and industry representatives.

The Convention will be run on the Wednesday 12 August 2009 through to the Friday 15 August 2009 and commence with a 'Meet and Greet' session on the Wednesday with the main conference being on the Thursday incorporating a conference dinner and finishing with a visit to the Colac Saleyards and a key industry member on the Friday. The Convention is being run by the Livestock Saleyards Association of Victoria and receives sponsorship and registrations fees which fund the majority of conference activities.

The Convention normally attracts in the order of 120 delegates to its annual dinner and provides significant economic benefits to the local businesses during the three day event in relation to bed night purchases and other expenditures in the local economy.

The Host Council traditionally sponsors the venue and the annual dinner.

**Corporate Plan/Other Strategies/Policy**

This program is consistent with the Council Corporate Plan for economic development and the Corporate Plan commitment to "the promotion of our Shire's local businesses and the attraction of new businesses". The Corporate Plan also supports the attraction of major events to be held within the municipality.

**Issues/Options**

The Host Council normally contributes to the venue and the food for the 'meet and greet' on the first day and the dinner of the second day.

It is proposed that the Mayor welcomes guests at the 'Meet and Greet' on Wednesday 12 August and officially opens the convention at 9.30am with a short welcome speech. The Mayor would also welcome guests and the main speaker on the Thursday morning of the 13 August. The Mayor would also normally attend the dinner in the evening with his partner. Friday morning 14 August is scheduled to have a breakfast at the Saleyards incorporating a visit of the facility and a further visit to a major industry player within Colac followed by a BBQ lunch before departure.

There is an opportunity to showcase the Council to delegates from throughout Australia with displays at the convention focussed on tourism and economic development.

Economic development will erect displays which include tourism in the foyer to encourage return visits by delegates and their families.

Assuming an overnight stay rate of 80 beds each night for convention attendees, it is estimated that the total economic benefit to the community as indicated by Geelong Otway Tourism based on \$112 per attendee is in the order of \$17,900 ingested into the Colac

economy as a result of this convention. The convention is subsidised through a number of national sponsors for other convention activities and as such there is no cost to Council for any other activities or key note speakers.

**Proposal**

It is proposed that Council sponsor this event through the payment of the venue hire on the 12 and 13 August plus the sponsor of the evening dinner on the night of the 13 August.

**Financial Implications**

The net cost to Council for this project is estimated at \$3,562 for sponsorship of the venue and meal. The convention is estimated to attract up to between 100-120 participants.

The cost of venue hire for the 'Meet and Greet' on 12 August and the convention on 13 August inclusive of the dinner on the night of the 13th is \$3,562. Given that Colac Otway Shire is the Host Council it is requested that this contribution be charged to the Saleyards Operating Budget.

**Risk Management Implications**

A failure to agree to the running of the National Saleyards Convention 2009 will place significant investment dollars within the Colac Otway Shire in jeopardy. This has been an annual event for a number of years and is well attended by delegates throughout Australia. The event is nationally recognised and attracts a high calibre of attendees and convention participants. As such the convention is expected to be well attended.

Any financial risk to Council would be limited to the cost of the hire and dinner on the night of the 13 August.

**Environmental Considerations**

Not applicable.

**Communication Strategy/Consultation**

Subject to agreement from the Council, the National Saleyards Convention 2009 organisers will need to be advised of Council's intent and will conduct their own media and marketing.

In addition Council will need to ensure that the convention is advertised locally via the media, electronic newsletters and direct correspondence informing the community of the convention.

**Implementation**

It is proposed that the National Saleyards Convention 2009 convene on Wednesday 12 August through to Friday 14 August 2009.

**Conclusion**

The facilitation of the National Saleyards Convention 2009 will result in community benefits in the order of \$17,900. The event will also showcase Colac Otway Shire, the saleyards and provide media exposure for Colac Otway Shire at a national level.

**Attachments**

Nil

**Recommendation(s)**

***That Council supports the National Saleyards Convention 2009 to be held in Colac in August 2009 and provides sponsorship estimated at \$3,562 in the form of venue hire and convention dinner.***

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OM092204-7 ROAD MANAGEMENT PLAN REVIEW

| | | | |
|-------------|----------------|-----------|---------------------------------|
| AUTHOR: | Adam Lehmann | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure | FILE REF: | GEN01716 – Road Management Plan |

Purpose

The purpose of this report is to present to Council the proposed draft Road Management Plan (Version 2.0) to be issued for public comment.

Background

As reported to the Roads Committee at its meeting of 3 March 2009 a review of Council's current Road Management Plan (Version 1.1) is required under the provisions of the *Road Management Act 2004* (the 'Act') and *Road Management (General) Regulations 2005*.

Council approved its amended Road Management Plan (Version 1.1) at its meeting of 28 June 2006. The Plan was advertised in the local print media as well as the Victoria Government Gazette as required by legislation.

The Act requires that Council's Road Management Plan must be reviewed at prescribed intervals. In the case of a Road Management Plan made before 29 November 2008 Council must commence a review its plan by 1 January 2009 and complete this review by 30 June 2009. A review of the current Road Management Plan (Version 1.1) commenced in November 2008.

The purpose of the Road Management Plan is to establish a management system for public roads that are Council's responsibility in order to meet the needs of road users and the broader community. Council road management functions are based on policy and operational objectives which consider the resource limitations faced by Council in inspecting, maintaining, and repairing its road infrastructure. The levels of service specified in the current Road Management Plan, by necessity, provide a balance between reasonable road safety and affordability.

The Road Management Plan does not apply to new works as these are determined as part of Council's annual capital works budget process.

Corporate Plan/Other Strategies/Policy

The Road Management Plan is an essential document in Council's overall strategic planning objectives and is structured to meet the requirements of the Act from its operational commencement date of 1 July 2004.

Key aspects of the Act are:

- It sets out the roles and responsibilities for both road authorities and road users;
- It provides for a road authority to exercise a duty of care to the community and a policy defence mechanism to claims for negligence through Road Management Plans;
- It requires that a road authority must maintain a Register of Public Roads listing all roads under the authority's control that are considered to be reasonably required for public use. This creates a statutory duty to inspect, repair, and maintain those roads to a standard which is defined by the road authority; and
- It enables a road authority to prepare a Road Management Plan specifying reasonable inspection frequencies, maintenance standards, and response times as determined by the authority which, if met, will provide a degree of protection against liability.

Issues/Options

The review presently in progress aims to examine key principles within the existing Road Management Plan which include:

- Council's Public Road Register;
- Legislative compliance under the *Road Management Act 2004*;
- Suitability of inspection frequencies;
- Service level standards;
- Road and footpath hierarchies; and
- Risk exposure to Council.

General changes are proposed to be made to the current Plan to reflect operational arrangements which have been implemented since its adoption in 2006. The intent of the revised Plan and its adherence to the requirements of the Act will not differ from the original Road Management Plan.

One notable change proposed includes provisions for the suspension of the Plan during extreme ('Force Majeure') events.

Proposal

A review of the current Road Management Plan has commenced. It is proposed to complete this review with reporting to Council as required to ensure that all statutory time frames are met.

| Action | Scheduled Completion Date |
|--|---------------------------|
| Commence review of current version of Road Management Plan (Version 1.1) | November 2008 |
| Workshop with Cosworks and other relevant staff to review Maintenance Performance Criteria | March 2009 |
| Compilation of feedback and amendment/update of Plan | March 2009 |
| Draft revised Road Management Plan to be presented to Council prior to public exhibition | April 2009 |
| Public exhibition of draft Road Management Plan pursuant to provisions of the Road Management Act 2004 | May 2009 |
| Consideration of submissions received | June 2009 |
| Presentation of revised Road Management Plan for adoption by Council | 24 June 2009 |

Road Management Plan Review Timetable

Financial Implications

The Road Management Plan has required Council to clearly specify its levels of service which can be achieved within existing levels of funding. The Act requires that a Road Authority must achieve full compliance with these standards. It is therefore critical that suitable funding levels are sustained within Council's budget for all operational, maintenance and capital works activities identified within the Plan.

The Plan be reviewed in consultation with relevant service providers to ensure that the documented standards are deliverable within existing budget allocations whilst providing a reasonably safe road network.

Risk Management Implications

Risk identification, assessment, and management are an important requirement of the Road Management Plan which provides an effective way for Council to manage its risk as a Road Authority.

Council is exposed to an increase to claims of negligence if it fails to deliver the standards specified in the Road Management Plan. This is the overriding factor when determining appropriate standards for the inspection, maintenance, and repair of Council's roading assets to ensure that they can be delivered within current budget allocations.

Environmental Considerations

Environmental considerations have been undertaken in the development of the plan.

Communication Strategy/Consultation

The Act prescribes a statutory procedure for reviewing a Road Management Plan. This includes giving notice in local newspapers and the Victoria Government Gazette. The public has a right to make a submission within 28 days after the date on which such notice is published.

Any submissions received will be considered in accordance with Section 223 of the *Local Government Act 1989* and in the context of the broader review of the Road Management Plan.

Implementation

A review of the current Road Management Plan has commenced. It is intended that this review be completed in accordance with the proposed timetable. Officers have identified the following key areas to be reviewed in the Plan as follows:

| Issue | Description |
|---|--|
| General review of Road Management Plan Service Levels | Maintenance services to be reviewed to assess risk levels, inspection frequencies, service provision, and temporary and rectification works timeframes. This review will include an analysis of delivery performance. |
| Review of Road Hierarchy | Management of 'fire access' and limited use roads to be clearly defined. |
| Update to Footpath Hierarchy | Inclusion of a classification for 'Shared Paths' within footpaths hierarchy as recommended by Civic Mutual Plus (CMP). |
| Updates to the Public Road Register and hierarchy plans | Update of public road register to reflect additional roads for which Council now acts as a Road Authority. |
| Inclusion of 'Force Majeure' clause | As there are wide range of intervening events that can frustrate the ability to comply with the standards of the Road Management Plans Civic Mutual Plus (CMP) have advised that a Force Majeure type clause should be included in the Plan. |
| Definitions of road and road related assets | The Road Management Act 2004 clearly defines road assets and road related assets. Update of plan required to ensure service delivery is aligned with the intent of the Act (e.g. responsibility for cattle grids, etc). |

Issues Summary

Conclusion

The Road Management Plan enables Council to meet its statutory requirements as a road authority under the *Road Management Act 2004* and ensures that it takes a proactive approach to the management of its public roads.

By completing a review of this document Council will have satisfied its legal obligations and the public exhibition will provide an opportunity for community input whilst ensuring that all defined levels of service are relevant and achievable given existing budget allocations.

Attachments

Draft Road Management Plan (version 2.0)

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

- 1. *Endorses the Draft Road Management Plan (Version 2.0);***
- 2. *Places the Plan on exhibition for 28 days in accordance with Section 223 of the Local Government Act and invites submissions to the Plan in accordance with the provisions of the Road Management Act 2004.***

-----~U-----



Road Management Plan

Version 2.0
Adopted – October, 2004
Draft Amendment – April, 2008

Road Management Plan

GENERAL

Distribution

The General Manager of Infrastructure and Services shall be responsible for the:

- Control of this Plan,
- Distribution of the Plan, and
- Control and issue of any amendments.

Amendment Register

| Issue | Date | Details | Amendment By |
|-------------|-------------|------------------------------|--|
| Version 1.1 | April, 2006 | Amendment No. 1 – Appendix B | Gary Dolan
General Manager
Infrastructure & Services |
| Version 2.0 | April, 2008 | Amendment No. 2 – Appendix C | Neil Allen
General Manager
Infrastructure & Services |
| | | | |
| | | | |

TABLE OF CONTENTS

| | | |
|------------|--|-----------|
| 1.0 | INTRODUCTION | 4 |
| 1.1 | BACKGROUND | 4 |
| 1.1.1 | <i>History.....</i> | 4 |
| 1.1.2 | <i>Legislative Requirements.....</i> | 4 |
| 1.1.3 | <i>Local Government Act 1989.....</i> | 5 |
| 1.1.4 | <i>Victorian Road Management Act 2004.....</i> | 5 |
| 1.1.5 | <i>Transport Act 1983.....</i> | 6 |
| 1.2 | DUTIES OF THE ROAD USER..... | 6 |
| 1.3 | ROAD MANAGEMENT PLAN | 6 |
| 1.4 | CODES OF PRACTICE | 7 |
| 2.0 | COUNCIL OBJECTIVES/POLICY | 8 |
| 2.1 | KEY STAKEHOLDERS..... | 8 |
| 2.2 | KEY OUTCOME AREAS | 8 |
| 2.3 | POLICY FRAMEWORK | 8 |
| 2.4 | COUNCIL PLAN..... | 9 |
| 2.5 | COUNCIL POLICIES & STRATEGIES | 9 |
| 2.6 | BEST VALUE | 9 |
| 2.7 | ASSET MANAGEMENT POLICY | 10 |
| 2.8 | STRATEGIC ASSET MANAGEMENT PLAN | 10 |
| 2.9 | ROAD ASSET MANAGEMENT PLAN | 10 |
| 2.10 | RISK MANAGEMENT POLICY..... | 11 |
| 2.11 | ROAD MANAGEMENT REVIEW (POLICY 13.6) | 11 |
| 3.0 | BUDGET PROCESS | 12 |
| 3.1 | MAINTENANCE FUNDING | 12 |
| 3.2 | CAPITAL WORKS | 13 |
| 3.2.1 | <i>Renewal.....</i> | 13 |
| 3.2.2 | <i>Upgrade</i> | 14 |
| 3.2.3 | <i>Expansion</i> | 14 |
| 3.2.4 | <i>Summary.....</i> | 14 |
| 3.3 | EVALUATION OF CAPITAL WORKS | 14 |
| 3.3.1 | <i>Funding of Capital Works.....</i> | 15 |
| 4.0 | COLAC OTWAY MUNICIPAL Public ROAD REGISTER | 16 |
| 4.1 | INTRODUCTION..... | 16 |
| 4.2 | REGISTER OF MUNICIPAL PUBLIC ROADS | 16 |
| 4.2.1 | <i>Amendments to the Register of Municipal Public Roads.....</i> | 16 |
| 4.3 | ROAD DISCONTINUANCE..... | 17 |
| 4.4 | ROAD NAMING AND RENAMING..... | 17 |
| 4.5 | ROAD HIERARCHY | 18 |
| 4.5.1 | <i>Local Road Classification.....</i> | 18 |
| 4.6 | DEMARCATIION OF RESPONSIBILITY..... | 21 |
| 4.6.1 | <i>Urban Areas</i> | 21 |
| 4.6.2 | <i>Rural Areas</i> | 22 |
| 4.7 | SHARED RESPONSIBILITIES..... | 22 |
| 4.8 | NON-COUNCIL ASSETS | 22 |
| 4.8.1 | <i>Utility Assets.....</i> | 22 |
| 4.8.2 | <i>Rail Crossings</i> | 23 |
| 4.8.3 | <i>Other Assets</i> | 23 |
| 5.0 | RISK MANAGEMENT MODEL..... | 26 |
| 5.1 | INTRODUCTION..... | 26 |
| 5.2 | OBJECTIVE | 26 |
| 5.3 | SYSTEMS APPROACH..... | 26 |



| | | |
|------------|---|-----------|
| 6.0 | MANAGEMENT SYSTEMS | 27 |
| 6.1 | MAINTENANCE MANAGEMENT | 27 |
| 6.2 | MAINTENANCE PROGRAM | 27 |
| 6.2.1 | <i>Strategies for Planning Maintenance Work</i> | 27 |
| 6.2.2 | <i>Maintenance Policies</i> | 28 |
| 6.2.3 | <i>Prioritising Works</i> | 28 |
| 6.2.4 | <i>Maintenance Records</i> | 28 |
| 6.3 | ASSET INSPECTIONS | 29 |
| 6.3.1 | <i>Routine Inspections</i> | 29 |
| 6.3.2 | <i>Request Inspections</i> | 29 |
| 6.3.3 | <i>Incident Inspections</i> | 30 |
| 6.3.4 | <i>Condition Inspections</i> | 31 |
| 6.4 | CUSTOMER REQUEST SYSTEM DESCRIPTION | 34 |
| 7.0 | LEVELS OF SERVICE | 35 |
| 7.1 | COMMUNITY CONSULTATION..... | 35 |
| 7.1.1 | <i>Best Value Consultation</i> | 35 |
| 7.1.2 | <i>Future Consultation</i> | 35 |
| 7.2 | MAINTENANCE PERFORMANCE CRITERIA..... | 35 |
| 7.3 | CONSTRUCTION PERFORMANCE CRITERIA..... | 36 |
| 7.4 | EXCEPTIONAL CIRCUMSTANCES | 37 |
| 8.0 | COORDINATION OF WORKS | 38 |
| 8.1 | ROAD OPENINGS | 38 |
| 8.2 | SERVICE AUTHORITIES..... | 38 |
| 9.0 | plan improvement & monitoring | 39 |
| 9.1 | INTERNAL MONITORING | 39 |
| 9.2 | ANNUAL PERFORMANCE REVIEW..... | 39 |
| 9.2.1 | <i>Performance Measures</i> | 40 |
| 9.3 | PERIODIC REVIEW | 40 |
| 9.4 | ROAD MANAGEMENT PLAN AMENDMENT | 40 |
| 10. | REFERENCES | 41 |

APPENDIX A – MAINTENANCE PERFORMANCE CRITERIA & RESPONSE

APPENDIX B – RECORD OF AMENDMENTS TO ROAD MANGEMENT PLAN, OCTOBER 2004 (VERSION 1.0)

APPENDIX C – RECORD OF AMENDMENTS TO ROAD MANAGEMENT PLAN, APRIL 2006 (VERSION 1.1)

1.0 INTRODUCTION

1.1 Background

Colac Otway Shire is the road authority for those roads within the municipality for which it accepts management responsibility. Colac Otway Shire exercises its duty of care to the public in a number of ways, including planning and undertaking repairs and maintenance to the road network that it manages.

Colac Otway Shire demonstrates its duty of care through having in place a reasonable regime to:

- Inspect the road network to discover defects, and
- Plan and implement repairs to overcome these defects

Where a dangerous condition in the road network is shown to exist, Council may satisfy its duty of care to road users which may include taking one or more of the following actions, depending on the circumstances of any particular case:

- Prioritising the condition in a capital works or maintenance program,
- Installing appropriate signs warning of the dangers,
- Closing the road, or
- Repairing the dangerous condition completely.

1.1.1 History

Negligent repairs and maintenance were known as *misfeasance*. Road authorities in the past may have been liable for injuries and loss caused by misfeasance.

Where a road authority fails to construct, repair or maintain a road under its control, this is known as *nonfeasance*. Under this long-standing common law rule, road authorities in Victoria were protected from findings of negligence in respect of the condition of a road due to any failure to maintain or carry out remedial or improvement works. The High Court of Australia abolished the nonfeasance immunity of highway authorities in May 2001 after their decision in the case of *Brodie vs Singleton Shire Council*.

In response, the State Government introduced legislation to temporarily reinstate this immunity, the *Transport (Highway Rule) Act 2002*. This immunity sunset on the 1 January 2005. The Road Management Act is seen as the long-term solution to road management issues.

For Council to show that it has satisfied its duty of care to road users, it is required to demonstrate that it has in place a reasonable regime for inspecting the road network to discover defects and a reasonable system for planning and implementing repairs to overcome those defects.

1.1.2 Legislative Requirements

Council has many obligations specified and its activities must fall within the powers provided by Acts of Parliament, associated Regulations and common law.

The foremost legislative powers and duties in relation to Council's management of its road assets are:

- *Local Government Act 1989*
- *Road Management Act 2004*
- *Transport Act 1983*

1.1.3 Local Government Act 1989

This Plan has been developed to reflect the purposes and objectives of Council as specified in Sections 6 and 7 of the *Local Government Act 1989*. Section 6 (1) of this Act describes the purposes of a Council that includes the following:

- To provide equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively, and
- To manage, improve and develop the resources of its district efficiently and effectively.

The *Local Government Act 1989* contains the legislation relating to the care and management of all public highways vested in the Council and all roads that are the subject of a declaration under Section 204(2).

Section 205(2) states 'A Council that has the care and management of a road:

- a) Must ensure that if the road is required for public traffic, it is kept open for public use (subject to the exercise of any powers that it has to the contrary under Schedules 10 and 11),
- b) May carry out work on the road, and
- c) Is not obliged to do any particular work on the road, and in particular, is not obliged to carry out any surface or drainage work on an unmade road.

1.1.4 Victorian Road Management Act 2004

The *Road Management Act 2004* ('the Act') establishes improved road management legislation to provide a more efficient and safer road network for all road users.

The aim of the Act is to establish for road management authorities, management systems for the public road network that they manage. The Act assists Council, as a road authority, to determine its own appropriate management plan and standards in order to manage civil liability by defining and achieving its responsibilities.

The objectives of the Act are to:

- Specify the general rights of road users and their obligations in relation to responsible road use,
- Establish a system for the management of safe and efficient public roads that best meets the needs and priorities of the community within the limitations of Council's resources and budgetary frameworks,
- Establish a system of road classification for the division of responsibilities between State and local road authorities,
- Provide for the keeping of a register which records public roads to be constructed, maintained and managed by Council, and
- Clarify the law relating to civil liability for the management of public roads and other public highways.

As a Road Authority, Council has the general management functions of:

- Provision and maintenance of a network of public roads for use by the community,
- Management of the use of public roads having regard that the primary purpose of a road is use by member of the public,
- Management traffic on public roads, and
- Coordinating the installation of infrastructure on public roads in such a way to minimise adverse impacts on the provision of utility services.

1.1.5 Transport Act 1983

In response to the abolishment of 'Highway Rule' in May 2001 by the High Court of Australia, the Victorian State Government passed amendments to the *Transport Act 1983* in November 2002. These amendments temporarily reinstate the former 'Highway Rule' until 1 January 2005. This allows a road authority to operate under the former law while adopting the new road management requirements as legislated by the *Road Management Act 2004*.

1.2 Duties of the Road User

A road user has specific duties in the respect to the use of a public highway, including having regards to the rights of other road users. A road user must also take all due care to avoid causing the risk of damage to a public highway or any infrastructure located in the road reserve.

A person who drives a motor vehicle on a public highway must drive in a safe manner having regard to all the relevant factors including the:

- Standard of construction of the road,
- Prevailing weather conditions,
- Level of visibility,
- Condition of the motor vehicle,
- Prevailing traffic conditions,
- Relevant road laws and advisory signs, and
- Physical and mental condition of the driver.

The *Road Safety Act 1986* requires other road users (other than those driving a motor vehicle) to use a road in a safe manner, having regard to all the relevant factors. Other obligations of road users are also set out in the *Road Safety Act 1986* in regard to relationships with other road users and damage to road infrastructure.

1.3 Road Management Plan

The Road Management Plan ('the Plan') sets the relevant standards and policy decisions in relation to the discharge of Council's duties in the performance of its road management functions.

This Plan details the management systems that Council will implement to maintain, upgrade and operate its physical road assets cost-effectively.

Colac Otway Shire through the Plan accomplishes its duties by combining engineering principles with sound business practices, and providing tools to facilitate an organised logical approach to decision making.

The following basic elements are included in Council's Road Management Plan:

- The relevant standards and policies in relation to Council's performance of its road management functions,
- Descriptions of the road asset management systems that Council has established and will implement to effectively provide a road network that is safe and meets the needs of road users and the community,
- A schedule of maintenance processes and standards, taking into account affordable community needs, and
- Reference to all relevant Codes of Practice.

1.4 Codes of Practice

Council is guided in their application of the Plan through Codes of Practice, as part of the Act. The codes set out benchmarks of good practice in relation to the road management duties of councils and allow scope for individual councils to set standards and allocate road maintenance priorities according to their particular level of resources.

The Plan should include matters that a relevant Code of Practice specifies.

A Code of Practice objectives include:

- To set benchmarks for exercise of powers and conduct of utilities, service providers and infrastructure managers,
- To clarify and determine operational responsibility for different parts of the road reserve, and
- To provide practical guidance in determining how to allocate resources, develop policies, set priorities and make road management plans

A Code of Practice cannot:

- Impose a duty,
- Direct how operations may be done,
- Create an enforceable legal right, or
- Impose a liability or penalty.

2.0 COUNCIL OBJECTIVES/POLICY

The Colac Otway Shire is committed to continual improvement in the way it manages its road network and associated assets. A fundamental component of this task is maintenance or the management of the ongoing performance and condition of this infrastructure.

This Road Management Plan provides a vision for how Council plans to manage its road network. This vision will ensure that the community is provided with a road system that returns optimum economic benefit for the life of the asset while recognising social, safety, environmental and user needs.

This document provides a policy framework to guide Council's management of the road infrastructure under its authority. It defines roles and responsibilities for decision making, outlines the way management requirements should be assessed, and addresses appropriate methodologies for roads based funding.

2.1 Key Stakeholders

A stakeholder represents any groups or individuals having an interest, in this case, the service provided by Council's road network.

The stakeholders in the management of Council's road and other related assets are many and often their needs are wide-ranging. The relevant key stakeholders are:

- Local residents including private car drivers, cyclists, pedestrians, etc,
- Industrial and commercial operators and other transport services,
- Emergency services,
- Enforcement agencies,
- Primary producers,
- Land developers,
- Other Government Departments,
- Tourists and visitors to the area.
- Utilities as prescribed in Section 3 of the *Road Management Act 2004*, and
- Council as the custodian of the network, including all internal and external support staff.

The community's needs and expectations are subject to change frequently and are becoming more demanding manifested by demands for services that provide better quality, value for money, environmental awareness and relevant value adding.

2.2 Key Outcome Areas

The specific objectives of Council's vision are:

- To ensure sound road management decisions,
- To ensure that Council's road assets perform effectively throughout their service lives, to appropriate standards, which have been set with due consideration of community expectations,
- To enable a sound basis for establishing road funding requirements, and
- To ensure sound allocation decisions between capital works and maintenance.

2.3 Policy Framework

This policy framework provides that Colac Otway Shire apply a systematic approach to its road management responsibilities.

Maintenance and construction performance criteria are defined to ensure that a safe and efficient road network is provided to the community. Council approved funding levels corresponding to these performance criteria are allocated to achieve such standards.

2.4 Council Plan

The Road Management Plan is a key document in Council's overall strategic planning objectives and is structured to meet the requirements of the *Road Management Act 2004* from its operational commencement date of 1 July 2004.

The draft Council Plan 2009 – 2013 outlines the principles that support Council's commitments over the period and serves as a standard by which community outcomes can be assessed. The Council Plan is a dynamic document which is updated annually to reflect changing priorities and impacts of external factors.

The Colac Otway Shire's Road Management Plan is consistent with Council's commitment to providing and maintaining infrastructure and assets that meet community needs now and in the future, whilst providing Best Value to the community.

The specific strategies and outcomes identified in the draft Council Plan 2009 – 2013 include:

- Ensure infrastructure development, renewal and maintenance plans address current and forecast community needs;
- Implement and manage Colac Otway Shire's Road Management Plan;
- Manage Council's buildings and facilities in a responsible, safe and sustainable manner; and
- Improve local and regional transport networks to ensure safety and accessibility

2.5 Council Policies & Strategies

The Colac Otway Shire applies a 'whole of life' approach to the management of its Infrastructure Assets. This provides for an encompassing view of asset management through the application of an Asset Management Policy and a Strategic Asset Management Plan.

In its simplest terms, asset management is about the way in which we look after the assets around us, both on a day-to-day basis (maintenance and operations) and in the medium to long term (strategic and forward planning).

2.6 Best Value

In association with Best Value, Council is required to comply with the Best Value Principles as defined by the *Local Government Act 1989, Section 208B*. Council has considered these fundamental principles in developing the relevant standards, policy and operational objectives as they relate to this Plan.

The principles that Council must observe are as follows:

- There must be quality and cost standards set for all services that a council provides to the community,
- All services provided by a council must be responsive to the needs of the community,
- Each service provided by a council must be accessible to those members of the community for whom the service is intended,
- A council must achieve continuous improvement when providing services to the community,
- A council must develop a program of regular consultation with its community in relation to the services it provides, and
- A council must report regularly to its community on its achievements in relation to the Best Value Principles.

2.7 Asset Management Policy

The Asset Management Policy states Council's commitment to working towards implementing Advance Asset Management principles to ensure that assets are planned, created, operated, maintained, replaced or disposed in accordance with Council's priorities for the service it delivers.

This policy provides a framework and guiding principles for the processes involved in managing Council assets. The policy provides clarity of expectations when planning, creating, maintaining/operating and reviewing Council's Assets.

2.8 Strategic Asset Management Plan

The Strategic Asset Management Plan outlines and guides Council's asset response to its service requirements, through the development of an asset portfolio, risk management strategies and asset performance measures.

The principal objective of strategic asset management is to ensure that Council meets its service delivery objectives efficiently and effectively.

This objective will be achieved by:

- Maximising the service potential of existing assets by ensuring they are appropriately used and maintained;
- Reducing the demand for new assets through demand management techniques and consideration of alternative service delivery options;
- Achieving greater value for money through a rigorous project initiation and evaluation process which takes into account life cycle costing, value management techniques and private sector involvement;
- Eliminating unnecessary acquisition and holding of assets by ensuring agencies are aware of, and required to pay for, the full costs of holding and using assets; and
- Focusing attention on results by clearly assigning responsibility, accountability and reporting requirements in relation to asset management.

This outcome will be supported by a comprehensive Strategic Asset Management Plan that address capital investment, the operation and maintenance of existing assets, and the rationalisation and disposal of assets.

2.9 Road Asset Management Plan

The objective of Council's Road Asset Management Plan is to outline the particular actions and resources necessary to manage the local road network and associated assets to provide a defined level of service in the most cost effective manner. A significant component of the plan is a long-term cash flow projection for the activities.

The aim of this plan is to:

- Identify all assets within the class of roads and associated infrastructure,
- Develop a level of service to which these assets will be developed and maintained,
- Determine lifecycle costs based on current management techniques,
- Assess risks involved in the operation of these assets,
- Develop management strategies to enable Council to operate a sustainable road network that meets the communities expectations for performance, and
- Identify a short and long term improvement program so that financial costs and information may be modeled and refined.

2.10 Risk Management Policy

The Colac Otway Shire is committed to managing risk by logically and systematically identifying, analysing, assessing, treating and monitoring risks that are likely to adversely impact on Council's operations.

The purpose of this policy is to provide a framework for risk management, and to define the responsibilities of staff and management in the risk management process.

The Colac Otway uses the Risk Management Standard AS/NZ 4360 – Risk Management. For all significant risks associated with Council's road infrastructure appropriately planned actions are determined and implemented. These actions include capital development, maintenance and/or operational enhancement.

2.11 Road Management Review (Policy 13.6)

Council, as part of its overall objective of establishing clear and equitable policies for its community, has determined to review the functions and purpose of its entire local road network.

This review includes the establishment of construction and maintenance criteria for each particular classification.

This review also incorporates consideration of issues pertinent to road closure, road renaming and the establishment of processes to allow community feedback on these issues.

3.0 BUDGET PROCESS

This aim of Council's Financial Strategic Resource Plan is to assist it in understanding the medium to long term implications of its policies and strategies which are proposed each year and subsequently adopted in the annual budget process.

The Financial Strategy is closely aligned to the Council Plan and it provides Council with a broader understanding of the financial implications of its strategic decisions. It guides Council and management in the preparation of future corporate strategies and associated allocation of budgets.

3.1 Maintenance Funding

Maintenance is all actions necessary for retaining an asset as near as possible to its original condition, excluding rehabilitation or renewal.

Maintenance activities are not only important to ensuring the maximum 'useful' life of an asset is achieved, but also impacts directly on aspects of risk management and the delivery of expected levels of service to the community.

Roads deteriorate as a result of repeated traffic loading and environmental influences such as climate and soils. Maintenance is a 'day to day' activity to provide an acceptable level of service for the road user and allow road assets to continue to function as built, taking into account seasonal conditions and activities.

Road maintenance involves remedying the defects that occur from time to time and providing treatments that retard the rate of deterioration. Also included under the heading of maintenance is the upkeep of road shoulders, verges, drainage facilities, signs, line marking and road furniture.

In most cases, the commencement of a maintenance or operational activity is triggered by the asset showing certain measurable defects or conditions. This trigger is termed the Maintenance Performance Criteria. Examples of these defects include size of potholes or corrugations in a road, or the length of grass on a roadside.

The principles outlined in this Road Management Plan ensure that the standard condition to which Council's assets are maintained will provide a safe and efficient road network.

Budget constraints may result in undesirable asset deterioration. Council is responsible to ensure that budget funding levels are allocated adequately to ensure undesirable asset deterioration does not occur.

Funding for roads must compete against a wide range of services that Council delivers. The following factors will be considered by Council during its annual budget process to determine and review its road maintenance funding levels:

- The ability to meet the specified levels of service in regards to its adopted maintenance performance criteria within the limitations of funding levels,
- Maximisation of asset life and reduction in whole of life costs,
- Priorities for maintenance are consistent with the objectives of the Road Management Plan,
- All relevant information relating to the gap between what maintenance works are funded by Council and listings of any deferred maintenance required to be completed, and
- Annual Community Satisfaction Survey outcomes (Council Plan – performance indicators)

3.2 Capital Works

Capital Works can be defined as expenditure that either creates a new asset or improves or restores the current function of an existing asset, e.g. reconstruction of a road or bridge.

Capital Works may be split into three distinct categories, Renewal, Expansion and Upgrade. Capital Works, as it relates to Councils road related infrastructure includes renewal, expansion and upgrade of the following asset classes:

- Road Infrastructure
- Stormwater Drainage, Kerb & Channel and Footpaths
- Bridges and Major Culverts

3.2.1 Renewal

Capital renewal is those works required to refurbish or replace an existing asset with an asset of equivalent capacity or performance capability eg reconstruction of a 5-metre wide road to match the existing width and levels is considered a renewal project.

Some maintenance activities may also be considered as renewal. These activities significantly impact upon the condition and useful life of an asset. Only those maintenance activities that result in replacement of a significant asset or asset component are considered renewal.

Examples of such activities are:

- Gravel road resheeting
- Major patching of a failed section of sealed pavement
- Road resealing

3.2.1.1 Funding of Asset Renewal

Prioritised programs are developed in support of the budget. In the development of these programs, consideration is given to the following factors:

- Asset condition assessments,
- Asset hierarchy,
- Analysis of maintenance costs,
- Relative risk to the travelling public, and
- Available funding

Additional funding for asset renewal is available from Roads to Recovery funding. This is designed to bring forward renewal programs which would otherwise be difficult to fund.

The program has previously been used for rehabilitation of failed road pavements and replacement of bridges having a low load bearing capacity.

These funds could also be used to contribute to the upgrade of assets which could otherwise become backlog items. This is especially important where network capacity improvements are required to accommodate the effects of growth and demand changes.

3.2.2 Upgrade

Capital upgrade is work designed to deliver an improved level of service to existing ratepayers.

For example, the widening of an existing 5-metre wide road to a width of 7-metres, or the installation of a roundabout at an intersection to improve safety can be defined as capital upgrade projects.

Upgrade projects improve service delivery to the community; however, consideration must be given to their long-term sustainability. Most of the projects that fall into this category are fully or partially funded by external contributions.

3.2.3 Expansion

Capital expansion may be best described as the creation of new assets to service new ratepayers.

An example of this would be the construction of new infrastructure (e.g. roads, footpaths, drainage, etc) as part of a new subdivision development.

All expansion work is externally funded, and in some cases, can be termed as 'donated assets'. Long term operation, maintenance and renewal of these assets may be of concern because, as the asset portfolio increases, the annual cost of sustaining that portfolio increases respectively.

3.2.3.1 Funding of Asset Creation

Funding of new assets can come from:

- Developer contributions,
- Rate revenue and
- Special Charge Schemes targeted at specific improvements for property owners who gain special benefit from those improvements.

Whilst road asset acquisition through donated assets does not in itself create a capital cost it does create an on-going maintenance cost which must be factored into Council's long-term finance allocations.

3.2.4 Summary

All three classifications of Capital Investment, Renewal, Upgrade and Expansion are warranted in differing circumstances:

- Renewal works maintain assets,
- Expansion projects accommodate growth, and
- Upgrade works satisfy changes in demand or rectify assets that are perceived as insufficient in meeting community needs

Council has a current Budget strategy that responds to community demand and asset renewal requirements. Council's current emphasis is on asset renewal expenditure rather than asset development.

3.3 Evaluation of Capital Works

Council's Capital Evaluation Process provides the framework for an objective evaluation process for all projects to be considered for the Capital Works Program.

This process enables projects of competing priority being considered for inclusion within the Capital Investment Program to be evaluated in a coordinated approach involving the collation of project information, costings and business case assessments.

The outcome of this process provides a prioritised list of projects forming the basis of the Annual Capital Investment Program and future years within the Ten (10) - Year Capital Works and Major Projects Program.

Capital Works Projects are assessed on the following criteria:

- Community Priority Survey
- Corporate Plan references
- Population benefiting
- Health and social issues
- Best Value process
- Risk level
- Legal liability
- Works funding
- Future maintenance costs
- Capital works expenditure type (i.e. renewal, upgrade, or new)

3.3.1 Funding of Capital Works

Funding for Capital Works is viewed as an essential component of the Ten (10) - Year Capital Works and Major Projects Program. Traditionally, Council's approach to Capital Works and other major non-recurrent expenditure have been to include funding in the Capital Works and Major Projects Program where identifiable. Identifiable Capital Works funding is regularly incorporated for most infrastructure expenditure.

4.0 COLAC OTWAY MUNICIPAL PUBLIC ROAD REGISTER

4.1 Introduction

A reliable inventory of road features is the basic component of any road management system. The most obvious road items that are normally recorded in a network asset register are the carriageway, footpaths, signage, kerb and channel, amongst many others.

4.2 Register of Municipal Public Roads

The *Road Management Act* requires Council to keep and maintain a register of municipal public roads, and ancillary areas for which it has the responsibility for managing operational functions.

As prescribed by *Clause 19* and *Schedule 1* of the Act, Council will record the following information in its municipal public roads register as it relates to those roads for which it is the principle authority.

The register must include:

- (a) The name of each public road or, if a road is unnamed, a description which enables the particular road to be easily identified;
- (b) If a road becomes a public road after 1 July 2004, the date on which the road became a public road;
- (c) If a public road ceases to be a public road, the date on which the road ceased to be a public road;
- (d) The classification, if any, of the public road;
- (e) The reference of any plan or instrument made on or after 1 July 2004 that fixes or varies the boundaries of a public road;
- (f) Any ancillary areas;
- (g) A reference to any arrangement under which road management functions in respect of any part of a public road or ancillary area is transferred to or from another road authority;
- (h) Any matter required to be included by the relevant road Minister under section 22;
- (i) Any other matter required to be included by this Act;
- (j) Any other matter which is prescribed for the purpose of this clause.

Council's Register of Municipal Public Roads is available for public inspection upon request. This document may be viewed at both the Colac and Apollo Bay Customer Service Centres during normal business hours.

Assets on municipal public roads that the Colac Otway Shire is responsible for and which this Road Management Plan incorporates include:

- Road surface, pavement, and earth formation;
- Surface and underground drainage systems;
- Signs, guideposts, line marking, barriers, and retaining walls;
- Footpaths and shared pathways;
- Parking areas,
- Bridges and major drainage structures, and
- Urban street trees, street furniture, and tree guards.

4.2.1 Amendments to the Register of Municipal Public Roads

Developers generally fund the construction of new infrastructure e.g. roads, footpaths, drainage, etc as part of new subdivision developments. This leads to an expansion in Council's asset portfolio for which it is responsible for.

The Colac Otway Shire assumes responsibility of public highways created through expansion at registration of subdivision, providing that all infrastructure is constructed to meet Council's minimum specifications.

A public highway is not a public road for the purposes of the Act unless and until it is registered on Council's register of municipal public roads.

The register of municipal public roads will need to be maintained on an ongoing basis. It is proposed that the register of municipal public roads be maintained under delegation to ensure it is readily updated on a regular basis.

Council gives the right to review the status of public highways as public roads, should they not appear on its register of public roads.

As standard practice following completion of construction work on subdivision infrastructure all related information shall be documented and formally handed over to Council's maintenance staff. For example, drawings clearly showing as-constructed pavement details, locations of hidden features such as underground drainage systems, and other information critical to the ongoing management of the asset.

4.3 Road Discontinuance

Council may in accordance with *Schedule 10(3) of the Local Government Act 1989* discontinue a public highway or part of a public highway via a notice published in the *Government Gazette*.

Prior to gazettal, Council is obligated by its statutory process to call for public submissions. In addition, all abutting property owners shall be advised of the proposal in writing and advised of their right to make submission. All submissions will be considered in accordance with the provisions of *Section 223 of the Local Government Act 1989*.

If a road or part of a public road is discontinued, Council must specify all details in its register of public roads.

4.4 Road Naming and Renaming

Where a road is required to be named or renamed the *Local Government Act 1989* provides an administrative procedure for Road Renaming.

The *Local Government Act 1989* clearly sets out the procedures for road naming, but the Road Renaming process is a very sensitive issue due to local residents, history, and pioneers of the district or acceptance of the existing name for keepsakes.

The provisions of the *Local Government Act 1989* relating to the naming of roads are contained in *Section 206 and Schedule No. 10 Clause 5*.

With respect to Road Renaming, *Schedule No. 10, Clause 5* - The Council has the power to name roads, erect signs and require premises to be numbered:

A Council may:

- Approve, assign or change the name of a road,
- Erect signs on a road,
- Approve, assign and change the number of a road and any premises next to a road, and
- Require people to number their premises and to renew those numbers.

In exercising its power under *Clause 5*, Council must act in accordance with the guidelines in force for the time being under the *Geographic Place Names Act 1998* and must advise the Registrar under that Act of the naming or renaming of a road.

4.5 Road Hierarchy

Colac Otway Shire is a unique municipality with major topographical, climatic and geological differences within the shire that have a direct impact on the ability of Council to provide a suitable road network. If Council is to provide a sustainable road network system, its Road Classification system must take into account these differences. A Classification system and Hierarchy was adopted as part of this Plan.

A 'Functional' classification system has been adopted rather than a 'Structural' system. This is on the basis that current structural standards do not necessarily reflect the use and purpose of each road in the network. A functional classification system enables each road to be critically assessed based on agreed criteria to determine whether the road system is capable of meeting the needs of the road users.

In a Functional Road Classification system, it is also necessary to clearly differentiate between the Urban and Rural road network. This allows consideration to be taken of the differences in use, intensity of abutting land development, speed and mass of vehicles and traffic volumes.

The Colac Otway Planning Scheme, Victorian Grants Commission and VicRoads definitions were reviewed for applicability to the Urban and Rural areas of the Colac Otway Shire.

4.5.1 Local Road Classification

The model detailed below takes into consideration the above key issues and establishes a clear distinction between each classification. A separate 4-tier functional classification system, for the Urban and Rural road networks is adopted with sub-functions, clearly defining the current use of a particular road within each category.

The 4-tier system is primarily based on the functions of **Link, Collector, Access** and **Minor** within the road system. The model below identifies each category and the criteria proposed to be used in evaluating each road in the network. The Technical Support Document identifies in detail how the classification system is applied in terms of the road function and its current or proposed use (sub-function). The classification system is divided into Rural & Urban localities to reflect the varying needs of these areas.

Rural Road Network

| Hierarchy | | Name | Explanatory Notes | Road Surface |
|-----------|------------|-----------------|---|---|
| Network | Identifier | | | |
| Rural | RL | Rural Link | Roads of this classification primarily provide a direct linkage between significant population centres and major traffic generators such as Residential, Industrial, Commercial, Agricultural and Tourist areas and/or Declared Roads. These roads have an Identifiable Origin and Destination. | Generally a sealed surface, may be a gravel surface |
| | RC | Rural Collector | Roads of this classification primarily provide a route between, and through, Residential, Industrial, Agricultural, Tourist and Forest traffic nodes and the Rural Link and /or Declared road network. | May be either sealed or gravel surface |
| | RA | Rural Access | A road in this category provides direct access for abutting properties and generally connects into the Collector road network. There is minimal to no through traffic. | May be either sealed or gravel surface |
| | RM | Rural Minor | These roads generally provide occasional access to non-residential property only. | Generally either gravel, formed or natural surface |

Urban Road Network

| Hierarchy | | Name | Explanatory Notes | Road Surface |
|-----------|------------|-----------------|---|--|
| Network | Identifier | | | |
| Urban | UL | Urban Link | Roads of this classification primarily provide a linkage between significant Residential, Industrial and Commercial nodes and or the declared road network. These roads have an identifiable Origin and Destination | Sealed surface |
| | UC | Urban Collector | Roads of this classification primarily provide a route between and through Residential, Industrial and Commercial areas and convey traffic to the Urban Link or Declared Road network system. | Sealed surface |
| | UA | Urban Access | A road, street, court or laneway that primarily provides direct access for abutting Residential, Industrial and Commercial properties to their associated nodes | Maybe either sealed or gravel surface |
| | UM | Urban Minor | Provides secondary access to residential properties or provides access to non-residential property | Generally either gravel, formed or natural surface |

Footpath Network

| Hierarchy | Name | Explanatory Notes | Footpath Surface |
|------------|-------------------|---|--|
| Identifier | | | |
| H | High Use Area | Footpaths of this classification are primarily located in the near vicinity of shopping precincts, aged care centres, senior citizen centres, schools, kindergartens, hospitals and other community facilities. | Generally concrete, asphalt or modular paving |
| S | Standard Use Area | Footpaths of this classification provide pedestrian access in local residential streets. | Maybe concrete, asphalt, sealed or gravel |
| L | Low Use Area | These are seldom-used areas where there exist paths known by Council to be used by the public. Inspections on areas of this type are to identify specific defects. No additional maintenance is undertaken. | Generally natural surface |
| SP | Shared Use Path | Shared use paths can be described in simple terms as off road trails, tracks or paths that provide for access for a range of activities such as walking, bike riding or horse riding. Council has a combination of pathways, including those within public areas and private land (under agreement), those on public reserves, and those located on arterial roads. | Maybe concrete, brick paved, asphalt, sealed or gravel surface |

In demonstrating 'reasonable care' it is logical practice, in risk management terms, to consider the likelihood and consequence of an incident, and have a management system in place that caters for these eventualities.

It is suggested that the degree of risk on a footpath can be linked directly to the usage patterns and volumes of pedestrian traffic. To account for the risk associated with a footpath when determining maintenance programs, the above footpath hierarchy was developed considering the three defined risk or use categories.

4.6 Demarcation of Responsibility

Council is responsible for the majority of the roads within the municipality. These are known as Local Roads and are listed on Council's Register of Municipal Public Roads.

Previously, VicRoads were responsible for the management, maintenance and development of the major arterial component of Victoria's road network, known as the 'Declared Road Network'. These declared roads were classified as Freeways, State Highways, Main Roads, Tourists' Roads and Forest Roads under the *Transport Act 1983*.

From the 1 July 2004 VicRoads are the responsible road authority for all arterial roads within the Colac Otway Shire. An arterial road means a public road that is declared to be an arterial road under *Section 14* of the *Act*. The arterial roads for which VicRoads are responsible include all roads that were previously categorised as Declared Main Roads.

Other roads in areas such as parks and forests within the municipality are managed by organisations such as the Department of Sustainability & Environment and Parks Victoria.

The *Act* assists road authorities to define and achieve their road maintenance responsibilities as a defence to the threat of civil liability. Each road authority may formulate its own road management plan, which includes the setting of appropriate and reasonable road management standards.

A Road Management Plan establishes the standards of care for the purposes of judging civil liability. Failure to protect or maintain a road to an appropriate standard may result in a road authority being found liable in the event of personal injury or loss as a direct result of inadequate inspection and maintenance systems.

The register of municipal public roads and associated maps define the roads for which Council has operational duties as a road authority. Operational functions for the purposes of this road management plan relate to the establishment of standards for the construction, inspection, maintenance and repair of road infrastructure.

4.6.1 Urban Areas

In the situation where the public road is an arterial road, VicRoads is the coordinating road authority, excepting the following instances where Council has responsibility for all local components of the road system. These are:

- Service road traffic lanes and shoulders,
- Pathways outside of through carriageways and central medians,
- Indented parking bays and any other part of the roadway located 'kerb to kerb' that could not be made available for through traffic (being located either on the side of the road, in the outer separator or in the central median), and adjacent kerb and channel,
- Drainage pits and underground drainage outside of through carriageways or outer separators and underground drainage that is part of a municipal drainage scheme,
- Off road bicycle paths,
- Off road furniture at bus stops,
- Road markings for all parking bays, plus road markings on service roads,
- Nature strips including vegetation,
- Local signage including street name signs, local direction signs, parking signs for the control of stopping or parking, and advance warning (but not advance direction) signs on municipal roads,
- pedestrian fencing outside of central medians,
- Tactile Ground Surface Indicators (TGSI's) in footpaths and kerb ramps and at bus stops (except at central medians), and
- Plantation reserves where council holds the title.

An urban region as defined by *Section 3* of the Act, is an area in which -

- A speed limit of 60 kilometres per hour or less applies not being a speed limit that applies only because of a temporary reason such as roadworks or a street event;
- There are buildings on land next to the road, or there is street lighting, at intervals not exceeding 100 metres for:
 - a distance of at least 500 metres; or
 - if the length of the road is less than 500 metres, over the length of the road.

4.6.2 Rural Areas

Council is responsible for service roads, off road bicycle paths, pathways, associated local signage, and underground drainage that is part of a municipal drainage scheme.

For definition of the limits of responsibility between VicRoads and Council, where local roads intersect with arterial roads in an urban and rural environment, refer to the Code of Practice - Physical Limits of Responsibility for Declared Freeways and Arterial Roads.

4.7 Shared Responsibilities

The Act requires that a road authority be responsible for the operational functions of a road. In the instance of boundary roads with other municipalities, the responsibility is allocated according to an agreement between each municipality.

4.8 Non-Council Assets

Various infrastructure assets, for which Council has no management responsibility, may exist within the local road network. These assets are owned and managed by service authorities, individuals and other statutory bodies.

4.8.1 Utility Assets

Many Utility Agencies utilise a road for their infrastructure. Non-road infrastructure within the road reserve is the responsibility of the person or body that is responsible for the provision, installation, maintenance, or operation of that particular asset.

A listing of typical utility assets found within a road reserve, and the relevant management authority is given below.

| Asset Type | Management Responsibility |
|---|--|
| Street Lights | Powercor |
| Telecommunication infrastructure assets | Telstra |
| Gas infrastructure assets | Tenix Gas |
| Water & Sewerage infrastructure assets | Barwon Water |
| Electricity infrastructure assets | Powercor |
| Traffic Signal Installations | VicRoads |
| Rail Crossings | V/Line and Australian Rail Track Corporation |

Assets or services within a municipal public road for which Council is not responsible for include gas pipes, water and sewerage pipes, cables, electricity poles, public telephones, and mail boxes. Any person who has an issue with one of these assets should refer it to the relevant Infrastructure Manager (e.g. external service authority)

4.8.2 Rail Crossings

Within the Colac Otway Shire V/Line and Australian Rail Track Corporation are responsible for installing and maintaining all infrastructure located at rail crossings (e.g. crossing position signs together with other signs, barriers, gates, flashing lights, etc). Railway authorities are also responsible for the roadway immediately adjacent to the railway line (i.e. within 2.1-metres each side of the rail).

Council is responsible for the erection and maintenance of advance warning signs and all pavement markings associated with the approaches to rail crossings on all municipal roads.

Council will continue to maintain and respond to issues identified within the Australian Level Crossing Assessment Model (ALCAM) database as administered by the Department of Transport within its annual budget cycle.

4.8.3 Other Assets

In relation to provision of access from adjoining properties, there are a number of assets within a road reserve for which Council has no obligation to construct or maintain. Assets of these types are described as follows.

4.8.3.1 Vehicle Crossings

The portion of a vehicle crossing (i.e. driveway) located between the carriageway and the property boundary is the responsibility of the adjoining property owner to construct and maintain to Council's minimum specifications.

The property owner is also responsible for maintenance of the immediate surrounds impacted on by the vehicle crossing in a safe condition.

4.8.3.2 Nature Strips, Infill Areas and Vegetation

Nature strips and infill areas are those residual areas between the edge of road or back of kerb and the property boundary not occupied by a footpath or vehicle crossing. These are normally sown to grass and may contain other features such as street trees and utility poles and underground services.

Nature strips are not recognised as a road related asset and are therefore not formally inspected or maintained to a standard defined under Council's Road Management Plan. Consequently, Council may only undertake works on a nature strip where there is an obvious safety or amenity issue either reported as a customer request or identified through programmed inspection activities.

Responsibility for maintenance of the nature strip areas is generally left to the abutting property owner as part of the presentation of their property and general appearance of the local streetscape.

Service authorities have an obligation to reinstate any disturbed nature strip areas to a condition which existed prior to any excavation works in relation to the installation or maintenance of their infrastructure.

Street trees within the road reserve are however managed by Council. An abutting owner has the responsibility to keep a road or footpath clear of vegetation growing from their property. Council may direct the property owner to trim any overhanging branches under provisions of its Local Laws.

4.8.3.3 Property Stormwater Drains

Property stormwater drains are constructed within the road reserve from the property boundary to a discharge outlet in the kerb, table drain or connected directly to Council's underground drainage system. Property drainage lines directly benefits the property and as such are the responsibility of the owner of the property being served to maintain.

4.8.3.4 Stock Underpasses

A stock underpass is generally a box culvert type structure constructed for the purpose of providing a safe under road crossing.

A landowner that constructs a stock underpass on a local road must first sign a Section 173 Agreement (*Planning and Environment Act 1987*) with Council that includes requirements for the landowner to maintain the structure. A cattle underpass shall be designed in accordance with all relevant VicRoads Guidelines, Australian Standards, and other applicable design codes.

Council has a responsibility to maintain the road pavement areas, seal markings and guideposts across the stock underpass. Responsibility for the maintenance of the structure, including attachments such as guardrail, stock lanes, fencing and stock underpass drainage remains with the landowner for the duration of the agreement.

Regardless of maintenance obligations, Council has a duty of care to ensure that that these assets are in a condition safe to the general community. There often exists a point of conflict with residents who have an expectation that Council will maintain these assets as they are within the road reserve.

4.8.3.5 Cattle Grids

A cattle grid is a type of obstacle used to prevent livestock from passing along a road which penetrates the fencing surrounding an enclosed piece of land. Cattle grids generally consist of a depression in the road covered by a transverse grid of bars or rails, normally constructed of metal and firmly fixed to the ground on either side of the depression, such that the gaps between them are wide enough for animals' legs to fall through, but sufficiently narrow not to impede a wheeled vehicle.

A cattle grid is a type of obstacle used to prevent livestock from passing along a road which penetrates the fencing surrounding an enclosed piece of land. Cattle grids generally consist of a depression in the road covered by a transverse grid of bars or rails, normally constructed of metal and firmly fixed to the ground on either side of the depression, such that the gaps between them are wide enough for animals' legs to fall through, but sufficiently narrow not to impede a wheeled vehicle.

The landowner benefiting from the use of a cattle grid is required to enter into a Section 121 Agreement (*Road Management Act 2004*) for the construction, maintenance, repair, and insurance of the cattle grid. This agreement defines the roles and responsibilities of both Council and the landowners for the ongoing management of the cattle grid.

4.8.3.6 Fire Access Roads

Designated fire access roads throughout the Colac Otway Shire, which are open for traffic under a controlled level of service, however are infrequently used or dry weather access only. Maintenance of these roads is only carried out as directed by Council's Fire Prevention Officer.

Traditionally Council maintains these tracks to a standard that will cater for farm machinery and fire fighting vehicles to travel to and from non-residential properties as and when weather conditions allow.

These types of roads are damaged by inappropriate use by motorists during wet weather periods when conditions do not support the movement of any vehicles.

5.0 RISK MANAGEMENT MODEL

5.1 Introduction

The purpose of this section is to describe Council's risk management model and the manner in which it will manage risk associated with its road network and associated infrastructure.

It is essential to note that it is not possible for Council to address all defects and eliminate all risks through remedial action. Rather, this model provides a basis for identifying and managing risks within the resources available to the community through clear priority setting and an appropriate system of responses.

5.2 Objective

Council's objective of road management is to ensure that a safe and efficient road network is provided primarily for use by the members of the public and is available for other appropriate uses.

5.3 Systems Approach

Council manages risk in relation to roads by performing its road construction and maintenance activities in accordance with this plan.

In ensuring that programmed inspections and work activities are completed pursuant to the standards of Council's Road Management Plan, road users are offered a reasonable level of safety during the use of the local road network.

Council's road management functions are based on policy and operational objectives which consider the resource limitations faced by Council in inspecting, maintaining, and repairing its road infrastructure. Council is able to minimise its risk from litigation resulting from claims of negligence by delivering on the standards specified in the Road Management Plan.

Levels of service for inspections and maintenance activities are specified for each category within Council's road and footpath classification systems. In general terms, higher classification roads and footpaths are inspected more frequently and issues identified are responded to more promptly.

The adopted Colac Otway Shire risk management process is consistent with Australian Standard AS/NZS 4360:2004 – Risk Management which defines risk assessment and management.

The approach taken in developing Council's risk management system for its road network is to:

- Require routine inspections of the road network and associated assets at specified intervals to identify defects,
- Initiate additional inspections, as required, of issues raised by the community or Council employees through Council's corporate customer request system, MERIT,
- Record defects that may result in a potential hazard to the public, or fail to meet Council's adopted Maintenance Performance Targets,
- Assess the potential risk to road users due to defects identified,
- Prioritise maintenance activities based on assessment of risk, taking into account the need to complete work in an efficient and cost effective manner, and the need to preserve the assets condition,
- Prepare appropriate work schedules,
- Undertake scheduled maintenance, and
- Record and document all actions taken at various stages throughout this process.

6.0 MANAGEMENT SYSTEMS

6.1 Maintenance Management

Maintenance management is a systematic approach to the planning and execution of maintenance activities. This management method delivers the benefits of operational efficiencies and reduced maintenance costs. Council's maintenance management process addresses the following areas:

- Inspection and data collection,
- Condition rating of road infrastructure to support strategic asset management,
- Keeping of proper records,
- Program preparation including proper planning, prioritising and scheduling, and
- Effective execution of maintenance operations

Roads are designed to varying standards and built out of natural processed materials to meet the needs of the community they serve. Like all other structures, they are subject to deterioration.

Ideally, maintenance would ensure that a road functioned as efficiently as when it was first constructed. However, when planning maintenance due regard must be paid to the limitations of the available resources. For this reason, maintenance programs are adjusted to control the rate of deterioration and to ensure the serviceability of the road, or related asset, does not fall below an adopted minimum standard. This is dependent on resources and policy decisions.

In determining the appropriate standards of road maintenance, existing practices, community expectations, use and function of the road, affordability and equity have all been considered. This is because the Colac Otway Shire road network supports a diverse industry including dairying, agriculture, forestry, timber processing, and tourism. These competing uses and operating expectations need to be considered in determining applicable maintenance standards, whilst providing a safe and sustainable road network.

Poor maintenance costs the community. The costs of major rehabilitation and replacement far outweigh the costs associated with continual good maintenance practices. Poor standard roads also incur a cost to road users through increased running and repair costs to vehicles. Safety of road users can also be compromised if the network is not maintained at a satisfactory level.

6.2 Maintenance Program

The are two main components of the Council's Maintenance Programs, these are:

- Proactive Routine Maintenance – programmed routine maintenance and repair work, and
- Reactive Maintenance – work carried out to rectify defects that are identified as exceeding 'tolerable levels' or where an emergency response is required.

6.2.1 Strategies for Planning Maintenance Work

A systematically planned approach is undertaken to ensure maintenance is effective. This includes the implementation of a maintenance strategy to key asset types, such as pavements, bridges, drainage, and other road related infrastructure.

For a particular asset type, the maintenance strategy includes the following considerations:

- A sound maintenance policy as a basis for planning all maintenance activity on that asset type,
- Consideration at both the design and constructions phases in order to reduce potential maintenance problems and in-service costs,

- A maintenance management system, including:
 - A current inventory for the asset type in question (e.g. pavements, signs, bridges, etc)
 - A regime of asset inspections to satisfy adopted schedules,
 - An effective asset condition and inspection recording system to produce informed decisions with regard to maintenance requirements, and
 - Maintenance performance criteria for the road network with consideration to community expectations.

6.2.2 Maintenance Policies

Council's maintenance policies for specific asset types are based upon the following principles:

- Road infrastructure assets being maintained to ensure that their whole-of-life performance is maximised, having regard to safety, community benefits, environmental and funding considerations,
- A collaborative approach taken to improve the performance and reduce maintenance costs of Council's road assets through team work by the Infrastructure and Services Units,
- A systematic, efficient and sustainable approach to maintenance management and work practices utilising best practice,
- Regular planned inspections of Council's assets undertaken to identify and monitor their overall condition over time, and
- Accessible information systems implemented for inventory control, condition identification of selected assets, and recording of inspections, service requests and all actions relating to maintenance activities.

6.2.3 Prioritising Works

Maintenance activities are objectively planned in order to achieve cost and operational efficiencies. The works program and schedule is based on seasonal/annual events and routine servicing.

The most effective maintenance is, based on forecasting a need and scheduling the available and proper resources and corrective actions at the appropriate time to achieve best results.

The following factors will be considered in preparing programs and scheduling of maintenance activities:

- Distance of work sites from the base of operations and time and expense to transport personnel, materials and equipment to sites,
- Weather conditions,
- Availability of suitable personnel, materials and equipment to handle intended jobs,
- Size and grouping of each work package and relationship to other works required on that area of the network,
- Response time requirements and defect ranking for prioritising the correction of defects that are either identified through customer requests or routine inspections, and
- Unplanned incidents and other emergencies that generally require immediate action by maintenance staff.

6.2.4 Maintenance Records

Accurate data is collected to make meaningful decisions and for the basis for making reliable judgments in the future. Records are computer-based, for ease of transfer and communication, as well as access and analysis.

The type and frequency of data collected during inspections is a direct reflection of the resources made available for this activity.

- **Inventory Registers** give information on assets such as location and type. Council's inventory registers include the following records, type of asset, dimensions, location, date of construction, and any specific features.
- **Inspection Records** document maintenance activities. Council's Inspection regimes include requirements for the format, scope, and storage of records of inspections against each particular asset.
- **Cost Records** or time cards are regarded also as a type of maintenance record. Time cards are able to detail the date, location and type of remedial work on defects identified by inspection or customer requests. Council's Financial system is able to generate reports to assist in identifying areas of relatively high expenditure.

Keeping current and comprehensive records of inspections and maintenance activities, including accurate location information, is essential for Council to perform its statutory duties as a road authority.

In many cases, litigation can be commenced a number of years after the event which is subject of the claim. It is not possible to predict the timing or location of events that may become the subject of litigation against Council. Council must therefore ensure that records be kept of all maintenance inspections and activities and will be adequately archived for future reference.

6.3 Asset Inspections

In order for Council to carry out effective planning and competent management of its road infrastructure, both in a strategic and operational sense, it is essential to collect maintenance-related information through disciplined and regular inspections of the whole of the network.

Council's inspection activities can be grouped into the following categories based on definition and purpose:

- Routine Inspections,
- Request Inspections,
- Incident Inspections, and
- Condition Inspections

6.3.1 Routine Inspections

Inspections undertaken in accordance with the formal inspection schedule to determine if road asset complies with the levels of service as specified by the Maintenance Performance Criteria.

Identified defects are rated against the criteria adopted for routine maintenance works on the asset. These performance criteria indicate the magnitude of the undesirable condition for each defect requiring remedial action.

A record of each street/road is completed detailing the name of the inspector, the inspection date, time, road name/asset description and report of any defects found that are at the 'tolerable' defects level as defined by Council's Maintenance Performance Criteria.

In addition, a notation is recorded of any road/asset inspected where no defect was apparent under the specific rigour of the inspection.

6.3.2 Request Inspections

A maintenance request is any request to undertake maintenance on an infrastructure asset. Customers or users of the asset generally make these requests. To provide the highest level of service, Council's objective in relation to maintenance requests is to inspect and prioritise the work requests within the time frames as specified.

Upon record of a request for maintenance or report of a defect received from the public, Council Officers or Councillors, an inspection will be carried by an appropriately experienced Council Officer within **10 days** of notification, dependant on assessed urgency. As with routine maintenance inspections, any recorded defects beyond the maintenance performance criteria for that particular asset will be prioritised and rectified to satisfy established response times.

Council aims to obtain best value for its maintenance budget within the constraint of the resources made available. Maintenance works delivered under an 'Emergency Response' will inevitably cost more than maintenance delivered under the Routine or Periodic Maintenance Programs.

To ensure that the best value is obtained for the available maintenance dollar, work of the same nature must be grouped in a given area so that work is completed efficiently. Therefore, most maintenance work will be completed on the Routine and Periodic Maintenance Programs. Only true emergency works will be actioned immediately.

The benefit of adopting such a strategy means that for example, over a year, more potholes may be repaired from the limited funds available than if completed on a reactive basis. This provides an improved overall level of service and consequently reduces the risk to the community

If works identified are beyond what is considered maintenance, then the project will be referred to and be considered for inclusion in Council's 3-year Capital Investment Program. Council reviews projects for its Capital Investment Program annually, in conjunction with its budget planning process.

6.3.3 Incident Inspections

If a person proposes to commence legal proceedings or wishes to make a claim for damages in relation to an incident arising from the condition of a public road or infrastructure on a public road then the person must give written notice of the incident to Council within 30 days of its occurrence. This notice must provide sufficient information to enable Council to undertake an inspection and prepare a condition report. Details to included, but not limited to, are:

- Nature of, and any defect that may have contributed to the incident,
- Brief description of the location of the incident,
- Date, time and prevailing weather conditions at which the incident occurred, and
- Any other information that may be deemed to be applicable.

Within 14 days of receipt of this notice, an inspection of the road or associated infrastructure specified in the notice will be undertaken by the Asset Inspection Officer or suitably qualified Council Officer. A report will then be prepared detailing the outcomes of this inspection, providing the following:

- A description of the condition of the relevant section of the public road or infrastructure, providing adequate photographic evidence of the site of the incident,
- Reference to Council's Road Management Plan and in particular its construction and maintenance criteria relating to the public road or infrastructure,
- A summary of, or any reference to, any records relating to the condition of the road or infrastructure from inspections and reports, and
- A summary of inspections relating to the condition and maintenance of that part of the public road or infrastructure conducted in the 12 months prior to the incident.

A copy of this report will be filed in Council's Electronic Document System for future reference.

6.3.4 Condition Inspections

Condition inspections are undertaken specifically to identify deficiencies in the structural integrity of the various components of the road infrastructure that if untreated, are likely to adversely affect network values. The deficiencies may well impact on short-term serviceability as well as the ability of the component to continue to perform at the level of service for the duration of its intended useful life.

The condition inspection process must also meet the requirements for accounting regulations and asset management.

Regular or periodic assessment, measurement and interpretation of the resulting condition data is required so as to determine the need for any preventive or remedial action and is used in the development of relevant programs of rehabilitation or renewal works.

The table below details the type of programmed and reactive inspections undertaken by Council in relation to its road infrastructure assets, the inspection frequency, and the resources utilised for the inspection.

| Asset Class | Hierarchy | Inspection Type, Maximum Inspection Interval & Responsibility | | | |
|---|-------------------|---|---------------------------|----------------|---------------------------|
| | | Routine | Relevant Department | Condition | Relevant Department |
| Urban Road Network
* Includes sealed and unsealed roads | Urban Link | Not Applicable | | Not Applicable | |
| | Urban Collector | 4 months | Infrastructure & Services | 3 years | Infrastructure & Services |
| | Urban Access | 6 months | Infrastructure & Services | 3 years | Infrastructure & Services |
| | Urban Minor | 2 years | Infrastructure & Services | 3 years | Infrastructure & Services |
| Rural Road Network
* Includes sealed and unsealed roads | Rural Link | 3 months | Infrastructure & Services | 3 years | Infrastructure & Services |
| | Rural Collector | 4 months | Infrastructure & Services | 3 years | Infrastructure & Services |
| | Rural Access | 12 months | Infrastructure & Services | 3 years | Infrastructure & Services |
| | Rural Minor | 3 years | Infrastructure & Services | 3 years | Infrastructure & Services |
| Footpath | High Use Area | 6 months | Infrastructure & Services | 2 years | Infrastructure & Services |
| | Standard Use Area | 12 months | Infrastructure & Services | 2 years | Infrastructure & Services |
| | Low Use Area | Request Inspection | Infrastructure & Services | No Inspection | Not Applicable |
| | Shared Pathways | 6 months | Infrastructure & Services | 2 years | Infrastructure & Services |

| Asset Class | Hierarchy | Inspection Type, Maximum Inspection Interval & Responsibility | | | |
|---------------------------|--|---|---------------------------|------------------------------|---------------------------|
| | | Routine | Relevant Department | Condition | Relevant Department |
| Kerb & Channel | All Road Categories (where applicable) | 12 months | Infrastructure & Services | 3 years | Infrastructure & Services |
| Bridges | All Road Categories | Level 1 Inspection
12 months | Infrastructure & Services | Level 2 Inspection
3years | Infrastructure & Services |
| Road Furniture | Guard Rail | 12 months | Infrastructure & Services | 3 years | Infrastructure & Services |
| | Bus Shelters | 12 months | | | |
| | Traffic Management Devices | 2 years | | | |
| | Signs & Other Furniture | As per frequency for road category | | | |
| Vegetation | Roadside Vegetation | As per frequency for road category | Infrastructure & Services | No Inspection | Not Applicable |
| | Urban Street Trees | As per frequency for footpath category | Infrastructure & Services | 3 years | Infrastructure & Services |
| Ancillary Areas | All Off Street Car Parks | 12 months | Infrastructure & Services | 3 years | Infrastructure & Services |
| | Ancillary Areas | 12 months | Infrastructure & Services | 3 Years | Infrastructure & Services |
| Rail Crossings* | All Road Categories | 3 Months | Infrastructure & Services | 2 years | Infrastructure & Services |

Note* - Relates only to the inspection of advance warning signs and all pavement markings associated with the approaches to rail crossings located on all municipal roads.

6.4 Customer Request System Description

Requests for maintenance of Council's engineering infrastructure assets are recorded on Council's Corporate Customer Request System, MERIT. These requests are generally made by the public, Councilors and Council staff. Each request will be inspected to meet the established response time as detailed for that asset class.

The MERIT system records each action associated with a particular maintenance request and is able to show its history through to completion. The costs, location, date and nature of the work completed by the Maintenance Department is recorded in Council's Job Card System.

The Customer Request System described above is able to provide management with measures of effectiveness by giving valuable data on the workload and the level of service being achieved in a given time period. MERIT provides the ability to report on:

- Time taken to complete inspection,
- Priority allocation made at inspection,
- An indication of the number of requests received for a particular locality,
- Number of requests complete,
- Average number of days to completion,
- Requests for each maintenance activity, and
- Responsiveness

7.0 LEVELS OF SERVICE

The foundation of the Road Management Plan includes setting of appropriate and reasonable standards as they relate to maintenance and construction of road assets.

Council has established maintenance and construction performance criteria that are equitable, sustainable and reflect the requirements for management of its road assets.

The defined levels of service have regard to:

- Community needs and aspirations,
- Industry standards,
- The need to provide a safe and efficient road network, and
- The Council's and its community's ability to fund such standards.

The implementation of an equitable road classification system also enables the community to readily identify the road system and have clear expectations as to the standard of construction and maintenance of the road system.

7.1 Community Consultation

An important objective of this Plan is to match the level of service provided by Council's road infrastructure with the expectations of its community given financial, technical and legislative constraints

7.1.1 Best Value Consultation

During 2003, Council completed a Best Value Review of the delivery of road services in accordance with the requirements of the *Local Government Act 1989*. Direct inputs from the community have been included in the preparation of the Road Management Plan and the development of the defined levels of service for Council's road network.

7.1.2 Future Consultation

Council, as a continued improvement process, will measure and review both its capacity to deliver road services and actual performance of its road network against a number of key outcome areas. These are:

- Annual Community Satisfaction Survey Outcomes (Council Plan – Performance Indicators),
- Quarterly Customer Surveys,
- Levels of expenditure and funding gaps,
- Analysis of Customer requests and responses (MERIT), and
- Ongoing development of Council Policies

Community input into service delivery needs to be considered against its willingness to fund a desired level of service. It is also important that any decision to adopt any changes to the defined maintenance and construction performance criteria is in the best interest of the overall community.

The defined levels of service have in built performance measures that apply to the maintenance and construction performance criteria and response levels. These aspects will be monitored on an on-going basis and will be reviewed when required.

7.2 Maintenance Performance Criteria

The proposed maintenance standard is recommended to be generally the same across the network, whether the road is in the rural or urban area or its classification. The actual

maintenance effort required is directly effected by the amount of traffic using a particular road, the type of pavement and materials used together with its location.

A defect refers to the visible evidence of an undesirable condition in the road infrastructure asset. A defect may affect the safety, serviceability, structural capacity or appearance of the asset.

Council's maintenance performance criteria indicate the magnitude of the undesirable condition for each defect requiring maintenance work to be initiated. Standards relating to road network performance and Council's response upon notification of identification are specified in Appendix A – Maintenance Performance Criteria and Response.

Council, as part of its overall objective of establishing clear and equitable policies for its community, has determined to review the functions and purpose of its entire local road network.

7.3 Construction Performance Criteria

An integral part, in the establishment of the road classification model, is the inter-relationship with various physical and social factors, assessment of risk and applying industry benchmarks in a practical manner.

Topography, extent of vegetation, soil conditions, traffic volumes and type, practical width of roads, availability of suitable material, accident records, horizontal and vertical alignment, property access and what can practically be achieved at specific locations are all important factors that must be taken into consideration for road construction standards. Each road classification and in particular the sub-function, is directly related to (AADT) Annual Average Daily Traffic. The type of vehicles and axle loading on a pavement are considered as a separate exercise when designing the pavement. Depth and type of materials to be used will vary depending on whether heavy transport or light vehicles etc uses the road.

In assessing the requirements of the future road network, the Council needs to determine which roads it wishes to be used for the various functions. Undertaking an overall Traffic Management exercise is paramount, as this will provide the means to restrict or increase the traffic volumes to meet the designated road classification. Road standards need to match actual or proposed usage to ensure the limited funds available are expended in the most effective, efficient and equitable manner. Until this is undertaken the adopted Road Hierarchy will be utilised.

Council's construction standard models have been developed to identify the various standards necessary to accommodate the Urban and Rural road network. The model takes into consideration the extensive work previously undertaken by the various professional and industry bodies such as:

- Victorian Code for Residential Development 1992
- Rural Roads Design – Austroads 1989
- Pavement Design – Austroads 1992
- VicRoads Road Design Guidelines
- VicRoads Road Design Manual
- VicRoads Traffic Engineering Manual Vol 1 – Traffic Management 1997
- VicRoads Traffic Engineering Manual Vol 2 – Signs and Markings
- Existing Council standards

In considering any model, differing circumstances will determine the final road standard. For instance, a minimum standard has been developed for all roads in the network identified as being a transport route to provide for an increased dimensional capacity. School bus routes and Industrial roads

In instances where property owners and/or road users require a higher standard than

designated, and are prepared to meet the costs of this increased standard of construction, Council may be prepared to consider constructing the road at that standard.

Detailed standard drawings for each classification and standard are provided within Councils Road Asset Management Plan. Minimum widths are provided for in extenuating circumstances where the desired standard cannot be achieved. This may be due to a number of factors such as the non-availability of practical road reserve width, as occurs in steep terrain such as that exists in the Coastal areas of the municipality.

It is recognised that Rural and Urban areas have vastly different requirements. This is due to the nature, speed and volumes of vehicles, the density of development, distances to facilities etc. Road usage is also different with far greater intensity of pedestrian and bicycle movements on urban roads.

The implementation of consistent, practical and achievable standards, which provide for the safe passage of vehicles and pedestrians, is paramount. However, whereas minimum standards have been developed there may be special circumstances, which do not allow these standards to be achieved. In these instances attention to appropriate signage of roads particularly with roads of minimal standard is required.

7.4 Exceptional Circumstances

Council, under a normal operating environment, will make every endeavour to deliver all aspects of its Road Management Plan.

However, in the event of natural disasters and other events including, but not limited to, fires, floods, droughts or similar, together with human factors, such as a lack of Council staff or suitably qualified Contractors, because of Section 83 of the *Victorian Wrongs Act 1958*, as amended, Council reserves the right to suspend compliance with its Road Management Plan.

In the event that the CEO of Council, has to, pursuant to Section 83 of the above Act, consider the limited financial resources of Council and its other conflicting priorities, meaning the standards Council's Plan cannot be met, the General Manager Infrastructure and Services will be advised in writing that some, or all, of the services delivered under the Plan are to be suspended until further notice.

Once the events beyond the control of Council have abated, or if the events have partly abated, Council's CEO will provide direction to the General Manager Infrastructure and Services as to which aspects of Council's Plan are to be reactivated and when.

8.0 COORDINATION OF WORKS

The primary purpose of public highway is for use by the public for transport. The provision of utility infrastructure is to be managed in such a way so as to minimise, as far as reasonably practicable, interference with a road primary purpose. In particular:

- Ensure that risks to the safety and property of road users and the public are minimised,
- Minimise any damage to roads and related infrastructure,
- Minimise disruption to road users, and
- Require that roads and related infrastructure be reinstated by utility and service providers to a condition as near as practicable to their prior condition.

8.1 Road Openings

All works carried out within the road reserve, including those by service authorities, are recorded on Council's Road Openings Register.

For private individuals, upon completion of a Non Utility Minor Works within Municipal Road Reserves Application Form and payment of the appropriate fee, Council's consent to works is generally issued.

Council's consent to works allows contractors to perform civil works in a road reserve or make a connection to a drain, water main, gas, sewer or telecommunications service, or construct a vehicle crossing.

The issue of consent signifies to Council that the proponent undertakes to comply with the relevant conditions of Council's general conditions of consent. These conditions also relate to all temporary and permanent reinstatement works.

Council Officers inspect the works after four weeks from the date of proposed opening to ensure that reinstatement works have been completed adequately and that the area of works has not exceeded that as indicated on the application for consent.

Council requires that road crossings be bored rather than opened trenched unless consent is granted.

8.2 Service Authorities

Service Authorities are required under the relevant legislation to provide Council with prior notification of planned works before commencement.

Council may make comment, in writing, regarding the impact of the proposed works on native vegetation, Council assets, safety and location. For Service Authorities, no Road Opening Permit is required for works; however a consent notice is issued providing Council with a record of the works.

Where Council is not satisfied with some aspects of the proposal outlined in the notice, it may provide consent to the works proceeding, subject to the utility/service provider complying with certain conditions. These conditions may involve:

- Management of traffic,
- Timing of works to minimise disruption to road users, and
- Timing of reinstatement, etc

In such cases Council will provide written advice to the utility/service provider that it consents to the proposed works subject to certain conditions.

9.0 PLAN IMPROVEMENT & MONITORING

The Act requires that Council's Road Management Plan be formally reviewed at prescribed intervals. However, it is proposed that Council review its Plan more frequently as part of the continuous improvement process being applied to this new road management system.

The Plan improvement and monitoring process is proposed as follows.

9.1 Internal Monitoring

The processes that are to be audited internally per annum are as follows:

- Collection and storage of condition information,
- Recording of complaints/requests in an appropriate database in the manner required,
- Each complaint/request is inspected and/or assessed in relation to safety & specified maintenance intervention levels,
- That programmed inspections are carried out as scheduled,
- Relevant inspection reporting & recording mechanisms are in place,
- That reported defects are being properly recorded in the system,
- Where required, appropriate rectification responses are determined and works orders issued,
- Where customer requests require scheduling of works onto annual maintenance programs or capital works programs, that the required listing takes place,
- Record of maintenance activities is made in the database against the asset, including actual date of completion,
- Record that maintenance works have been delivered as intended (i.e. someone has signed off on the satisfactory completion of the work),
- Procedure is in place for collecting and storing information regarding road asset condition for developing future maintenance programs,
- Management system in place to record and respond to customer enquiries, and
- Asset handover/update process is being managed as required.

The outcome of the internal audit is to be reported to the General Manager, Infrastructure & Services

9.2 Annual Performance Review

It is intended that this Plan will be updated on an annual basis in line with changes to the budget and results of predictive modelling of elements of Council's road infrastructure assets.

Council shall ensure that there is ongoing review of its asset management practices to ensure continued suitability and effectiveness having regard to:

- Asset performance following delivery of maintenance and construction programs,
- The level of achievement of Council's asset management strategies, and
- The consideration of any external factors, including legislative requirements, ongoing development of Council Policies and other major system implementations, that may effect the contents of this Plan.

The review will include, but not limited to:

- Audit and review of maintenance response times (to confirm whether maintenance works were delivered on time),
- Review of inspection frequencies (to ensure appropriateness),
- Review of levels of service (to ensure appropriateness),
- Review of road classifications (to ensure appropriateness),
- Review of customer feedback/contact, and

- Random audit of maintenance works (to confirm whether maintenance works were delivered to the specified quality).

9.2.1 Performance Measures

The following performance measures have been adopted to provide an indication of the levels of service meet community requirements in terms of satisfaction of delivery.

| Performance Measure | Target |
|--|-------------------|
| Routine inspections completed as per schedule | 100% as specified |
| Response times for remedial work as assessed against Council's Maintenance Performance Criteria* | 85% as specified |

*Note – Includes provision of appropriate warning of an identified hazard

9.3 Periodic Review

The Road Management Plan is a dynamic document and is subject to continuous improvement based on:

- The Council's 'Best Value' Review program,
- Changing legislative and government policy requirements,
- Economic, social and environmental impacts,
- Changing traffic patterns and community expectations,
- New road assets being continually acquired through subdivision of land,
- Updated assessments of the condition of road assets, and
- Updated predictive modelling of the funding requirements of road assets.

Should the need arise to update the Plan due to changing circumstances then this will be carried out at the relevant time.

9.4 Road Management Plan Amendment

To ensure the effective development and implementation of this plan all reviews will be undertaken in accordance with Part 3 of the *Road Management (General) Regulations 2005*.

Subject to the results of any review all amendments required to be made to the Plan will be undertaken pursuant to Section 54 of the *Road Management Act 2004*.

Records of all reviews and plan amendments will be maintained.

10. REFERENCES

Draft Colac Otway Shire Council Plan 2009 – 2013

Asset Management Policy

Strategic Asset Management Plan 2006 – 2008

Risk Management Policy

Road Management Review (Policy 13.6)

Strategic Resource Plan (2007/08 – 2010/11)

Road Asset Management Plan

Bridge Asset Management Plan

Appendix A

Maintenance Performance Criteria & Response

Defects Response Codes

| Response Code | Target Response Time | Action, Response & Control |
|---------------|--|--|
| 2D | Within 2 working days of defect identification via inspection or notification | Inspect and rectify defect within defined target response time |
| 1W | Within 1 week of defect identification via inspection or notification | Inspect and rectify defect within defined target response time |
| 2W | Within 2 weeks of defect identification via inspection or notification | Inspect and rectify defect within defined target response time |
| 3W | Within 3 weeks of defect identification via inspection or notification | Inspect and rectify defect within defined target response time |
| 1M | Within 1 month of defect identification via inspection or notification | Inspect and rectify defect within defined target response time |
| 2M | Within 2 months of defect identification via inspection or notification | Inspect and rectify defect within defined target response time |
| 3M | Within 3 months of defect identification via inspection or notification | Inspect and rectify defect within defined target response time |
| PW | Programmed Works - Long term maintenance works program (3-5 years) developed on a priority basis having regard to available resources and annual budget limitations. | |
| N/A | Not Applicable | |
| * | Appropriate response within 1 working day if defect is assessed as exposing the travelling public to a high level of risk exposure. Inspect, rectify defect if practicable, or provide appropriate warning. # | |

Note – Where, because of the nature of the repair, availability of resources required or existing workload, it is not possible to rectify a defect within its prescribed response time, appropriate warning of the hazard is to be provided until necessary repairs can be completed.

An appropriate warning may include, but is not limited to –

- Provision of warning signage,
- Traffic control action,
- Diversion of traffic around the site,
- Lane closure,
- Restriction of use of road by vehicles of a certain size (eg. Load limit), or
- Temporary Road Closure.

An intermediate response of this type is to manage any risk associated with a particular defect until further remedial action may be undertaken.

MAINTENANCE PERFORMANCE CRITERIA

| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | |
|-----------------------------------|---|--|-----------------------|-----------|--------|-------|-----------|--------|
| | | | Urban | | | Rural | | |
| | | | Link | Collector | Access | Link | Collector | Access |
| SEALED ROADWAY MAINTENANCE | | | | | | | | |
| Minor Patching | | | | | | | | |
| Potholes | Surface patching of potholes in travelled way using bituminous and other appropriate materials to restore riding surface to a smooth condition. | Repair when pothole exceeds 50mm in depth and/or 300mm in diameter or likely to deteriorate rapidly | 2W* | 3W* | 1M* | 2W* | 3W* | 1M* |
| Seal Edge Breaks | Repair of fretting along edge of seal to maintain correct overall pavement width. | Repair when edge break exceeds 100mm from the average existing seal width, or when drop off of pavement exceeds 75mm measured over a 20m length. | 2W* | 3W* | 1M* | 2W* | 3W* | 1M* |
| Stripped Seals | Loss of aggregate from a seal which can become sticky in hot weather and slippery when wet or frosty. | Emergency treatment where wearing course becomes hazardous to traffic, particularly on horizontal curves or approaches to intersections, or not waterproof. Other areas to be considered within annual reseal program. | PW* | PW* | PW* | PW* | PW* | PW* |
| Bleeding Surface | Surfaces resulting from too much bitumen on the surface, which becomes 'sticky' in hot weather, and often slippery in wet or frosty weather. | | PW* | PW* | PW* | PW* | PW* | PW* |
| Slick Surfaces | Slick, fatty or smooth surfaces resulting from loss of aggregate or the wearing down of the aggregate with age, accompanied by an upward movement of bitumen to form a hard, smooth surface with little grip to motor tyres in wet weather. | | PW* | PW* | PW* | PW* | PW* | PW* |

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| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | |
|--|---|---|-----------------------|-----------|--------|-------|-----------|--------|
| | | | Urban | | | Rural | | |
| | | | Link | Collector | Access | Link | Collector | Access |
| Surface Waving or Shoving | Surface waving or shoving is caused by traffic shoving on unstable bitumen mixtures, resulting in shallow waves and hollows. Surface patching and regulation of adjacent surface irregularities <5sqm | Regulate if rutting depression holds water or exceeds 75mm in 60 km/h speed zones and 75mm in open speed zones under a 3m straight edge longitudinally. | 2W* | 3W* | 1M* | 2W* | 3W* | 1M* |
| Deformation or Heaving and Depressions | Depressions in the traffic lanes, with bulging of the surface outside the wheel tracks. Surface patching and regulation of adjacent surface irregularities <5sqm | Regulate if depression holds water or mounding exceeds 75mm in 60 km/h speed zones and 75mm in open speed zones under a 3m straight edge longitudinally. | 2W* | 3W* | 1M* | 2W* | 3W* | 1M* |
| Mechanical Pavement Cleaning | Suction sweeping/cleaning of pavement surface including; intersections, kerb & channel, etc | When accumulation of aggregate*, dirt, or debris becomes a danger to traffic

Note – Removal of access resealing aggregate or excess asphalt after spraying/laying is the responsibility of the relevant contractor under direction of the Infrastructure & Services Department | PW | PW* | PW* | PW* | PW* | PW* |
| Manual/Mechanical Sweeping | Cleaning of pavement at intersections | When accumulation of crushed rock, dirt, or debris becomes a danger to traffic | 1W* | 2W* | 2W* | 1W* | 2W* | 2W* |

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| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | |
|-----------------------|--|---|-----------------------|-----------|--------|-------|-----------|--------|
| | | | Urban | | | Rural | | |
| | | | Link | Collector | Access | Link | Collector | Access |
| Major Patching | Treatment of failed pavement over large areas requiring excavation of pavement and/or subgrade with plant and specialised repair procedures and materials. | When a failed area presents a hazard to the public, the sealed surface no longer holds, extensive shoving has occurred and road surface drainage is no longer effective. Repair when treatments have failed to solve problem or other treatment is inappropriate. | PW* | PW* | PW* | PW* | PW* | PW* |
| Resealing | The rejuvenation of a sealed surface through the fresh application of bitumen and aggregate or asphalt overlay. | Programmed basis only on a projected cycle of 12 years, or based on visual inspection, subject to budget approval. | PW | PW | PW | PW | PW | PW |



| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | |
|-----------------------------|---|--|-----------------------|-----------|--------|-------|-----------|--------|
| | | | Urban | | | Rural | | |
| | | | Link | Collector | Access | Link | Collector | Access |
| SHOULDER MAINTENANCE | | | | | | | | |
| Shoulder Grading | The regular grader maintenance of unsealed shoulders in accordance with the appropriate intervention levels, including spot gravelling to avoid pavement drop off, reworking existing materials to remove shoulder surface irregularities and maintain shoulder shape | Shoulders, potholed, rutted, holding water, pavement unsupported, drop from pavement > 100mm measured over a 20m length *Note - Grading of unsealed shoulders will only take place when moisture content of materials is sufficient to maintain cohesiveness of soil aggregates. | 2W* | 3W* | 1M* | 2W* | 3W* | 1M* |
| Resheeting Shoulders | The application of gravel or other approved imported material strengthening and reshaping unsealed shoulders | Insufficient shoulder material to maintain shoulder at pavement levels, over 40% of road length. | PW | PW | PW | PW | PW | PW |



| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | |
|-------------------------------------|--|--|----------------------------------|-----------|------------|------------|------------|------------|
| | | | Urban | | | Rural | | |
| | | | Link | Collector | Access | Link | Collector | Access |
| UNSEALED ROADWAY MAINTENANCE | | | | | | | | |
| Potholing | The application of gravel or appropriate material to potholes exceeding 300mm in diameter and 75mm in depth where moisture content is too high for regular grading | Repair when pothole exceeds 75mm in depth and/or 300mm in diameter or likely to deteriorate rapidly | N/A | N/A | 2W* | 2W* | 3W* | 1M* |
| Grading Roads | Treatment to reduce corrugations, potholes, and rutting to maintain shape and crossfall of unsealed roadways and road shoulders and restore trafficable surface condition. | <p>Grading unsealed roads may be conducted on a regular basis, however roads that are in a good trafficable condition will be excluded from the grading cycle. The frequency of programmed road grading is based upon the road classification within the adopted road hierarchy.</p> <p>Road grading is generally not conducted in response to customer requests but may be initiated in response to emergency situations or under circumstances which present an unacceptable risk to road users.</p> <p>Road surface, scoured, potholed, rutted, corrugated to depth of 75mm over 30% of any 1km length of road. Treatment may include spot gravelling with appropriate materials.</p> <p>*Note - Grading of unsealed roads will only take place when moisture content of pavement materials is sufficient to maintain cohesiveness of soil aggregates.</p> | Average Grading Frequency | | | | | |
| | | | N/A | N/A | 2 per year | 3 per year | 2 per year | 2 per year |

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| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | |
|-----------------------------|---|---|-----------------------|-----------|--------|-------|-----------|--------|
| | | | Urban | | | Rural | | |
| | | | Link | Collector | Access | Link | Collector | Access |
| Emergency Resheeting | The application of gravel or crushed rock to the wearing surface to strengthen and reshape the surface. Includes cleaning and reshaping of table drains. | Emergency treatment where road subgrade is exposed creating soft or slippery areas creating a hazard to traffic | N/A | N/A | 2W* | 2W* | 3W* | 1M* |
| Resheeting | The application of gravel or other approved imported material to the pavement strengthening and reshaping pavement while maintaining all weather trafficable road conditions. Approved materials will include but are not limited to soil aggregates, scoria and quarry rubble. | Road subgrade is exposed over 25% of section length or resheeting requirement is assessed by visual inspection. | N/A | N/A | PW | PW | PW | PW |



| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | |
|---|--|---|-----------------------|-----------|--------|-------|-----------|--------|
| | | | Urban | | | Rural | | |
| | | | Link | Collector | Access | Link | Collector | Access |
| ROAD FURNITURE | | | | | | | | |
| Signs – Statutory Signs | The minor repair, re-erection, straightening, and cleaning of signs and sole purpose supports. | <ul style="list-style-type: none"> ▪ Straighten sign support when it becomes noticeable that it is not vertical. ▪ Replace when damage renders either the sign or support ineffective. ▪ Clean/ replace the sign face when: <ul style="list-style-type: none"> - There is a noticeable accumulation of dirt. - Graffiti covers more than 10% of sign or message on sign is defaced ▪ Replace missing or if incorrect sign is in place. ▪ Replace if sign is illegible at 150m under low beam or in daylight | 1W | 1W | 1W | 1W | 1W | 1W |
| Signs – Guide, Warning & Information (excluding rail crossing signs) | | | 3M | 3M | 3M | 3M | 3M | 3M |
| Signs – Rail Crossing Warning Signs (includes only those signs on the approach to a crossing for which Council is responsible) | | | 1M | 1M | 1M | 1M | 1M | 1M |
| Guard Rail | The re-alignment, repair and replacement of isolated guardrail sections less than 10m in length, posts and hardware that is defective. Includes the cleaning of guardrail. | Replace damaged guard rail sections, end terminals and support posts, subject to the availability of materials. | 1M* | 2M* | 2M* | 1M* | 2M* | 2M* |

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| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | |
|---|--|---|-----------------------|-----------|--------|-------|-----------|--------|
| | | | Urban | | | Rural | | |
| | | | Link | Collector | Access | Link | Collector | Access |
| Guide Posts / Delineators | Reinstatement, repair, cleaning of guide posts and delineators to ensure safe and acceptable condition. | Any missing or damaged guide posts (where existing) making them substantially ineffective in a hazardous location for the travelling public | N/A | N/A | N/A | 2W | 3W | 1M |
| Guide Post Installation Program | Prioritised installation of new guide posts and delineators along road lengths to improve delineation. | Annual installation program subject to budget allocations | PW | PW | PW | PW | PW | PW |
| All Street Furniture e.g. Seating, Bollards, Bike Racks, etc | Covers reinstatement, repair, cleaning, and painting of street furniture to ensure aesthetic, safe and acceptable condition. | Provide emergency repairs or response depending on the extent of the damage when: <ul style="list-style-type: none"> - Asset becomes non-functional or causes potential danger to the public - Not fixed correctly to the ground or relevant support - Does not conform to Council's or manufacturer's specification and / or becomes unattractive in appearance Replacement of infrastructure considered as part of Annual Renewal Program. | PW* | PW* | PW* | N/A | N/A | N/A |
| Bus Shelters | Reinstatement, repair, cleaning and painting of shelters, associated infrastructure and surrounds to ensure safe condition. | Bus shelters, infrastructure and surrounds kept serviceable, safe, neat and tidy in appearance. | PW* | PW* | PW* | PW* | PW* | PW* |

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| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | | | | | |
|--------------------------|---|--|-----------------------|-----------|--------|-------|-----------|--------|--|--|--|--|
| | | | Urban | | | Rural | | | | | | |
| | | | Link | Collector | Access | Link | Collector | Access | | | | |
| Pavement Markings | | | | | | | | | | | | |
| Centre Line | Defined as remarking of all illegible/defective road marked symbols, signs, line work where existing. | When markings lack definition, loss of reflectivity and/or legibility at safe sight distances in a location assessed hazardous for the travelling public | 3 Year Program | | | | | | | | | |
| STAT Cons | | | PW | PW | PW | PW | PW | PW | | | | |
| School Crossings | | | PW | PW | PW | PW | PW | PW | | | | |
| Railway Crossings | | PW | PW | PW | PW | PW | PW | | | | | |
| Parking Bays | | Reinstate line marking to ensure and effective visibility/condition, subject to assessment. | 2 Year Program | | | | | | | | | |
| Bicycle Lanes | | | 3 Year Program | | | | | | | | | |

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| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | |
|---|---|---|-----------------------|-----------|--------|-------|-----------|--------|
| | | | Urban | | | Rural | | |
| | | | Link | Collector | Access | Link | Collector | Access |
| VEGETATION MAINTENANCE | | | | | | | | |
| Line Clearance | Prune street trees to provide adequate clearance around overhead cables. (This activity includes pruning within Arterial and Municipal Road Reserves, and Nature Strips). | Line Clearance in accordance with Code of Practice for Electrical Line Clearance (Vegetation) 1999. | PW | PW | PW | N/A | N/A | N/A |
| Tree & Shrub Obstruction - Roadway | The cyclic maintenance of trees and shrubs in road reserves not in urban areas, control provides for fuel reduction as part of annual fire prevention program. | Prune road side trees to comply with the following clearance limits:
- Height Clearance: min. 5.0m above carriageway
- Lateral Clearance: min. 1.0m from guide posts, back of shoulder, or kerb
- Maintenance of safe sight distances at intersections and curves. | PW | PW | PW | PW | PW | PW |
| Tree & Shrub Obstruction - Other | Prune trees and/or shrubs to provide for long term desired height, lateral and sight clearances. | Tree obstructing safe sight distances, restricts viewing of warning signage, or assessed to be in an unsafe condition causing hazard to traffic or public. | 2W | 1M | 2M | 1M | 2M | 3M |
| Vegetation Control | The control of vegetation growth, predominantly grass growth not including tree maintenance, in municipal road reserves. Control also provides for fuel reduction. | Areas where grass height restricts design sight distance to intersections, or obstructs viewing of warning signage, guideposts, etc | N/A | 1M | 1M | PW | PW | PW |
| Fuel Reduction (Fire Management) | Slashing carried out to reduce fire fuel loads and manage potential fire hazards on strategic network roads. CFA and Roadside Fire Management Guidelines set the selection and areas on these roads | Slashing or roadside areas as included within annual fire prevention program. | N/A | N/A | N/A | PW | PW | PW |

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| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | |
|---|---|--|-----------------------|-----------|--------|-------|-----------|--------|
| | | | Urban | | | Rural | | |
| | | | Link | Collector | Access | Link | Collector | Access |
| BRIDGE AND STRUCTURES MAINTENANCE | | | | | | | | |
| Routine Maintenance – Deck Cleaning | Cleaning and clearing of deck, expansion joints, drainage scuppers, etc. | Clear and clean when any accumulation of material causes interruption to the escape of drainage water or the operation of expansion joints. | PW* | PW* | PW* | PW* | PW* | PW* |
| Routine Maintenance – Substructure Clearance | Cleaning and clearing of dirt and debris from superstructure and substructure, and vegetation from in and around bridge. | Clear and clean when stream flows are obstructed at structure. | PW* | PW* | PW* | PW* | PW* | PW* |
| Minor Repair / Painting | Minor repair and minor painting, including repair of spalled posts and parapets. Includes repair, tightening and painting of railing. | Undertake minor repair or replacement, painting, etc to ensure safe and effective condition of bridge components. | PW* | PW* | PW* | PW* | PW* | PW* |
| Running Deck Repair | Treatment of timber running planks rotted at the ends or edges, severely split and/or cracked through significantly loose or highly weathered. | Repair deck when timber running planks very loose, defective or missing to ensure safe running surface. Includes retightening of coach screws or re-driving of spikes. | PW* | PW* | PW* | PW* | PW* | PW* |
| Major Repairs | Replace or undertake major repairs or replacement when structure condition suggests that infrastructure is beyond repair and/or non- functional | Structure in dangerous condition, not serviceable, structurally unsound or unsafe. | PW* | PW* | PW* | PW* | PW* | PW* |

| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | |
|---------------------------------------|---|---|-----------------------|-----------|--------|-------|-----------|--------|
| | | | Urban | | | Rural | | |
| | | | Link | Collector | Access | Link | Collector | Access |
| DRAINAGE MAINTENANCE | | | | | | | | |
| Surface Drains | Cleaning and minor reshaping of isolated ditches and surface drains >50 m long to maintain adequate drainage. Includes verge drains and back drains. | Reshape when there is ponding in drains or the drain is not functioning to 80% capacity. | PW* | PW* | PW* | PW* | PW* | PW* |
| Sub-Surface Drains | The removal of dirt and debris from sub-surface drain outlets and pits to ensure water is removed from subgrade. Includes checking of rodent and flood flaps. | Inspect and clean subsoil drains annually. Inspect known problem areas and free flowing subsoil drains at scheduled intervals. | PW* | PW* | PW* | PW* | PW* | PW* |
| Underground Storm Water Drains | Removal of dirt, tree roots and debris from underground pipes to maintain adequate drainage. | Inspect and clean underground drains annually. Inspect regularly known problem areas at scheduled intervals. | PW* | PW* | PW* | PW* | PW* | PW* |
| Culvert And Pit Cleaning | The removal of dirt and debris from culverts and pits to maintain adequate drainage. | Inspect and clean culverts and pits based on Annual Program. Inspect regularly known problem areas after heavy rain, and mouths of pits keeping such free of blockages. Inspect catch basins after heavy rains. | PW* | PW* | PW* | PW* | PW* | PW* |
| Kerb And Channel Cleaning | Clearance of any debris fouling the surface between the face of the kerb and 2.4-metres from the invert of the channel. | Clearance of kerb and channel undertaken to ensure effective drainage. | 1M | 1M | 1M | 1M | 1M | 1M |
| Culvert And Pit Repair | The minor repair of damaged culverts and pits due to concrete deterioration or damage. | Repair or replace culverts and pits when they are damaged to the extent that they become a danger or become non-functional. | 2D | 2D | 2D | 1W* | 2W* | 1M* |

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| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | | | |
|--|---|--|-----------------------|-----------|--------|-------|-----------|--------|
| | | | Urban | | | Rural | | |
| | | | Link | Collector | Access | Link | Collector | Access |
| Kerb And Channel Repair | Repair of damaged kerb and channel due to concrete deterioration or damage. | Replace or undertake major repairs when condition suggests that kerb and channel is non functional. | PW* | PW* | PW* | PW* | PW* | PW* |
| Pit Lid – Damaged Or Missing | Replacement or reseating of pit lid. | Repair or replace and pit lids and surrounds when they have deteriorated or are damaged to the extent that they become a danger. | 2D | 2D | 2D | 1W* | 2W* | 1M* |
| Pit Surround – Damaged Or Missing | Replacement or reseating of pit surround. | | 2D | 2D | 2D | 1W* | 2W* | 1M* |

| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | |
|---|--|---|-----------------------|--------------|---|----------------|
| | | | High Use | Standard Use | Low Use | Shared Pathway |
| FOOTPATH AND SHARED USE PATH MAINTENANCE | | | | | | |
| Differential Settlement/Raised Area | Replacement, repair, regulation and surface patching of footpath to ensure uniform safe condition. | Repair or regulate footpath surface where vertical displacement between concrete bays exceeds 20mm. | 1W | 1M | Reactive response to specific defect identification | 1M |
| Potholes (Sealed Surface) | Repair of potholes in hard paved areas to restore the surface to a smooth and safe condition. | Repair or regulate where potholes exceed 25mm in depth. | 1W | 1M | Reactive response to specific defect identification | 1M |
| Potholes (Unsealed Surface) | Spot patching of potholes in unsealed surfaces to restore smooth trafficable surface. | Repair when pothole exceeds 25mm in depth and/or 300mm in diameter or likely to deteriorate rapidly | 1W | 1M | Reactive response to specific defect identification | 1M |
| Depressions | Regulation of subsided areas exceeding 1-sqm and less than 5-sqm to restore the surface to a smooth and safe condition. | Repair or regulate where depressions exceed 30mm in depth over a 2 metre straight edge. | 1W | 1M | Reactive response to specific defect identification | 1M |
| Shoving | Regulation of raised surface exceeding 1-sqm and less than 5-sqm to ensure uniform safe condition. | Repair when mounding exceeds 50mm in height over a 2 metre straight edge. | 1W | 1M | Reactive response to specific defect identification | 1M |
| Footpath - Tree & Shrub Obstruction | Street tree and/or shrub shaping to control future growth, provide for long term stability/health, and maintain desired height, lateral and sight clearances. Pruning to address dead/diseased and/or damaged limbs. | Prune street trees and shrubs to comply with the following clearance limits:
- Height Clearance: min. 2.4m above footpath
- Lateral Clearance: min. 500mm from edge of path | 1M | 1M | Reactive response to specific defect identification | N/A |
| Footpath - Vegetation Control | The control of vegetation growth, predominantly grass growth not including tree maintenance. | Areas where grass encroaches across greater than 30% of footpath width or obstructs viewing of signage, guideposts, etc | 1W | 1M | N/A | N/A |



| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | |
|---|---|---|-----------------------|--------------|---|----------------|
| | | | High Use | Standard Use | Low Use | Shared Pathway |
| FOOTPATH AND SHARED USE PATH MAINTENANCE | | | | | | |
| Corrugations (Unsealed Surface) | Repair surface of unsealed footpaths to a safe and acceptable condition. | Repair of surface if corrugations exceed 25mm in depth at a critical location on the approach to intersection or curve. | 1W | 1M | Reactive response to specific defect identification | 1M |
| Emergency Resheeting (Unsealed Surface) | The application of gravel or crushed rock to unsealed surface. | Emergency treatment where soft or slippery areas create a hazard to pedestrians or cyclists. | 1W* | 2W* | Reactive response to specific defect identification | 2W* |
| Brick Paved Areas | The maintenance of paved areas of various construction to remove and defects that may constitute a hazard to pedestrians and other users. | Distressed area kept in safe state of repair protecting pedestrians from injury due to tripping and falling.
- Loose missing or dislodged pavers,
- Vertical displacement greater than 20mm, or
- Gaps exceeding 25mm
Consideration given to replacement of paved areas within annual programs. | PW* | PW* | N/A | PW* |
| Edge Repair | Treatment to reduce depressions, holes or drop-off at the interface (edge) of constructed asphalt, concrete or brick paved footpaths. | Provide repair of depressions exceeding 75mm in depth at the interface of the nature strip and surrounding constructed paths with topsoil, gravel or sand | 1W | 1M | N/A | 1M |



| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | |
|---|--|---|-----------------------|--------------|---------|----------------|
| | | | High Use | Standard Use | Low Use | Shared Pathway |
| FOOTPATH AND SHARED USE PATH MAINTENANCE | | | | | | |
| Shared Use Pathway Guide Posts / Delineators | Reinstatement, repair, cleaning of guide posts and delineators to ensure safe and acceptable condition. | Any missing or damaged guide posts (where existing) at a critical location making them substantially ineffective. | N/A | N/A | N/A | 1M |
| Shared Use Pathway Signs – Guide, Information, Regulatory & Warning. | The minor repair, re-erection, straightening, and cleaning of signs and sole purpose supports. | <ul style="list-style-type: none"> ▪ Straighten sign support when it becomes noticeable that it is not vertical. ▪ Replace when damage renders either the sign or support ineffective. ▪ Clean/ replace the sign face when: <ul style="list-style-type: none"> - There is a noticeable accumulation of dirt. - Message on sign is defaced by graffiti etc. ▪ Replace missing or if incorrect sign is in place. | N/A | N/A | N/A | 3M |
| Shared Use Pathway - Tree & Shrub Obstruction | Street tree and/or shrub shaping to control future growth, provide for long term stability/health, and maintain desired height, lateral and sight clearances. Pruning to address dead/diseased and/or damaged limbs. | Prune street trees and shrubs to comply with the following clearance limits: <ul style="list-style-type: none"> - Height Clearance: min. 2.4m above path - Lateral Clearance: min. 500mm from edge of path | N/A | N/A | N/A | 1M |

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| ACTIVITY | DEFINITION / DESCRIPTION | LEVEL OF SERVICE | TARGET RESPONSE TIMES | | | |
|--|--|---|-----------------------|--------------|---------|----------------|
| | | | High Use | Standard Use | Low Use | Shared Pathway |
| FOOTPATH AND SHARED USE PATH MAINTENANCE | | | | | | |
| Shared Use Path - Vegetation Control | The control of vegetation growth, typically grass and/or undergrowth not including tree maintenance. | Areas where grass encroaches across greater than 30% of footpath width or obstructs viewing of signage, guideposts, etc | N/A | N/A | N/A | PW* |
| Shared Use Pathway Infrastructure Maintenance - General | Involves maintenance of all shared path/trail infrastructure, including: <ul style="list-style-type: none"> ▪ Gates, ▪ pedestrian bridges, ▪ bollards, ▪ seats, ▪ shelters ▪ barriers, etc | Structure or pedestrian facility in poor condition, not serviceable, structurally unsound or has safety implications based on assessment. | N/A | N/A | N/A | 1M* |
| Shared Use Path - Emergency Response | Emergency situations or circumstances which present an unacceptable risk to users (e.g. tree across path, etc) | Inspect, rectify defect if practicable, or provide appropriate warning. An appropriate warning may include, provision of warning signage, or path closure, etc until further remedial action may be undertaken. | N/A | N/A | N/A | 1W* |

Appendix B

Record of Amendments to Road Management Plan, October 2004

Variations between the Road Management Plan, October 2004 and the Revised Plan – April 2006

Table of Contents

Section 2

Item 2.4 changed from **Corporate Plan to Council Plan**.

Section 7

Item 7.2 and Item 7.3 – the word **Standards** changed to **Criteria**.

Section 4

4.8.2.5 Fire Access Roads added

Section 9

Section 9 **Review** is now headed **Plan Improvement and Monitoring** and reads as follows:

- 9.1 Internal Monitoring
- 9.2 Annual Performance Review
- 9.3 Periodic Review
- 9.4 Road Management Plan Amendment

2.4 Council Plan

2.4 should now read **Council Plan** and not **Corporate Plan**.

Paragraph 3 now reads:

The specific strategies and outcomes identified in the Council's Plan 2005-2009 include:

- *Continue increased funding of infrastructure asset renewal, particularly on rural road resheeting, drainage, timber bridges and footpaths.*
- *Advocate for improved Infrastructure services:*
 - *Upgrade Turtons Tract as a major sealed 2WD Touring route,*
 - *Upgrade of the main access roads between Princes Hwy and the Great Ocean Road including the Colac-Forrest Road, Birregurra – Forrest Road, Forrest - Skenes Creek Road and the Colac-Lavers Hill Road consistent with actions contained in the Great Ocean Road Regional Strategy.*
 - *Location of the Geelong By-Pass connection with the Princes Highway to enable a continuous 100kmh speed zone.*
 - *Construction of a dual carriageway Princes Highway from Geelong to Colac and then beyond to the South Australian border.*
 - *Development of an alternative heavy vehicle route for the City of Colac.*
 - *Identification of a designated route for the future location of a Colac By-Pass along the Princes Hwy.*
- *Implementation of Road Safety Plan and Council approved road safety initiatives in partnership with Vic Roads and other agencies.*
- *Develop and implement the Asset Management Plans and Asset Management Systems for all infrastructure categories.*

2.8 Strategic Asset Management Plan

2.8 now reads:

The Strategic Asset Management Plan outlines and guides Council's asset response to its service requirements, through the development of an asset portfolio, risk management strategies and asset performance measures.

The principal objective of strategic asset management is to ensure that Council meets its service delivery objectives efficiently and effectively.

This objective will be achieved by:

- *Maximising the service potential of existing assets by ensuring they are appropriately used and maintained;*
- *Reducing the demand for new assets through demand management techniques and consideration of alternative service delivery options;*
- *Achieving greater value for money through a rigorous project initiation and evaluation process which takes into account life cycle costing, value management techniques and private sector involvement;*
- *Eliminating unnecessary acquisition and holding of assets by ensuring agencies are aware of, and required to pay for, the full costs of holding and using assets; and*
- *Focusing attention on results by clearly assigning responsibility, accountability and reporting requirements in relation to asset management.*

This outcome will be supported by a comprehensive Strategic Asset Management Plan that address capital investment, the operation and maintenance of existing assets, and the rationalisation and disposal of assets.

3. BUDGET PROCESS

1st Paragraph, last sentence, now reads **2005/2006 Budget**.

3.1 Maintenance Funding

5th Paragraph, 2nd sentence, word **Standard** now reads **Criteria**.

8th Paragraph, 1st dot point, word **Standards** now reads **Criteria**.

4.2 Register of Public Roads

2nd Paragraph, 1st sentence, now reads **Clause 19** and not **Clause 19(1)**

Dot points now removed. Replaced with the following:

The register must include –

- (a) *The name of each public road or, if a road is unnamed, a description which enables the particular road to be easily identified;*
- (b) *If a road becomes a public road after 1 July 2004, the date on which the road becomes a public road;*
- (c) *If a public road ceases to be a public road, the date on which the road ceased to be a public road;*
- (d) *The classification, if any, of the public road;*
- (e) *The reference of any plan or instrument made on or after 1 July 2004 that fixes or varies the boundaries of a public road;*
- (f) *Any ancillary areas;*
- (g) *A reference to any arrangement under which road management funding in respect of any part of a public road or ancillary area is transferred to or from another road authority;*

- (h) Any matter required to be included by the relevant road Minister under Section 22;
- (i) Any other matter required to be included in this Act;
- (j) Any other matter which is prescribed for the purpose of this clause.

4.2.1 Amendments to the Register of Public Roads

3rd Paragraph, 2nd sentence deleted. New sentence added:

The register of public roads will need to be maintained on an ongoing basis. It is proposed that the register of public roads be maintained under delegation to ensure it is readily updated on a regular basis.

4.8.2.1 Vehicle Crossings

1st Paragraph, 1st sentence (*ie. driveway*) now to read (*i.e. driveway*).

4.8.2.6 Fire Access Roads

New Paragraph included:

Designated fire access roads throughout the Colac Otway Shire, which are open for traffic under a controlled level of service, however are infrequently used or dry weather access only. Maintenance of these roads is only carried out as directed by Council's Fire Prevention Officer.

Traditionally Council maintains these tracks to a standard that will cater for farm machinery and fire fighting vehicles to travel to and from non-residential properties as and when weather conditions allow.

These types of roads are damaged by inappropriate use by motorists during wet weather periods when conditions do not support the movement of any vehicles.

Local Road Classification

Page 19 - Rural Minor Explanatory Note previously stated:

These roads generally provide occasional access to non-residential property only. Includes those roads identified as providing 'fire access'.

This has been changed to read,

These roads generally provide occasional access to non-residential property only

6.2.1 Strategies for Planning Maintenance Work

2nd Paragraph, 3rd dot point, 4th indent point – **standards** now reads **criteria**

6.3.2 Request Inspections

2nd Paragraph, 2nd sentence – **standard** now reads **criteria**

Inspection Type, Frequency & Responsibility

Page 30 previously read:

| Asset Class | Hierarchy | Inspection Type, Frequency & Responsibility |
|---|-----------------|---|
| | | Routine |
| Urban Road Network
* Includes sealed and unsealed roads | Urban Link | Not Applicable |
| | Urban Collector | 3 months |
| | Urban Access | 6 months |
| | Urban Minor | 2 years |
| Rural Road Network
* Includes sealed and unsealed roads | Rural Link | 3 months |
| | Rural Collector | 4 months |
| | Rural Access | 12 months |
| | Rural Minor | 3 years |

Now reads:

| Asset Class | Hierarchy | Inspection Type, Frequency & Responsibility |
|---|-----------------|---|
| | | Routine |
| Urban Road Network
* Includes sealed and unsealed roads | Urban Link | Not Applicable |
| | Urban Collector | 4 months |
| | Urban Access | 6 months |
| | Urban Minor | 2 years |
| Rural Road Network
* Includes sealed and unsealed roads | Rural Link | 3 months |
| | Rural Collector | 4 months |
| | Rural Access | 12 months |
| | Rural Minor | 3 years |

6.3.3 Incident Inspections

2nd Paragraph, 2nd dot point – **standards** now reads **criteria**

7.1.2 Future Consultation

2nd Paragraph, 2nd sentence - **standards** now reads **criteria**

3rd Paragraph, 1st sentence - **standards** now reads **criteria**

7.2 Maintenance Performance Standards now reads **Maintenance Performance Criteria**

3rd Paragraph, 1st sentence – **standards** now reads **criteria**

3rd Paragraph, 2nd sentence - specified in *the Road Management Review (Policy 13.6)* now reads specified in **Appendix A – Maintenance Performance Criteria and Response.**

5th Paragraph deleted.

7.3 Construction Performance Standards now reads
Construction Performance Criteria

7th Paragraph, 1st sentence - within *Council's Road Management Review (Policy13.6)* now reads *within Councils Road Asset Management Plan.*

9. REVIEW now reads **PLAN IMPROVEMENT & MONITORING**

9.1, 9.2, and Annual Update now reads as follows –

The Act requires that Council's Road Management Plan be formally reviewed at prescribed intervals. However, it is proposed that Council review its Plan more frequently as part of the continuous improvement process being applied to this new road management system.

The Plan improvement and monitoring process is proposed as follows:

9.1 Internal Monitoring

The processes that are to be audited internally per annum are as follows –

- Collection and storage of condition information,
- Recording of complaints/requests in an appropriate database in the manner required,
- Each complaint/request is inspected and/or assessed in relation to safety & specified maintenance intervention levels,
- That programmed inspections are carried out as scheduled,
- Relevant inspection reporting & recording mechanisms are in place,
- That reported defects are being properly recorded in the system,
- Where required, appropriate rectification responses are determined & works orders issued,
- Where customer requests require scheduling of works onto annual maintenance programs or capital works programs, that the required listing takes place,
- Record of maintenance activities is made in the database against the asset, including actual date of completion,
- Record that maintenance works have been delivered as intended (i.e. someone has signed off on the satisfactory completion of the work),
- Procedure is in place for collecting and storing information regarding road asset condition for developing future maintenance programs,
- Management system in place to record and respond to customer enquiries, and
- Asset handover/update process is being managed as required.

The outcome of the internal audit is to be reported to the General Manager, Infrastructure & Services.

9.2 Annual Performance Review

It is intended that this Plan will be updated on an annual basis in line with changes to the budget and results of predictive modelling of elements of Council's road infrastructure assets.

Council shall ensure that there is ongoing review of its asset management practices to ensure continued suitability and effectiveness having regard to –

- Asset performance following delivery of maintenance and construction programs,
- The level of achievement of Council's asset management strategies, and
- The consideration of any external factors, including legislative requirements, ongoing development of Council Policies and other major system implementations, that may effect the contents of this Plan.

The review will include, but not limited to –

- Audit and review of maintenance response times (to confirm whether maintenance works were delivered on time),
- Review of inspection frequencies (to ensure appropriateness),
- Review of levels of service (to ensure appropriateness),
- Review of road classifications (to ensure appropriateness),
- Review of customer feedback/contact, and
- Random audit of maintenance works (to confirm whether maintenance works were delivered to the specified quality).

Periodic Update now reads –

9.3 Periodic Review

3rd Paragraph, deleted.

New Point added –

9.4 Road Management Plan Amendment

To ensure the effective development and implementation of this plan all reviews will be undertaken in accordance with Part 3 of the *Road Management (General) Regulations 2005*.

Subject to the results of any review all amendments required to be made to the Plan will be undertaken pursuant to Section 54 of the *Road Management Act 2004*.

Records of all reviews and plan amendments will be maintained.

10. REFERENCES

Colac Otway Shire Council Plan 2003 – 2006 now reads **Colac Otway Shire Council Plan 2005 – 2009**

Financial Strategic Plan 2003 – 2004 now reads **Financial Strategic Plan 2005 – 2006**

OM092204-8 MANAGEMENT OF CATTLE GRIDS ON LOCAL ROADS

| | | | |
|-------------|----------------|-----------|--------------------|
| AUTHOR: | Adam Lehmann | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure | FILE REF: | GEN00007 - General |

Purpose

The purpose of this report is to present the draft Installation and Usage of Cattle Grids Policy to Council for formal adoption.

Background

Council at its meeting of 25 February 2009 resolved to:

1. Undertake public consultation in relation to the draft Cattle Grids Policy for the installation and usage of Cattle Grids on local roads;
2. Call for public submissions requesting written comments on the draft Cattle Grid Policy within a 28 day period from advertising; and
3. That where known, Council write to affected landowners with cattle grids to inform them of the Cattle Grids Policy.

The aim of this policy is to provide for, and encourage, the proper management of cattle grids located on local roads by establishing a systematic approach to the approval, evaluation, inspection, maintenance, and repair of such infrastructure.

The public exhibition phase for policy development has now been completed and all known affected land holders were written to.

The objectives of this policy are to:

- Develop a common understanding of the definition and purpose of a cattle grid;
- Provide guidance and consistency for the approval and installation of cattle grids across the municipality;
- Support procedures for the application, approval, construction, maintenance, and repair of cattle grids;
- Identify the standards for the construction of cattle grids;
- Define maintenance responsibilities for cattle grids;
- Define registration and recording procedures for cattle grids;
- Ensure that the location of cattle grids does not materially affect the safety of road users; and
- Control private structures on public roads and to ensure that all associated works are carried out to approved standards

Corporate Plan/Other Strategies/Policy

The proposal is to adopt a new Council Policy for the management of new and existing cattle grids located on local roads. The draft Installation and Usage of cattle Grids Policy has been developed in accordance with the operational policy and procedure for Council Policy Development & Review.

Issues/Options

There are a number of options which may be considered applicable in this instance. These are:

1. *Maintain existing management arrangements*

Cattle grids exist on Council's road network and present a risk to road users, property owners, and Council. Council officers have recently completed an audit of existing cattle grids which are located across the municipality. Fifteen (15) such structures have been identified on local roads. Each of these structures are of differing construction standard and in varying states of deteriorated condition.

Section 40 of the Road Management Act 2004 (the 'Act') reads:

- 40 Statutory duty to Inspect, Maintain and Repair Public Roads
- (1) Subject to Part 6, a road authority has a statutory duty to inspect, maintain and repair a public road—
- (a) to the standard specified in the road management plan for that public road or a specified class of public roads which includes that public road; or
 - (b) if paragraph (a) does not apply, to the standard specified in a policy in respect of that public road; or
 - (c) if no standard is specified for that public road or in relation to a particular matter, to a reasonable level having regard to the matters specified in paragraphs (a) to (e) of section 101(1).

Note

Section 101 sets out principles for determining whether there is a duty of care and if there is a duty of care, the standard of care.

- (2) The statutory duty imposed by subsection (1) does not create a duty to upgrade a road or to maintain a road to a higher standard than the standard to which the road is constructed.
- (3) The statutory duty to inspect applies to any part of a public road which is—
 - (a) a roadway;
 - (b) a pathway;
 - (c) a shoulder;
 - (d) road infrastructure.
- (4) The statutory duty to inspect does not apply to—
 - (a) a road which is not a public road; or
 - (b) any roadside or other area of a public road that has not been developed by a road authority for use by the public as a roadway or pathway; or
 - (c) non-road infrastructure which is installed in the road reserve.
- (5) A road authority has a discretionary power to inspect, maintain or repair a road which is not a public road but this Act is not to be construed as imposing a duty to do so.

Example

A road authority has a duty to maintain its roadways and pathways on a public road for use by vehicles and pedestrians. However, a road authority is not under a duty to maintain roadside bushland for public use and is not responsible for maintaining non-road related infrastructure

The assignment of responsibility for cattle grids located on Council's public roads is dependent on whether they are recognised as either road or non-road infrastructure within the definitions of the Road Management Act 2004.

Cattle grids, and associated infrastructure (e.g. fencing, gates, etc) may be deemed non-road infrastructure, and if so, are the property of the person(s) who installed the cattle grids and are responsible for them. That being said Council, as a road authority, has a statutory responsibility to inspect, maintain, and repair its public roads implying that it also has a responsibility to ensure that cattle grids are maintained to an appropriate standard.

Council is confronted by an increased exposure to risk and potential financial burden if the current arrangements are maintained. Council has the ability to transfer responsibility for cattle grids, should it be deemed that their continued operation is necessary, through the establishment of formal agreements. The other option is to remove all existing cattle grids however this may impact negatively on existing use rights.

2. *Consider the operation of cattle grids on an individual basis*

The retention or installation of cattle grids could be considered on a 'case by case' basis, however this could result in inconsistent and unsupported decision making by not having the benefit of having a clear set of criteria defined.

Management agreements could still be formalised under this process.

3. *Adopt a policy for the management of cattle grids on local roads*

Having an adopted policy provides Council with a managed approach to the provision of cattle grids and supports the procedures for systematic process for their approval, inspection, evaluation, maintenance, and repair.

The use of standardised agreements prepared in accordance with Section 121 of the Road Management Act 2004 transfers responsibilities for the ongoing management of cattle grids and are intrinsic to this policy.

Proposal

The establishment of a policy governing the management of cattle grids is the preferred option.

As an additional exercise it is intended to:

- Establish the ongoing need for each structure; and
- Audit the condition and appropriateness of each installation.

Direct consultation with all surrounding landowners will be used to determine operational requirements.

If no responses are received following a request of submissions it is proposed that Council take action to remove all redundant structures from the road reserve. All adjoining landowners will be notified prior to the removal of a cattle grid to allow provisions to be made for the containment of stock.

In the instance that the ongoing use of a particular cattle grid is required, a physical check of the structural condition and siting of the cattle grid will be undertaken. Upgrade or repairs to the subject cattle grid may be required to ensure that it functions consistent with Council's policy.

All costs associated with such works will be at the expense of that property owner deriving direct benefit from its use. Relevant section 121 Agreements will also need to be entered into as necessary.

Financial Implications

Council officer time has been required during the preparation of the draft policy, issuing the document for public comment, and considering and responding to community feedback and suggested changes.

Risk Management Implications

The proposed policy has been developed to consider the outcomes of Council's Road Management Plan and the requirements of Victorian Occupational Health & Safety legislation, the Road Safety Act 1986, the Road Management Act 2004, and applicable Australian Standards.

The draft policy requires that the landowner deriving benefit from the cattle grid is required to extend their Public Liability Insurance to cover against any claims for liability occurring as a result of or in connection with the maintenance and/or use of the cattle grid. Public Liability Insurance shall have a combined single limit of \$10 million.

Environmental Considerations

There are a range of roadside vegetation issues which may need to be considered in the determination of an application for the installation and use of a cattle grid.

Communication Strategy/Consultation

It was recognised that to ensure the development of a sound policy framework it is important to obtain inputs and feedback from a variety of key internal and external stakeholders.

The draft Installation and Usage of Cattle Grids Policy was placed on public exhibition on 27 February 2009. Consistent with Council's earlier resolution, the draft document was also sent to those property owners whose land either directly abutted, or was accessed by a road on which an existing cattle grid was located.

The formal submission period closed on 3 April 2009.

A total of five (5) submissions were received (one verbal) a summary of which is provided as an attachment to this report.

A number of issues raised and suggestions for change made. Most of the feedback received was in relation to the proposed standards for the construction of a cattle grid. As a result there have been a number of amendments made to the original draft policy which was presented to Council on 25 February 2009. An outline of all amendments is provided as a separate attachment.

Community feedback has had a positive impact to development of this policy. It now provides for a document which balances technical requirements against practicality for the implementation of such standards.

Implementation

The Installation and Usage of Cattle Grids Policy would come into operation immediately upon adoption by Council.

Conclusion

Having an adopted policy provides Council with a managed approach to the provision of cattle grids and supports the procedures for systematic process for their approval, inspection, evaluation, maintenance, and repair.

Community feedback has had a positive impact to development of this policy. It now provides for a document which balances technical requirements against practicality for the implementation of such standards.

Attachments

1. Installation and Usage of Cattle Grids Policy
2. Summary of Public Comments including Council Response
3. Policy Amendment Summary

Recommendation(s)

That Council resolve to:

1. ***Adopt the draft Installation and Usage of Cattle Grids Policy;***
2. ***Provide a written response to all those parties whom provided formal feedback through the public consultation process;***
3. ***Undertake direct consultation with landowners in the vicinity of all existing cattle grids identified to determine ongoing use requirements;***
4. ***Review existing cattle grids and implement the Policy in relation to usage of cattle grids.***
5. ***Remove all grids and reinstate the road where landowners with vested interests in the cattle grids are not prepared to enter into a Section 121 Agreement within a reasonable time frame.***
6. ***Immediately remove all cattle grids considered to be a potential safety risk.***

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Colac Otway  
SHIRE

*Naturally Progressive*

# INSTALLATION AND USAGE OF CATTLE GRIDS

POLICY

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**Policy No: 13.10**

**Date Adopted:**

**File No: GEN01688**

**Revised:**

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## 1. PURPOSE

This policy will attempt to improve the safety of the public road network by assisting landowners and local farmers to locate and install cattle grids to allow for the daily movement of cattle across a road or graze stock within the road reserve without causing adverse impact to other road users.

## 2. INTRODUCTION

Cattle grids are constructed on Council managed roads to effectively control stock using the road reserve where the road reserve is not completely fenced or where stock need to be moved across a road from one property to another directly opposite. In these situations, the cattle grid is used as a low cost option to safely manage the passage of stock where a stock underpass is not a practical or cost effective solution.

Council has a responsibility to provide a safe and efficient road network for all road users. As a preferred position, Council will discourage the use of cattle grids where possible. It is however acknowledged that cattle grids may be required under certain circumstances and where so allowed they must be installed, managed, and maintained in order to comply with the provisions of this policy.

This policy provides a systematic approach to the evaluation, approval, maintenance, and repair of all cattle grids approved for use to ensure that landowners and Councils exposure to risk is managed adequately.

The objectives of this policy are to:

- Develop a common understanding of the definition and purpose of a cattle grid;
- Provide guidance and consistency for the approval and installation of cattle grids across the municipality;
- Support procedures for the application, approval, construction, maintenance, and repair of cattle grids;
- Identify the standards for the construction of cattle grids;
- Define maintenance responsibilities for cattle grids;
- Define registration and recording procedures for cattle grids;
- Ensure that the location of cattle grids does not materially affect the safety of road users; and
- Control private structures on public roads and to ensure that all associated works are carried out to approved standards

### **3. SCOPE OF THE POLICY**

This policy covers all matters relating to administration and management of both existing and new cattle grids located on Council's public roads.

A cattle grid is a type of obstacle used to prevent livestock from passing along a road which penetrates the fencing surrounding an enclosed piece of land. Cattle grids generally consist of a depression in the road covered by a transverse grid of bars or rails, normally constructed of metal and firmly fixed to the ground on either side of the depression, such that the gaps between them are wide enough for animals' legs to fall through, but sufficiently narrow not to impede a wheeled vehicle.

### **4. DISCUSSION**

Section 40 of the *Road Management Act 2004* imposes a statutory duty on Council to inspect, maintain, and repair any part of a public road which is a roadway; a pathway; a shoulder; or road infrastructure. For the purposes of this section, a cattle grid is considered an inherent component of a road can therefore be regarded as road infrastructure.

Whilst Council has the control, care and management responsibility of its public roads, provisions of this policy transfer responsibility to the landowner for cattle grids which are permitted for use.

All costs associated with the construction, maintenance, and repair of a cattle grid is the responsibility of the owner of the land that the cattle grid has been granted.

This policy also requires a compliance check of a permitted cattle grid to ensure that the structure is being maintained to a satisfactory standard and that the appropriate public liability insurance is held by the land owner. Council reserves the right to undertake maintenance or removal of a cattle grid at the land owner's expense where it may be deemed that it poses a hazard to other road users.

If Council determines that the Cattle Grid is not maintained at the appropriate standard or is not warranted, Council will remove the Cattle Grid and reinstate the road at the landowners expense.

### **5. APPLICATION OF POLICY**

The aim of this policy is to ensure that cattle grids are only installed for genuine farming purposes and to an appropriate and consistent standard which minimises any safety risk to all road users.

The basic premise of this policy is that the landowner is fully responsible for the construction, ongoing maintenance, eventual decommissioning or reconstruction of the cattle grid, and having appropriate insurance that covers itself and Council.

Locations which do not address the warrants for Cattle Grids will not have structures installed.

## 5.1 Criteria for Installation of Cattle Grids

A cattle grid can only be constructed if the following criteria are met:

- The location is limited to Access Roads and Minor Roads as defined by Council's Road Management Plan and Municipal Road Register with a traffic count not exceeding 50 vehicles per day;
- The Infrastructure and Services Department must determine that there is no impact on road safety due to a reduction in sight distance etc;
- The cattle grid is to be used for genuine farming purposes only;
- The owners of all properties having access to the road must be consulted with. Any comments or feedback is to be considered during the assessment of an application;
- The cattle grid must be located at a suitable location which will allow for current road usage patterns to continue and the future traffic requirements of the road will not be impeded;
- The proposed cattle grid must have a width the greater of the minimum standard trafficable width for the road classification or the existing formation width;
- The cattle grid must be designed to cater for HS20-T44 loading with drawings and computations certified by a qualified Structural Engineer;
- Statutory planning requirements must be met if applicable including consideration of potential impacts to roadside vegetation;
- Council approval must be granted and approval is dependent on the applicant following all procedures set by the Infrastructure & Services Department; and
- An agreement prepared pursuant to Section 121 of the *Road Management Act 2004* must be signed by the applicant agreeing to full responsibility for all costs associated with the construction, ongoing maintenance and repair, and replacement of the cattle grid;
- The landowner deriving benefit from the cattle grid is required to extend their Public Liability Insurance to cover against any claims for liability occurring as a result of or in connection with the maintenance or use of the cattle grid. Public Liability Insurance shall have a combined single limit of \$10 million ; and
- That all farming operations within the road reserve be conducted in accordance will all relevant Council Local Laws.

All cattle grids will be reviewed on an ongoing basis to ensure that they are still required. If cattle grids are no longer in use, the landowner will be requested to remove the grid and reinstate the road pavement or agree for Council to undertake the works and charge the landowner.

This policy shall apply to both new and existing cattle grids. Where there is no record of the installation of any existing cattle grids, they must be:

- Registered with Council by the landowner and brought up to the necessary standard if the ongoing use of the cattle grid is still required; or
- Removed and the road reinstated at Council's expense.

In situations where the frequent movement of cattle across a road is required and the traffic count for that road is in excess of 50 vehicles per day the use of cattle grids to control the crossing will not be permitted and the installation of a stock underpass shall be considered. A stock underpass is to be constructed consistent with Council's policy for the installation and usage of stock underpasses within the Colac Otway Shire.

## 5.2 Application and Approval

Existing Cattle Grids which meet Council standards do not require an approval application, unless the Cattle Grid falls into disrepair.



### **5.2.1 Submitting an Application**

To apply for the installation of a cattle grid the owner of the land adjacent to which the public road passes must complete a Cattle Grid Application Form and pay the applicable application fee, as determined by Council. The application fee is 10 fee units in accordance with the *Monetary Units Act 2004*. Fees are reviewed each financial year and changes (if any) apply from 1 July each year.

For further explanation of the process to be followed refer the Cattle Grid Installation Procedure and Cattle Grid Application Form. The applicant must submit Engineering plans certified by a Structural Engineer and agree to maintain the crossing at the applicants cost.

If an application is unable to be considered due to it failing to meet the necessary criteria, the application fee will not be reimbursed and the applicant will be advised in writing that the application has been rejected.

### **5.2.2 Unregistered Cattle Grids**

Owners of existing unregistered cattle grids are required to lodge a Cattle Grid Application Form with Council. The applicant will be required to identify whether the current condition of the structure complies with the defined standards and to advise current Public Liability Insurance details for the structure.

The condition of the structure must comply with the applicable standards to enable approval to be issued. In cases where the current condition of the structure does not comply with the appropriate standards Council will advise the owner of the appropriate measures to be taken. These may include:

- Upgrading of the structure or ancillary infrastructure to comply with current standards;
- Replacement of the structure or ancillary infrastructure to comply with current standards; or
- Removal of the structure and reinstatement of the road.

When an unregistered cattle grid is brought to Council's attention, direct consultation with all surrounding landowners will be undertaken to establish the ongoing operational need for a specified structure. To facilitate this, a standard letter will be sent in relation to a specified cattle grid(s) requesting submissions within a period of 28 days. The letter may also indicate the results of the field inspection which initiated the letter. In conjunction with the issuing of a letter to the responsible parties, a notice will also be placed on the specific cattle grid(s). All responses received will be judged on merit and a decision on the future of the grid will be resolved by Council.

If no response is received following a request for submissions, Council will take action to remove the cattle grid and all ancillary infrastructure from the road reserve. The adjoining landowners will be notified a minimum of 28 days prior to the removal of a structure to allow provisions to be made for the containment of stock. The containment of any stock always remains the responsibility of the landowner and Council bears no responsibility for any damage or injury arising from loose livestock.

The costs of removing the cattle grid and/or impounding of any livestock are able to be recovered by Council from the adjoining landowners. Any materials salvaged will remain the property of Council.

### **5.2.3 Approval and Ownership**

Approval to construct the Cattle Grid in accordance with the Council requirements will only be deemed to have been given after the applicant has received a letter in writing from

Council, approving the installation. All Cattle Grids once installed will become the property of Council, notwithstanding the applicants responsibility to maintain.

### **5.3 Construction Standards**

Council requires that all cattle grids on public roads be installed to adequately meet technical requirements including minimum width, load bearing capacity, materials, signage, and visibility markings.

The applicant must provide design details for the structure to cater for HS20-T44 loading and have a design certified by a Structural Engineer. A number of companies manufacture prefabricated cattle grid units. Subject to their design specifications being referred to Council, such units will be approved for use. Council may be able to provide details of manufacturers if required. The applicant shall construct drainage under the cattle grid to ensure that no damming or ponding of stormwater run-off occurs on the carriageway and adjacent areas.

Details of grid structure, foundations, abutments, approaches, and horizontal and vertical alignment shall be submitted with the application for a cattle grid and shall be sufficient to guarantee the safe transit of vehicles and other road users and shall not interfere with the natural drainage of the area.

All works are to be carried out in accordance with Council's Road Management Plan, Victorian Occupational Health & Safety legislation, the *Road Safety Act 1986*, the *Road Management Act 2004*, industry standards, and applicable Australian Standards. Council will provide guidance if required.

The attached plan shows a diagrammatic representation of the construction of a cattle grid, associated by-pass gate, and side track.

#### **5.3.1 Location**

A cattle grid shall only be installed at a location approved by Council. A specific location needs to satisfy road traffic safety requirements. Consideration shall be given to issues such as existing road alignment, safe sight distances, etc in evaluating the appropriateness of a proposed location.

A cattle grid shall not be installed at a location where minimum stopping sight distances evaluated in accordance with VicRoads Road Design Guidelines are unable to be achieved. In instances where the proposed cattle grid location is inappropriate, Council will endeavour to assist the proponent in order to achieve an acceptable outcome where possible.

#### **5.3.2 Trafficable Width**

The trafficable width of any cattle grid shall be the greater of the minimum standard trafficable width for the road classification and the existing formation width. The width of any cattle grid should not adversely impact or restrict the safe trafficable speed along the subject road.

#### **5.3.3 Controlled Stock Crossing (Grids in Series)**

Where the intention is to install cattle grids in series for the purpose of establishing a controlled stock crossing, the offset distance between each cattle grid shall not exceed 10-metres where site conditions allow. The crossing area between the cattle grids may be concreted should it be deemed appropriate. The concrete crossing shall have a design certified by a Structural Engineer and cater for heavy vehicles.

Where it is intended to install cattle grids in series to establish a controlled stock crossing, the landowner is required to install adequate gates along the property boundary where their cattle lanes intersect the road.

#### **5.3.4 By-Pass Gate**

The by-pass gate shall be made of resilient material of minimum width 3.66-metres and should be arranged to be free swinging and shall remain unlocked and fully functional to allow unimpeded access. By-pass gates shall be constructed at right angles to the road centreline.

By-Pass gates are to be closed at all times except when cattle are passing through them or are accessed by the general public. By-Pass gates are to be closed after use. Signs are to be affixed to these gates advising of this requirement.

The gate, any support structures, and fencing within the road reserve shall be painted white.

#### **5.3.5 Fencing**

The type of wing fencing to be constructed is to be nominated landowner and should be of a standard which is adequate for its intended use and conforms with the requirements of Council's Local Laws. Wing fencing is to be made conspicuous to other road users.

Where, in the opinion of Council, associated signs, fencing, and wing fencing to a cattle grid creates an unreasonable impediment to a required special use of a road, such structures shall be temporarily relocated or removed to adequately cater for this activity. Provisional measures will be implemented to ensure that the cattle grid operates as intended, in a safe manner, while this special arrangement is in place. Any structure removed or relocated shall be reinstated as soon as is practicable after the cessation of any special road use.

Temporary removal, relocation, and reinstatement of any associated signs, fencing, and wing fencing shall be done so at the expense of those parties requesting special use of the road.

#### **5.3.6 Cattle Grid Side Track**

The cattle grid side track which services the by-pass gate is to be constructed to a standard suitable for the passage of stock.

#### **5.3.7 Signage**

Signage is to be erected in accordance with AS1742.2 Manual of Uniform Traffic Control Devices – Traffic Control Devices for General Use. This requires a 'Grid' warning sign (W5-16) on either side of the cattle grid between 50-metres to 200-metres from the structure. A set of G9-206(L) and G9-206(R) chevrons are also required on either side of the structure.

### **5.4 Maintenance Standards**

#### **5.4.1 Structural Components**

The applicant is responsible to maintain the structure and signage of the cattle grid to ensure compliance with the construction standards as detailed by this policy. All maintenance work must be authorised and carried out by Council at the applicants full cost in accordance with Victorian Occupational Health & Safety requirements, *the Road Safety Act 1986*, *the Road Management Act 2004*, industry standards, and applicable Australian Standards.

#### **5.4.2 Road Carriageway**

The landowner is responsible to maintain or repair any damage caused to a road where Council is of the reasonable opinion that the maintenance is required because of the use of the road for the crossing of stock.

The owner may not carry out maintenance works on a carriageway unless previously approved by Council.

### **5.4.3 Failure to Maintain**

Failure to ensure that maintenance on the cattle grid and associated signage is carried out may result in Council revoking its approval and removing the structure from the road reserve. Council will give notice to the owner to conduct repair work prior to taking any such action. If the landowner fails to meet the requirements of a repair notice then Council's approval will be rescinded and the cattle grid and all ancillary infrastructure will be removed.

Where maintenance standards are in dispute and the owner of any cattle grid has failed to demonstrate to Council's satisfaction that a cattle grid has been maintained to the standards of this policy and any agreement, Council may at its discretion may remove the subject cattle grid and reinstate the road at the landowners expense after giving reasonable notice.

All costs associated with the removal of the cattle grid will be recovered from the landowner and all materials salvaged shall remain the property of Council.

## **5.5 Inspection**

### **5.5.1 Proactive Inspections**

The owner is responsible for undertaking regular inspections to ensure that the facilities comply with the specified standards. Council staff will inspect the cattle grids as part of scheduled road network inspections. Any identified condition defects will be advised to the owner for attention.

### **5.5.2 Reactive Inspections**

Council staff will respond to concerns in connection with a cattle grid raised by any person. Any defects observed during the course of such inspections will be advised to the owner for attention. Rectification of any defects reported to the owner by Council shall be addressed in accordance with the standards of the Road Management Plan.

### **5.5.3 Compliance Review**

Compliance of the cattle grid and associated facilities with the construction and maintenance standards will be reviewed on a regular basis. Council may advise the owner when the review is due in writing. The owner is required to carry out a condition inspection of the structure and submit a Certificate of Currency of Public Liability Insurance with a combined single limit of \$10 million for the structure within 14 days of being notified.

Council will conduct a quality audit check of the information submitted and random inspections of structures to verify the accuracy of condition inspections. If the structure is found not to comply with requirements, or the Public Liability Insurance is invalid or inadequate, Council may revoke its approval.

Council reserves the right to terminate its approval for a cattle grid when changes occur to the classification or alignment of the road on which it is situated or if there is a demonstrated change in road usage patterns which Council considers warrants the removal of the cattle grid.

## **5.6 Alternatives to Cattle Grids**

Where an application for a cattle grid does not comply with the standards of this policy and is unable to be approved the applicant will need to consider one of the following options:

- Abandon the application for a cattle grid; or
- Make an application for an alternative control measure which may be, but not limited to the following:
  - A stock crossing established in accordance with Council's applicable local laws;
  - A roadside grazing permit issued in accordance with Council's local laws; or
  - A stock underpass constructed to comply with Council's policy.

## **6 TERMINATION OF USE**

A cattle grid shall be removed if the landowner deriving benefit from its use:

- If the cattle grid has no longer being used for its intended purpose;
- *If the landowner transfers ownership of all the land or part of the land so that they no longer own land on both sides of the road if the cattle grid(s) are being used as a controlled crossing;*
- *If the landowner has no further rights to run cattle on both sides of the road so that the cattle grids are unable to be used for running stock; or*
- The landowner no longer holds a valid local law permit if one is required for movement of stock on a road.

Where any of the above criteria are true, the user of the cattle grid(s) shall fully remove or reinstate them, and all associated works, including all signage, bypass gates, wing fences and cattle lanes associated with the cattle grids and reinstate the road at their own cost and to the satisfaction of council. Removal and reinstatement shall be completed within a time frame specified by the council.

Should the cattle grids and associated works not be removed within this time frame, council may remove them and seek reimbursement of the costs from the landowner.

## **7 RELATED LEGISLATION**

*Local Government Act (1989)*

*Road Management Act (2004)*

*Road Safety Act (1986)*

*Occupational Health & Safety Act (2004)*

*Road Management (Works and Infrastructure) Regulations 2005*

*Road Management (General) Regulations 2005*

*Road Management Code of Practice – Management of Infrastructure in Road Reserves*

## **8 RELATED POLICIES/PROCEDURES/GUIDELINES**

*Cattle Grid Installation Procedure*

*A Guide to Working in the Road Reserve*

*Road Management Plan*

*Municipal Road Register*

*Cattle Grid Register*

## 9 QUALITY RECORDS

| <i>Record</i>                                              | <i>Retention/Disposal Responsibility</i>              | <i>Retention Period</i> | <i>Location</i> |
|------------------------------------------------------------|-------------------------------------------------------|-------------------------|-----------------|
| Application Form (including construction and layout plans) | Infrastructure & Services Department (I&SD)           |                         |                 |
| Planning Permit                                            | Sustainable Planning & Development Department (SP&DD) |                         |                 |
| Approval Letter(s)                                         | I&SD                                                  |                         |                 |
| Section 121 Agreement                                      | I&SD                                                  |                         |                 |
| Annual Compliance Inspection Report                        | I&SD                                                  |                         |                 |

## 10 POLICY IMPLEMENTATION

The General Manager Infrastructure & Services is responsible for ensuring that all existing and new cattle grids comply with this policy.

## 11 ATTACHMENTS

Cattle Grid Installation Procedure  
Standard Cattle Grid Layout Plan  
Annual Compliance Inspection Report

**Please note:** This policy is current as at date of adoption. Refer to Council's Intranet or Teamware Library to ensure policy is the latest version.

|                                       |                                    |
|---------------------------------------|------------------------------------|
| Procedure Title:                      | Cattle Grid Installation Procedure |
| Related Policy Title:                 | Installation and Usage of Grids    |
| Related Policy No:                    |                                    |
| Date Procedure Approved by Executive: |                                    |
| Responsible Officer:                  | Manager Sustainable Assets         |

## PROCEDURE OBJECTIVES

This procedure provides a systematic approach to the evaluation, approval, and construction of all cattle grids to ensure that landowners and Councils exposure to risk is managed adequately.

## PROCEDURE

The following procedure provides a guide to the documents and information to be tracked and recorded in relation to the issuing of approval for cattle grids on public roads. This procedure should be read in conjunction with Council Policy No. XXX - Installation and Usage of Cattle Grids.

### 1. Upon Application

- a. Lodgement of application form ensuring that all information is completed as required
- b. Lodgement of associated design details, construction and site plans as required by the application form.
- c. Payment of fees

### 2. Initial Assessment of Application

- a. Preliminary assessment of application to ensure consistency with approval criteria.
- b. The location of the proposed cattle grid is inspected by Council Officer.
- c. The officer prepares a report which may include photos or sketches made during the inspection and supporting information in relation to site suitability (e.g. site distance measurements, road width, location of existing features, etc)
- d. If application is assessed as being unsuitable, a letter is sent to the applicant advising of their unsuccessful application.

### 3. Community Consultation

- a. Direct consultation with other landowners along the road which it is proposed to install the cattle grid via written notification.
- b. Any submissions may be received by Council in response to the proposal within 28 days.
- c. Council officer to provide a written or verbal response to any submissions as appropriate.
- d. Council officer to review submission and determine application. Written notification is to be provided to applicant if proposal is deemed inappropriate after community consultation process.

### 4. Approval of Cattle Grid

- a. Written notification provided to applicant detailing any special requirements.
- b. Section 173 Agreement prepared for signing and forwarded to landowner.
- c. Section 173 Agreement signed by landowner and returned to Council for signing and sealing. Agreement to be lodged on title by Council's solicitors.

## 5. Construction Approval

- a. Works on Roads Application Form to be completed by applicant.
- b. Documentation to be submitted with Works on Roads Application must include:
  - i. Design and layout of proposed cattle grid;
  - ii. Works Manager or Contractors insurance details;
  - iii. Traffic Management Plan; and
  - iv. Certificate of Currency for Public Liability Insurance for the proposed cattle grid with a minimum cover of \$10 million
- c. Provided all the submitted documentation is satisfactory and the Section 173 Agreement has been finalised, Council provides the applicant with consent to works and acknowledgement of receipt of insurance details.

## 6. Construction Inspection(s)

- a. Once the cattle grid has been constructed, the applicant advises Council and a Council Officer inspects site.
- b. If construction is found to be below standards or not to specification, the Council officer is to liaise with the applicant and provides:
  - i. Detailed list of defects identified during inspection;
  - ii. Written or verbal advice to the applicant or Works Manager/construction contractor; and
  - iii. Follow up inspection details

## 7. Final Approval

- a. Written advice provided to applicant upon satisfactory completion of works.
- b. Council Cattle Grid Register to be updated with the following minimum information:
  - i. Cattle Grid ID Number
  - ii. Applicants name
  - iii. Date of application
  - iv. Date of community consultation
  - v. Date of determination
  - vi. Special construction requirements
  - vii. Location of cattle grid
    - Road name and chainage from start datum or nearest cross road
    - Description of properties adjoining cattle grid
  - viii. Description of responsible land parcel(s)

## ATTACHMENTS

Cattle Grid Installation Process Map  
Cattle Grid Application Form  
Cattle Grids – Standard Agreement

**Please note:** This policy is current as at date of adoption. Refer to Council's Intranet or Teamware Library to ensure policy is the latest version.



Reference Number –  
(Council Use Only)

# Cattle Grid Installation Application Form



Have you spoken previously to a Council Officer regarding the proposed installation of a cattle grid?

Yes  No

If Yes, with whom? \_\_\_\_\_

## Property Information

Property Address \_\_\_\_\_

Property Description \_\_\_\_\_

*(i.e. the title description of the title(s) the cattle grid will be adjacent to)*

## Property Owner Information

Property Owner Name(s) \_\_\_\_\_

Property Owner Postal Address \_\_\_\_\_

Post Code \_\_\_\_\_

## Proposal

Road Name *(where cattle grid is proposed)* \_\_\_\_\_ Locality \_\_\_\_\_

What type of cattle grid is proposed?

*Construction drawings and computations to be submitted*

Reason for installing cattle grid(s)?

*Have other options been considered (e.g. stock underpass, supervised crossing, etc)*

Frequency of stock movements?

Daily  Weekly  Monthly

Have you discussed the proposal with the owners of all properties with access to the road?

Yes  No

Is a Planning Permit required for the proposed works?

*Contact Council's Planning Department on 5232 9412*

Yes  No

If Yes, has a planning permit been obtained?

*Please attach a copy of the planning permit to this application.*

Yes  No

What is the Conservation Status of the road reserve in the vicinity of the works? *(e.g. High, Medium or Low)*

*Contact Council's Environmental Department on 5232 9400*

Please complete and attach a LAYOUT PLAN. (Additional locality information is available from Council upon request e.g. aerial photography). *Layout Plans need to show details of the following;*

- Cattle grid position in the road reserve
- Distance (m) to the nearest intersection
- Existing roadside vegetation and any roadside vegetation proposed to be removed
- All services including Telstra, Power, Gas and Water where appropriate
- Existing road width and road reserve width
- Existing property entrances

Reference Number –  
(Council Use Only)

# Cattle Grid Installation Application Form (continued)



Contractor/Works Manager Name \_\_\_\_\_  
Company \_\_\_\_\_  
Postal Address \_\_\_\_\_ Post Code \_\_\_\_\_  
Proposed construction period \_\_\_\_ / \_\_\_\_ / \_\_\_\_ to \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
**Contractor/Works Manager**

## Applicant Contact Information

Name \_\_\_\_\_  
Organisation \_\_\_\_\_  
Postal Address \_\_\_\_\_ Post Code \_\_\_\_\_  
Contact Phone \_\_\_\_\_  
Mobile Phone \_\_\_\_\_  
Fax Number \_\_\_\_\_

**Signed** \_\_\_\_\_ **Date** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Note** – The applicant is encouraged to contact Dial Before You Dig on 1100 for service locations.

## DECLARATION:

*The Colac Otway Shire Council collects personal information to levy rates, issue permits and licences and provide a variety of community services. The information collected in this form is used only for the purposes contemplated by the form (primary purpose) and is not passed onto third parties. In some instances however, disclosure is required by law or is necessary for the protection of persons or property. Where this occurs, Council will take every reasonable step to ensure your privacy is protected in accordance with the Information Privacy Act 2000 (Vic). Should you need to change or access your personal details or require further information about Council's Privacy Policy contact our Privacy Officer on 5232 9400.*

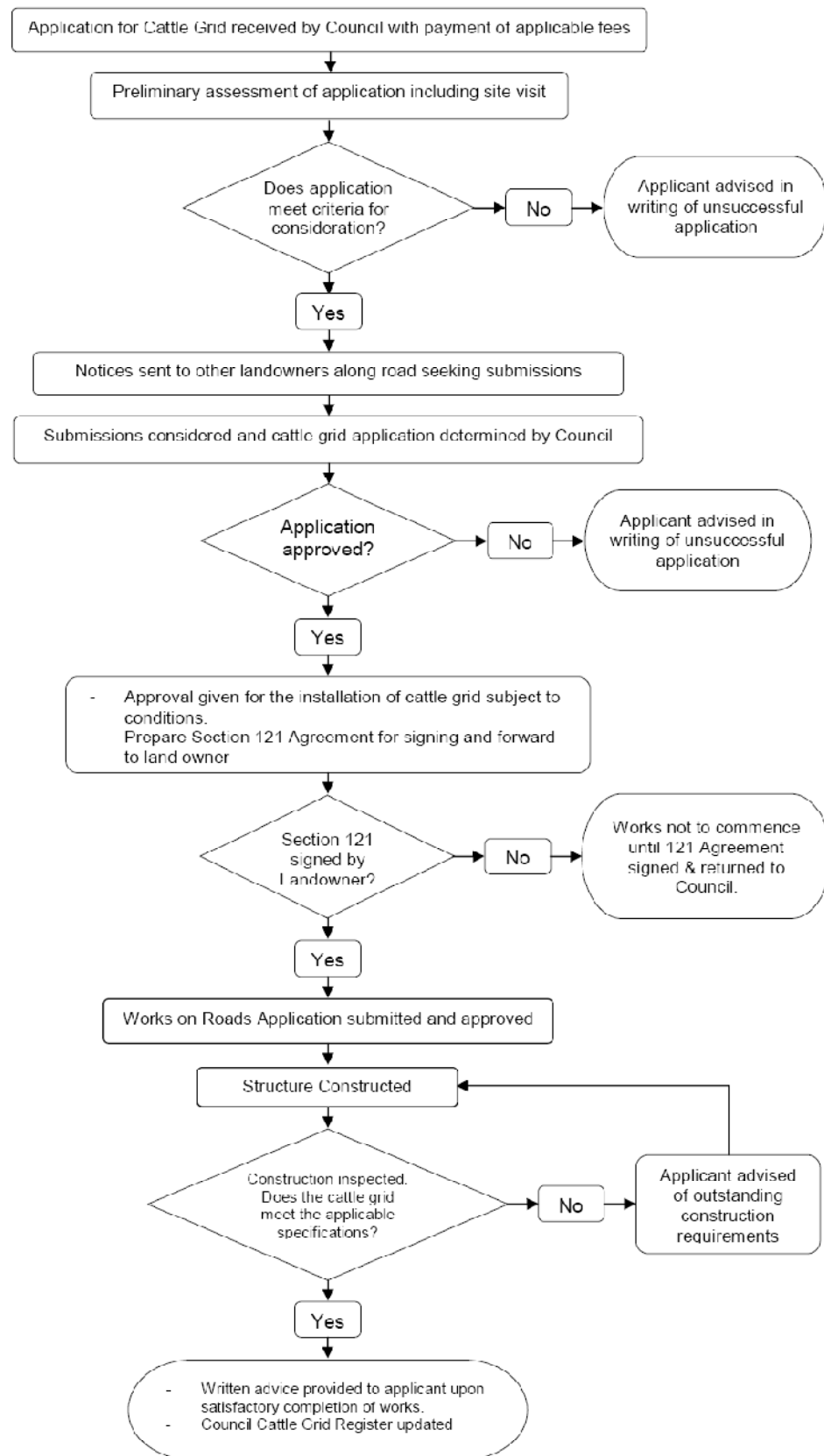
## Office Use Only

Approval Given Yes  No  Date \_\_\_\_\_

Council Officer \_\_\_\_\_ Signature \_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Process Map for Application to Install a Cattle Grid



Reference Number –  
(Council Use Only)

# Cattle Grid Inspection Report



Inspected by: \_\_\_\_\_ Inspection Date: \_\_\_/\_\_\_/\_\_\_

Public Gate Permit No: \_\_\_\_\_ Road Name: \_\_\_\_\_

Distance From: \_\_\_\_\_ is \_\_\_\_\_ km

Area: \_\_\_\_\_ Location: \_\_\_\_\_

## **GRID FIELD INSPECTION**

**Grid Description:** (materials used, rail spacing etc) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **Grid Condition:**

*Is grid level with road surface?* **YES / NO**

*Are any rails missing?* **YES / NO**

*Is there excessive build up under grid?* **YES / NO**

(List repairs required) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **Guard Rails and Signage:**

*Are signs on approach in place?* **YES / NO**

*Is guard rail construction adequate?* **YES / NO**

(List repairs required) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **Gate/By-pass Condition:**

*Is gate construction adequate?* **YES / NO**

*Are "Public Gate" signs on gate?* **YES / NO**

*Is by-pass trafficable?* **YES / NO**

(List repairs required) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **Road Approach Condition:**

*\*Owner is to maintain any damage caused to the road as a result of the crossing of stock*

(List repairs required) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Inspectors Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

**COLAC-OTWAY SHIRE COUNCIL**

and

*<User>*

**AGREEMENT MADE PURSUANT TO  
SECTION 121 OF THE ROAD  
MANAGEMENT ACT 2004**

**Property: *<Property Description>***

Level 12  
469 La Trobe Street  
Melbourne Victoria 3000 Australia

PO Box 5146AA  
Melbourne Victoria 3001  
DX 494 Melbourne

Tel 61 3 9609 1555  
Fax 61 3 9609 1600

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

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Ref ADC 301114

## PARTIES

- 1 **COLAC-OTWAY SHIRE COUNCIL**  
of 2-6 Rae Street, Colac in the State of Victoria  
("Council")
- 2 **USER (as defined in item 1 of the Schedule)**

## RECITALS

- A The Council is the coordinating and responsible road authority for the Road under the Act.
- B The User is registered or is entitled to be registered as proprietor of the Land.
- C The User desires to use the Cattle Grids, including the Associated Works, to enable the User's cattle to cross the Road to access the Land.
- D Council consents to the use and ongoing maintenance of the Cattle Grid and the Associated Works, subject to this Agreement.
- E This Agreement is made by the Council as the municipal council responsible for the management of the Road under the *Local Government Act 1989* and as the coordinating road authority and pursuant to section 121 of the Act. The Agreement sets out the arrangements for the use and ongoing maintenance and risk allocation of the Cattle Grids and Associated Works on the Road.

## THE PARTIES AGREE THAT:

### 1 DEFINITIONS

In this Agreement:

- 1.1 "Act" means the *Road Management Act 2004*.
- 1.2 "Agreement" means this Agreement, including the recitals, Schedule and any annexures to this Agreement.
- 1.3 "Associated Works" means those works as detailed in item 2 of the Schedule.
- 1.4 "Cattle Grids" means the cattle grids as detailed in item 3 of the Schedule.
- 1.5 "Commencement Date" means the date the Agreement is to begin as set out item 4 of the Schedule.
- 1.6 "Inspections" means the inspections required pursuant to clause 6.1.1 of this Agreement in the time frame as set out in item 5 of the Schedule.
- 1.7 "Land" means the land owned by the User as detailed in item 6 of the Schedule.
- 1.8 "Plans" means the plans attached to this Agreement as "Annexure A".
- 1.9 "Repair Notice" means a notice served under clause 5.6.1 of this Agreement.
- 1.10 "Road" means the road as described in item 7 of the Schedule.

- 1.11 **"Road Management Plan"** means Council's Road Management Plan as developed, published and in force in accordance with the Act.
- 1.12 **"Schedule"** means the schedule attached to this Agreement.
- 1.13 **"Term"** means the initial term of the Agreement as set out in item 8 of the Schedule and the further term (if any in accordance with clause 13).

## 2 COMMENCEMENT

This Agreement comes into force on the Commencement Date and is for the Term.

## 3 RISK

- 3.1 The User acknowledges that the Cattle Grids and Associated Works have already been constructed on the Road as the date of this Agreement but will be subject to ongoing works for maintenance, repair and possible upgrade works at the User's expense, and that all these works on the Road are for the benefit of the User.
- 3.2 The User accepts all risks in connection with the ongoing use and maintenance of the Cattle Grids and Associated Works, whether or not the risk was reasonably foreseeable by the User at the date of entering into this Agreement or at any other time.
- 3.3 The User acknowledges Council's ongoing rights to ensure that the Cattle Grids and the Associated Works must comply with any Council policies relating to cattle grids.

## 4 USE OF CATTLE GRIDS

The User agrees that:

- 4.1 the Cattle Grids and Associated Works will only be used by the User and by persons authorised by the User to assist with the passage of stock to and from the Land;
- 4.2 the Cattle Grids and Associated Works will not be used for the housing of animals, vehicles or farm machinery, or for the storage of produce or material at any time;
- 4.3 that the continued permission to use the Cattle Grids and Associated Works is subject at all times to compliance by the User with the terms of this Agreement and all relevant Council local laws and any current Council policies relating to cattle grids.

## 5 MAINTENANCE

### 5.1 Maintenance works by User

For the duration of the Term, the User agrees to:

- 5.1.1 maintain the Cattle Grids and Associated Works in accordance with the Plans;
- 5.1.2 maintain the Cattle Grids and Associated Works in a condition that:
- (a) is consistent with the use and function of the Road; and
  - (b) provides sufficient structural capacity to cater for HS20-44 loading;

- 5.1.3 maintain or repair any damage caused to the Road as directed in writing by Council where the Council is of the reasonable opinion that the maintenance is required because of the use of the Road for the crossing of stock;
- 5.1.4 undertake all maintenance works in accordance with all reasonable requirements of the Council and in accordance with relevant occupational health and safety requirements, the Act, the *Road Safety Act 1986* (Vic), and applicable Australian laws, regulations and standards,

all to the satisfaction of Council and all at the User's own expense.

- 5.2 Notwithstanding the above, the User also agrees to undertake maintenance on the Cattle Grids and Associated Works from time to time as reasonably directed by Council in accordance with clause 5.6 of this Agreement.
- 5.3 Pursuant to Part 2 Section 16 of Act, Council grants consent to the User to carry out works on the Cattle Grids or Associated Works subject to the User complying with the standard conditions of consent to conduct works in road reserves as set out in Annexure B.
- 5.4 The User agrees not to carry out maintenance works on the Road unless such maintenance works have been approved in writing by Council.
- 5.5 The parties agree that the consent of the Council to the ongoing maintenance works referred to in this clause 5, is associated with the use of Road for the Cattle Grids and Associated Works and not for other works associated with the Road.

#### **5.6 Maintenance by Council**

- 5.6.1 If Council is of the opinion that the Cattle Grids or Associated Works are in need of cleaning or repair by either its own inspection or as a result of being informed by a third party, a notice may be served on the User directing that such cleaning and/or repairs as are specified in the notice must be carried out by the User within a period of 28 days after service of the notice ("**Repair Notice**").
- 5.6.2 Council may carry out the cleaning and/or repairs referred to in clause 5.6.1 and charge the cost thereof to the User where:
  - (a) the User is in default of the Repair Notice; or
  - (b) in the opinion of Council the cleaning and/or repairs required to the Cattle Grids or Associated Works is urgently required.
- 5.6.3 The User shall reimburse to Council within one month of receiving a demand for payment any reasonable costs and expenses incurred by Council in carrying out the works referred to in clauses 5.6.1 and 5.6.2.
- 5.6.4 The User acknowledges that Council may carry out maintenance of the Road as referred to in clause 5.1.3 at the User's expense if such works are a result of the use of the Road for the purposes of crossing of stock.



- 5.6.5 Council will accept liability for the cost of any repairs to the Road, Cattle Grids and Associated Works attributable to a specially authorised vehicle(s) (e.g. a b-double, an over dimensional vehicle, or vehicle operating at higher mass limits), or any other vehicle(s) involved in any extraordinary activity of which Council has prior knowledge of travelling over the Cattle Grids, notification of which will be given by Council to the User.
- 5.6.6 The User must notify Council of any damage caused to the Cattle Grid and Associated Works as a result of an authorised vehicle using the Road in accordance with clause 5.6.5 as soon as practicable after the use has occurred.

## 6 INSPECTIONS

### 6.1 Proactive inspections

- 6.1.1 The User must carry out the Inspections of the Cattle Grids and Associated Works to ensure compliance with this Agreement in accordance with Council's relevant cattle grid policies.
- 6.1.2 The User must keep records of all Inspections and provide them to Council upon request.
- 6.1.3 If the User is aware of any damage to the grids which may present a hazard to other road users, the User must notify Council as soon as is practicable.
- 6.1.4 Council staff will inspect the Cattle Grids and Associated Works as part of its scheduled road network inspections and must advise the User in writing of any defects identified, such defects to be dealt with in accordance with this Agreement.

### 6.2 Reactive inspections

- 6.2.1 Council will respond to concerns in connection with the Cattle Grids and Associated Works raised by any person by inspecting the Cattle Grids and Associated Works as necessary.
- 6.2.2 The Council will advise the User in writing of any defects observed during the course of its inspection in accordance with this Agreement.
- 6.2.3 The User must rectify any defects reported to the User by Council to the Council's satisfaction in accordance with this Agreement.

## 7 REPLACEMENT

- 7.1 The User agrees to remove the Cattle Grids and/or Associated Works when they have been assessed by Council that they have reached the end of their serviceable life and are no longer able to be maintained to provide sufficient structural capacity to cater for HS20-T44 loading.
- 7.2 Subject to clause 7.3, if the User still requires Cattle Grids, following assessment by Council that the Cattle Grids and/or Associated Works be removed pursuant to clause 7.1 the parties agree that replacement Cattle Grids and associated works ("**New Works**") can be installed on the Road to the satisfaction of Council either:
- (a) in accordance with the Plans; or
  - (b) be designed by a suitably experienced and qualified building practitioner and certified by a qualified structural engineer and approved by Council.
- 7.3 The User must ensure that the New Works are:
- 7.3.1 designed and installed in accordance with the Act and all other relevant laws, regulations and standards; and
  - 7.3.2 provide for sufficient structural capacity to cater for HS20-T44 loading; and
  - 7.3.3 provide for adequate drainage of the Cattle Grids, the Road in the immediate vicinity of the cattle grids, and other adjacent areas.
- 7.4 The parties agree that unless a new arrangement has been entered into by the parties for the New Works, then the New Works will be subject to this Agreement.

## 8 ROAD WIDENING AND RELOCATION OF CATTLE GRIDS AND ASSOCIATED WORKS

If the Road is widened and/or realigned in the future, Council will bear the reasonable cost of any necessary extension or relocation of the Cattle Grids and Associated Works.

## 9 INSURANCE

The User must:

- 9.1 maintain in full force and effect during the Term, public liability insurance against claims for bodily injury, death or property damage and loss of earnings occurring as a result of or in connection with the maintenance works or use of the Cattle Grids and the Associated Works, with a combined single limit of A\$10 million; and
- 9.2 ensure, where possible, that Council is noted as an interested party on the insurance policy referred to in clause 9.1; and
- 9.3 provide a copy of the insurance policy to Council, together with annual certificates of currency following each insurance renewal period.

## 10 INDEMNITY

The User covenants and agrees:

- 10.1 to indemnify and keep the Council, its officers, employees, agents, workmen and contractors indemnified from and against all costs, expenses, losses or damages which they or any of them may sustain incur or suffer or be or become liable for or in respect of any suit action proceeding judgement or claim brought by any person arising directly or indirectly from the existence and use of the Cattle Grids and Associated Works undertaken by the User or its agent or contractors or employees on the Road.
- 10.2 The User agrees to be responsible for the costs of repair to the Cattle Grids and Associated Works where:
- 10.2.1 a third party has caused intentional or unintentional damage to the Cattle Grids as a result of an activity, whether negligent or not; and
  - 10.2.2 damage to the Cattle Grids or Associated Works has occurred as a result of an unknown cause.
- 10.3 The indemnity referred to in clause 10.1 cannot be revoked by the User.
- 10.4 The indemnity referred to in clause 10.1 is binding and enforceable against the User notwithstanding any neglect, delay or forbearance on the part of Council to exercise its right of indemnity.
- 10.5 Nothing in this clause 10 will prevent the User from seeking to recover damages or costs from a third party (other than Council) associated with damage caused to the Cattle Grids or Associated Works by that third party.

## **11 CONSEQUENCES OF BREACH**

- 11.1 If the User is in breach of any term of this Agreement, Council may call upon the User by notice in writing to remedy such a breach within the time specified in the notice or show cause why the Agreement should not be terminated. If the User fails to either remedy the breach to the satisfaction of Council or show cause within the time stated then Council may without further notice to the User terminate this Agreement and the User shall be liable to pay to Council the reasonable costs of making good any repairs and/or reinstatement reasonably required to ensure the safety of the Cattle Grids and the Road.
- 11.2 If the User fails to comply with Clause 11.1 of this Agreement and Council is required to reinstate and make good the Cattle Grids, Associated Works or the Road, then the reasonable cost thereby incurred shall be a debt due from the User to Council.

## **12 TERMINATION**

- 12.1 This Agreement will terminate if the User:
- 12.1.1 transfers ownership of all the Land or part of the Land so that the User no longer owns land on both sides of the Road; or
  - 12.1.2 has no further rights to run cattle on both sides of the Road so that the Cattle Grids cannot be used for running cattle; or
  - 12.1.3 the User no longer holds a valid local law permit if one is required for movement of stock on the Road; or

- 12.1.4 the User informs Council that the User is insolvent or financially unable to continue with this Agreement; or
- 12.1.5 being a individual person or a partnership becomes bankrupt, enters into a scheme of arrangement; or
- 12.1.6 being a corporation, enters into a deed of arrangement or company administration or a winding up order is applied for or made against it, or a mortgagee takes possession of its property or it is wound up.

12.2 In the event of termination of this Agreement by clause 11.1, 12 or otherwise, the User shall fully remove or reinstate the Cattle Grids and Associated Works and reinstate the Road at its own cost to the satisfaction of Council within a time frame specified by the Council. Should the Cattle Grids and Associated Works not be removed within this time frame, Council may remove them and seek reimbursement of the costs from the User.

12.3 No compensation shall be claimed from or be payable by Council upon termination of the usage of the Cattle Grids in accordance with the terms of this Agreement or by the mutual consent of Council and the User.

### 13 FURTHER TERM

Provided the User is not in breach of this Agreement, the User may elect by notice in writing to be delivered to Council no less than three months prior to the expiration of the initial term of the Agreement extend the period of this Agreement for up to a further (20) twenty years.

### 14 NOTICES

#### 14.1 Service of notice

A notice or other communication required or permitted, under this Agreement, to be served on a person must be in writing and may be served:

- 14.1.1 personally on the person;
- 14.1.2 by leaving it at the person's address set out in this Agreement;
- 14.1.3 by posting it by prepaid post addressed to that person at the person's current address for service; or

#### 14.2 Time of service

A notice or other communication is deemed served:

- 14.2.1 if served personally or left at the person's address, upon service;
- 14.2.2 if posted within Australia to an Australian address, two business days after posting; and
- 14.2.3 if received after 5.00pm in the place of receipt or on a day which is not a Business Day, at 9.00am on the next business day.

### 15 FUTURE PURCHASERS

- 15.1 The User shall advise any future purchaser or occupier of the Land or any part thereof in writing of the existence and contents of this Agreement.
- 15.2 The User shall advise Council in writing of any change of occupier of the Land or of any agreement to purchase the Land or any part thereof within 28 days of such change or agreement.
- 15.3 Subject to the User complying with the terms of this Agreement, Council shall agree to the transfer of rights under this Agreement conditional upon the incoming party and the User entering into with Council a novation of this Agreement or a new agreement on the same terms and conditions as this Agreement.
- 15.4 Should the new purchaser of the Land not agree to enter into this Agreement or a similar arrangement, the User must remove the Cattle Grids and Associated Works and clause 12.2 of this Agreement applies to this clause.

**16 APPLICABLE LAW**

This Agreement shall be governed by the laws of the State of Victoria and the parties hereby agree to submit to the jurisdiction of the Courts in the State of Victoria in relation to any question or dispute that may arise hereunder.

**17 ENTIRE AGREEMENT**

This document constitutes the sole and entire agreement between the parties and supersedes any and all prior arrangements, agreements or undertakings and shall be binding notwithstanding any prior arrangements, agreements or undertakings made which may conflict with or be at variance with this Agreement or any correspondence or document relating to the subject matter of this Agreement which may have passed between the parties hereto.

**18 SEVERABILITY**

If any provision of this Agreement shall be invalid and not enforceable in accordance with its terms, all other provisions which are self sustaining and capable of separate enforcement without regard to the invalid provisions shall be and continue to be valid and enforceable in accordance with those terms.

**EXECUTED** as a deed.

THE COMMON SEAL of the )  
COLAC-OTWAY SHIRE COUNCIL was )  
affixed hereto on )  
in accordance with Local Law No. 4: )

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

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

**Note:** In the absence of the Chief Executive Officer, affixing of seal can be witnessed by two Councillors and any other member of staff authorised by the Chief Executive Officer.

**SIGNED SEALED AND DELIVERED** )  
by <USER> in the presence of: )  
\_\_\_\_\_ )

\_\_\_\_\_  
Witness

**SIGNED SEALED AND DELIVERED** )  
by <USER> in the presence of: )  
\_\_\_\_\_ )

\_\_\_\_\_  
Witness

**SCHEDULE**

|   |                          |                                                                                           |
|---|--------------------------|-------------------------------------------------------------------------------------------|
| 1 | <b>USER:</b>             | <b>&lt;USER&gt;</b>                                                                       |
| 2 | <b>ASSOCIATED WORKS</b>  | All signage, bypass gates, wing fences and cattle lanes associated with the Cattle Grids. |
| 3 | <b>CATTLE GRIDS</b>      | <b>&lt;CATTLE GRID DESCRIPTION&gt;</b>                                                    |
| 4 | <b>COMMENCEMENT DATE</b> |                                                                                           |
| 5 | <b>INSPECTIONS</b>       | <b>Time frame: &lt;TIME FRAME&gt;</b>                                                     |
| 6 | <b>LAND</b>              | <b>&lt;LAND DESCRIPTION&gt;</b>                                                           |
| 7 | <b>ROAD</b>              | Minchinton Road, Weeapoinah                                                               |
| 8 | <b>TERM</b>              | <b>Initial Term: &lt;TERM&gt;</b>                                                         |

**ANNEXURE A**  
**(Plans)**

SAMPLE

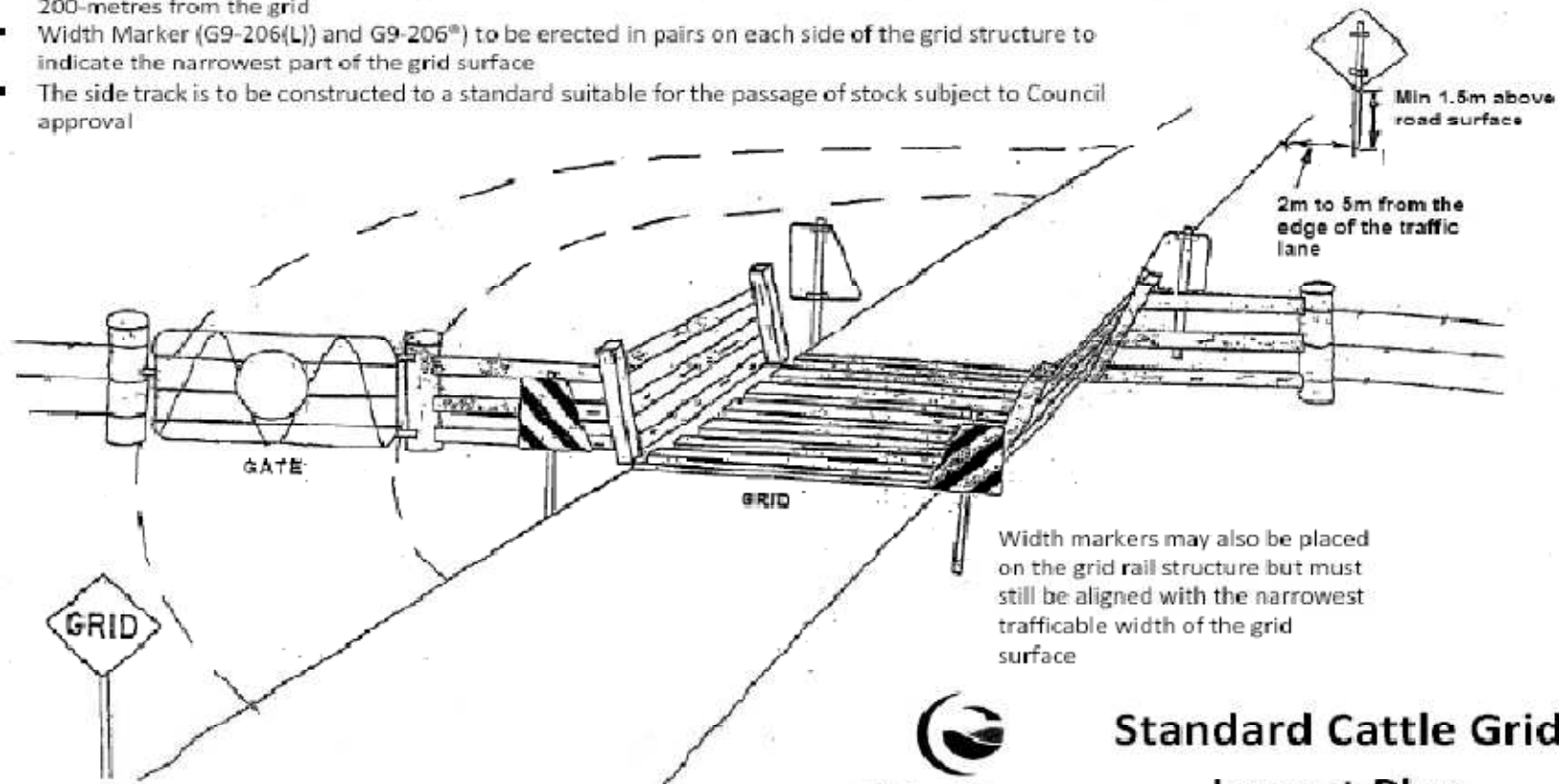


**ANNEXURE B**  
**(Standard Conditions of Consent to Conduct Works)**

SAMPLE

**Notes:**

- Grid surface to be at a width specified by Council and a minimum of 2.1-metres along road
- Grid to have at least 300mm clearance underneath the entire grid
- Where possible, the roadside drainage should be directed under the grid to aid in self cleaning
- 'GRID' (W5-16) 750mm x 750mm signs to be erected on both approaches to the grid 50-metres to 200-metres from the grid
- Width Marker (G9-206(L)) and G9-206<sup>R</sup>) to be erected in pairs on each side of the grid structure to indicate the narrowest part of the grid surface
- The side track is to be constructed to a standard suitable for the passage of stock subject to Council approval



**COMMUNITY CONSULTATION SUBMISSIONS CATTLE GRID POLICY – Responses received March 2009**

| Item | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.   | <p><u>Ongoing use of Cattle Grid Located on Meredith Park Road</u></p> <p>Grid was constructed for the purpose of grazing cattle on the road and also around Meredith Park. As I understand half the cost of the grid was met by farmer Noel Armstrong. His grazing right was removed approx 4 years ago apparently due to traffic concerns. Since the grazing right has been removed the risk of fire in this area has increased. Contractors who slash the grass cannot slash between rocks and on barriers. Any livestock who make it onto the Lake area have only a few avenues to exit. Meredith Park Road leads directly onto Ballarat Road which experiences heavy traffic. The current grid cannot be underestimated in its role as a last line of defence. If livestock are allowed to wander onto Ballarat Road I feel a tragedy is inevitable. I cannot predict what plans Council has for the grid on Meredith Park Road if this policy is adopted, but if the Policy supports the removal of this grid, or allows the removal, then I must strongly oppose any such Policy. I do oppose the Draft Policy. My reason for this is that once the Policy has been adopted, the Policy can be used against commonsense. A flawed Policy can also affect the general public ability to have a say.</p> | <p>The aim of developing the draft 'Installation and Usage of Cattle Grids' Policy is to provide for the proper management of grids located on municipal roads by establishing a systematic approach to the installation and ongoing management of such infrastructure.</p> <p>The intent is that once the Policy is adopted, a review of the ongoing need for all existing cattle grids will be undertaken. This review will consider road user needs, safety, and other local factors. There is no intention to remove any cattle grids until such a review has been completed.</p>                                                                                                                                                                                               |
| 2.   | <p><u>Justification for Ongoing use of Cattle Grids</u></p> <p>We would like to present a submission to the Draft Policy. The very first matter of this "Cattle Grid Policy" needs to address the justification of cattle grids.</p> <ul style="list-style-type: none"> <li>▪ <i>Applicant to prove that no other option is possible or available.</i></li> </ul> <p>Options:</p> <ul style="list-style-type: none"> <li>- Follow local By-Laws which state animals must be yarded prior to crossing and farmer be in attendance when taken across as a group, so as to minimise the time they are on the road; and</li> <li>- Installation of a Cattle Underpass.</li> </ul> <ul style="list-style-type: none"> <li>▪ If grids are needed or warranted, then applicants have to justify the frequency of use.</li> <li>▪ Existing cattle grids: landowners who wish to continue using existing cattle</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                             | <p>Additional items have been included on the proposed 'Cattle Grid Installation Application Form' to establish basis of need and to provide an indication of the level of use. Items are:</p> <ul style="list-style-type: none"> <li>▪ <i>Reason for installing cattle grids</i><br/><i>Have other options been considered (e.g. stock underpass, supervised crossing, etc)</i></li> <li>▪ <i>Frequency of stock movements</i><br/>Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/></li> </ul> <p>Council's Draft Policy recognises that whilst the installation of a cattle grid is a low cost option to safely manage the control of stock, it is not an ideal solution and the construction and/or use of such structures is</p> |

| Item | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|      | grids to follow the same guidelines as points 1 and 2. Once these first steps are taken, the next stage can proceed.                                                                                                                                                                                                                                                                                                                        | <p>subject to stringent criteria and conditions.</p> <p>Where an application does not comply with the relevant standards, other options need to be considered. Alternative control measures are:</p> <ul style="list-style-type: none"> <li>▪ A stock crossing established in accordance with Council’s applicable Local Laws;</li> <li>▪ A roadside grazing permit; or</li> <li>▪ Construction of a stock underpass</li> </ul>                                                                                                                                                                                              |
| 3.   | <p><u>5.3.1 Location</u></p> <p>“Cattle grids will not be permitted to be installed on or immediately after a curve, in a dip or sag, or on a crest”. This is an important sentence that was included in the Draft Policy of January 2009 and then disappeared in following drafts. It is imperative that this sentence be re-instated in the final Policy as it will be detrimental to the safety of all road users if it is left out.</p> | <p>It was deemed that this statement included in the preliminary draft policy may be too restrictive.</p> <p>As an objective assessment of the appropriateness of the location of a cattle grid, the following statement has been included:</p> <p><i>‘A cattle grid shall not be installed at a location where minimum stopping sight distances evaluated in accordance with VicRoads Design Guidelines are unable to be achieved. In instances where the proposed cattle grid location is inappropriate, Council will endeavour to assist the proponent in order to achieve an acceptable outcome where possible.’</i></p> |
| 4.   | <p><u>5.4.2 - Road Carriageway</u></p> <p>Damage on road can be far greater than 0.5 metres. Maintenance should be from ‘grid warning signs’ up to and including grids on each approach. Maintenance should also be from both boundary fences each side of grid on road verge.</p>                                                                                                                                                          | <p>This section has been changed to:</p> <p><i>‘The landowner is responsible to maintain or repair any damage caused to a road where Council is of the reasonable opinion that the maintenance is required because of the use of the road for the crossing of stock.’</i></p>                                                                                                                                                                                                                                                                                                                                                |
| 5.   | <p><u>5.3.3 - By-Pass Gates</u></p>                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Item | Comments                                                                                                                                                                                                                                                                                                                                                                                                   | Council Response                                                                                                                                                                                                                                                                                                                            |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      | Need only be a minimum width to allow the passage of cattle. We believe 3 metres would be more than sufficient for this. We also believe the Policy should state "By-Pass Gates must remain closed at all times except when cattle are passing through them. These gates should also have signs fixed to them stating this".                                                                               | The following has been included as an addition to this section:<br><br><i>'By-Pass gates are to be closed at all times except when cattle are passing through them or are accessed by the general public. By-Pass gates are to be closed after use.</i><br><br><i>Signs are to be affixed to these gates advising of this requirement.'</i> |
| 6.   | <u>5.4.2 - Road Carriageway</u><br><br>We believe the Policy should state "The Land Owner is responsible for any damage caused to the carriageway by cattle crossing the carriageway".                                                                                                                                                                                                                     | Refer to response in Item 4.                                                                                                                                                                                                                                                                                                                |
| 7.   | <u>2.0 - Introduction</u><br><br>To include statement at end of 2 <sup>nd</sup> sentence of 1 <sup>st</sup> paragraph – "where a stock underpass is impractical or not feasible".                                                                                                                                                                                                                          | Proposed amendment included in Draft Policy.                                                                                                                                                                                                                                                                                                |
| 8.   | <u>5.3.1 – Location</u><br><br>Agreed that the statement "Cattle grids will not be permitted to be installed on or immediately after a curve, in a dip or sag, or on a crest" included in Draft Policy was too restrictive.                                                                                                                                                                                | Refer to response in Item 3.                                                                                                                                                                                                                                                                                                                |
| 9.   | <u>5.3.2 – Trafficable Width</u><br><br>Suggested deletion of statement "Where an existing cattle grid has been constructed with a width less than this, the signage provided should include a 'No Overtaking or Passing' warning sign (R6-1A) on each approach".<br><br>Suggested that the width of a cattle grid should not impact or restrict vehicle speeds along a road with a cattle grid installed. | Item deleted.<br><br>The following has been included:<br><br><i>'The width of any cattle grid should not adversely impact or restrict the safe trafficable speed along the subject road.'</i>                                                                                                                                               |

| Item | Comments                                                                                                                                                                                                                                                       | Council Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|      | Suggested that where cattle grids are to be installed in close proximity along a road for the purpose of establishing a controlled stock crossing that the distance between the grids should be a maximum of 10m.                                              | <p>The following section has been included in the draft policy:</p> <p><i>'5.3.3 – Controlled Cattle Crossing (Grids in Series)</i></p> <p><i>'Where the intention is to install cattle grids in series for the purpose of establishing a controlled stock crossing, the offset distance between each cattle grid shall not exceed 10-metres where site conditions allow. The crossing area between the cattle grids may be concreted should it be deemed appropriate. The concrete crossing shall have a design certified by a Structural Engineer and cater for heavy vehicles.</i></p> <p><i>Where it is intended to install cattle grids in series to establish a controlled stock crossing, the landowner is required to install adequate gates along the property boundary where their cattle lanes intersect the road.'</i></p> |
| 10.  | <p><u>5.3.5 – Signage</u></p> <p>Suggested deletion of statement "Where an existing cattle grid has been constructed with a width less than this, the signage provided should include a 'No Overtaking or Passing' warning sign (R6-1A) on each approach".</p> | Item deleted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 11.  | <p><u>Cattle Grid Inspection Report</u></p> <p>Item relating to Road Approach Condition indicates that land owner is responsible for maintenance of the road 20m on either side of the cattle grid.</p>                                                        | Inspection Report to be amended to ensure maintenance responsibility is consistent with the cattle grid policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Item | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12.  | <p><u>Policy Context</u></p> <p>The heading “Installation &amp; Usage of Cattle Grids” is very misleading – you are banding together two very different items.</p> <p>a) A cattle grid across a road stops cattle from wandering further along a road usually so that a farmer can graze road reserve.</p> <p>b) What you are talking about is farmers laneways intersecting a public road and crossing said road – totally different concept.</p>                                                                                                           | <p>It is acknowledged that cattle grids installed on local roads may be used for two general purposes. These are:</p> <ul style="list-style-type: none"> <li>▪ To enable grazing of stock within the road reserve; and</li> <li>▪ To establish a low cost treatment to establish a controlled stock crossing.</li> </ul> <p>The intention of Council’s policy is to provide an overall framework for the management of cattle grids located on local roads regardless of their intended use.</p>                                         |
| 13.  | <p><u>Impacts to Road Users</u></p> <p>It should be remembered that any construction across a road surface and the edges of the road is taking away from the users of that road their full use and enjoyment of that road.</p> <p>Any person who wishes to construct a grid across a road should pay other users of that road compensation (\$\$) for their inconvenience. Grids are rough, require users to slow down if cattle are crossing to stop, to run the risk of damage of their vehicle as they force their way through a large mob of cattle.</p> | <p>It is recognised that any structure constructed along a road has the potential to impact on the use of that road. However, the criteria for the installation of a cattle grid, along with the nominated construction standards aim to minimise any potential impacts to other road users.</p>                                                                                                                                                                                                                                         |
| 14.  | <p><u>Fencing</u></p> <p>Type of fencing should be left to farmers to decide. Fences must be visible.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>The following section has been included in the draft policy:</p> <p><i>‘5.3.4 – Fencing</i></p> <p><i>The type of wing fencing to be constructed is to be nominated landowner and should be of a standard which is adequate for its intended use and conforms with the requirements of Council’s Local Laws. Wing fencing is to be made conspicuous to other road users.</i></p> <p><i>Where, in the opinion of Council, associated signs, fencing, and wing fencing to a cattle grid creates an unreasonable impediment to a</i></p> |

| Item | Comments                                                                                                                                                                                       | Council Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                                                                                                | <p><i>required special use of a road, such structures shall be temporarily relocated or removed to adequately cater for this activity. Provisional measures will be implemented to ensure that the cattle grid operates as intended, in a safe manner, while this special arrangement is in place. Any structure removed or relocated shall be reinstated as soon as is practicable after the cessation of any special road use.</i></p> <p><i>Temporary removal, relocation, and reinstatement of any associated signs, fencing, and wing fencing shall be done so at the expense of those parties requesting special use of the road.'</i></p> |
| 15.  | <p><u>Provision of Property Boundary Gates</u></p> <p>Farmers with laneway across road must have gates on his boundary.</p>                                                                    | Refer to response to Item 9.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 16.  | <p><u>Public Liability</u></p> <p>Farmers with grid responsible for damage to vehicles, machinery and stock that incur damage, e.g. punctures, broken legs etc.</p>                            | Council's draft policy requires that the landowner deriving benefit from the cattle grid is required to extend their Public Liability Insurance to cover against any claims for liability occurring as a result of or in connection with the maintenance or use of the cattle grid. Public Liability Insurance shall have a combined single limit of \$10 million.                                                                                                                                                                                                                                                                               |
| 17.  | <p><u>Use of Road</u></p> <p>On request the user (the installer) of the grids must rig gates/electric wires so that road can be fully used by driven stock machinery.</p>                      | Refer to response to item 14.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 18.  | <p><u>Termination of Use of Cattle Grid</u></p> <p>If grid owners find that he has no further use for grid, e.g. sale of property, then grid must be removed at their cost within 14 days.</p> | <p>The following section has been included in the draft policy:</p> <p><b>'6.0 - TERMINATION OF USE</b></p> <p><i>A cattle grid shall be removed if the landowner deriving benefit from its use:</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                         |



| Item | Comments | Council Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |          | <ul style="list-style-type: none"> <li>▪ <i>If the cattle grid has no longer being used for its intended purpose;</i></li> <li>▪ <i>If the landowner transfers ownership of all the land or part of the land so that the they no longer own land on both sides of the road if the cattle grid(s) are being used as a controlled crossing;</i></li> <li>▪ <i>If the landowner has no further rights to run cattle on both sides of the road so that the cattle grids are unable to be used for running stock; or</i></li> <li>▪ <i>The landowner no longer holds a valid local law permit if one is required for movement of stock on a road.</i></li> </ul> <p><i>Where any of the above criteria are true, the user of the cattle grid(s) shall fully remove or reinstate them, and all associated works, including all signage, bypass gates, wing fences and cattle lanes associated with the cattle grids and reinstate the road at their own cost and to the satisfaction of council. Removal and reinstatement shall be completed within a time frame specified by the council.</i></p> <p><i>Should the cattle grids and associated works not be removed within this time frame, council may remove them and seek reimbursement of the costs from the landowner.'</i></p> |



# INSTALLATION AND USAGE OF CATTLE GRIDS

POLICY

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**Policy No: 13.10**

**Date Adopted:**

**File No: GEN01688**

**Revised:**

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## 1. PURPOSE

This policy will attempt to improve the safety of the public road network by assisting landowners and local farmers to locate and install cattle grids to allow for the daily movement of cattle across a road or graze stock within the road reserve without causing adverse impact to other road users.

## 2. INTRODUCTION

Cattle grids are constructed on Council managed roads to effectively control stock using the road reserve where the road reserve is not completely fenced or where stock need to be moved across a road from one property to another directly opposite. In these situations, the cattle grid is used as a low cost option to safely manage the passage of stock where a stock underpass is not a practical or cost effective solution.

Council has a responsibility to provide a safe and efficient road network for all road users. As a preferred position, Council will discourage the use of cattle grids where possible. It is however acknowledged that cattle grids may be required under certain circumstances and where so allowed they must be installed, managed, and maintained in order to comply with the provisions of this policy.

This policy provides a systematic approach to the evaluation, approval, maintenance, and repair of all cattle grids approved for use to ensure that landowners and Councils exposure to risk is managed adequately.

The objectives of this policy are to:

- Develop a common understanding of the definition and purpose of a cattle grid;
- Provide guidance and consistency for the approval and installation of cattle grids across the municipality;
- Support procedures for the application, approval, construction, maintenance, and repair of cattle grids;
- Identify the standards for the construction of cattle grids;
- Define maintenance responsibilities for cattle grids;
- Define registration and recording procedures for cattle grids;
- Ensure that the location of cattle grids does not materially affect the safety of road users; and
- Control private structures on public roads and to ensure that all associated works are carried out to approved standards

### **3. SCOPE OF THE POLICY**

This policy covers all matters relating to administration and management of both existing and new cattle grids located on Council's public roads.

A cattle grid is a type of obstacle used to prevent livestock from passing along a road which penetrates the fencing surrounding an enclosed piece of land. Cattle grids generally consist of a depression in the road covered by a transverse grid of bars or rails, normally constructed of metal and firmly fixed to the ground on either side of the depression, such that the gaps between them are wide enough for animals' legs to fall through, but sufficiently narrow not to impede a wheeled vehicle.

### **4. DISCUSSION**

Section 40 of the *Road Management Act 2004* imposes a statutory duty on Council to inspect, maintain, and repair any part of a public road which is a roadway; a pathway; a shoulder; or road infrastructure. For the purposes of this section, a cattle grid is considered an inherent component of a road can therefore be regarded as road infrastructure.

Whilst Council has the control, care and management responsibility of its public roads, provisions of this policy transfer responsibility to the landowner for cattle grids which are permitted for use.

All costs associated with the construction, maintenance, and repair of a cattle grid is the responsibility of the owner of the land that the cattle grid has been granted.

This policy also requires a compliance check of a permitted cattle grid to ensure that the structure is being maintained to a satisfactory standard and that the appropriate public liability insurance is held by the land owner. Council reserves the right to undertake maintenance or removal of a cattle grid at the land owner's expense where it may be deemed that it poses a hazard to other road users.

If Council determines that the Cattle Grid is not maintained at the appropriate standard or is not warranted, Council will remove the Cattle Grid and reinstate the road at the landowners expense.

### **5. APPLICATION OF POLICY**

The aim of this policy is to ensure that cattle grids are only installed for genuine farming purposes and to an appropriate and consistent standard which minimises any safety risk to all road users.

The basic premise of this policy is that the landowner is fully responsible for the construction, ongoing maintenance, eventual decommissioning or reconstruction of the cattle grid, and having appropriate insurance that covers itself and Council.

Locations which do not address the warrants for Cattle Grids will not have structures installed.

## 5.1 Criteria for Installation of Cattle Grids

A cattle grid can only be constructed if the following criteria are met:

- The location is limited to Access Roads and Minor Roads as defined by Council's Road Management Plan and Municipal Road Register with a traffic count not exceeding 50 vehicles per day;
- The Infrastructure and Services Department must determine that there is no impact on road safety due to a reduction in sight distance etc;
- The cattle grid is to be used for genuine farming purposes only;
- The owners of all properties having access to the road must be consulted with. Any comments or feedback is to be considered during the assessment of an application;
- The cattle grid must be located at a suitable location which will allow for current road usage patterns to continue and the future traffic requirements of the road will not be impeded;
- The proposed cattle grid must have a width the greater of the minimum standard trafficable width for the road classification or the existing formation width;
- The cattle grid must be designed to cater for HS20-T44 loading with drawings and computations certified by a qualified Structural Engineer;
- Statutory planning requirements must be met if applicable;
- Council approval must be granted and approval is dependent on the applicant following all procedures set by the Infrastructure & Services Department; and
- An agreement prepared pursuant to Section 121 of the *Road Management Act 2004* must be signed by the applicant agreeing to full responsibility for all costs associated with the construction, ongoing maintenance and repair, and replacement of the cattle grid;
- The landowner deriving benefit from the cattle grid is required to extend their Public Liability Insurance to cover against any claims for liability occurring as a result of or in connection with the maintenance or use of the cattle grid. Public Liability Insurance shall have a combined single limit of \$10 million ; and
- That all farming operations within the road reserve be conducted in accordance will all relevant Council Local Laws.

All cattle grids will be reviewed on an ongoing basis to ensure that they are still required. If cattle grids are no longer in use, the landowner will be requested to remove the grid and reinstate the road pavement or agree for Council to undertake the works and charge the landowner.

This policy shall apply to both new and existing cattle grids. Where there is no record of the installation of any existing cattle grids, they must be:

- Registered with Council by the landowner and brought up to the necessary standard if the ongoing use of the cattle grid is still required; or
- Removed and the road reinstated at Council's expense.

In situations where the frequent movement of cattle across a road is required and the traffic count for that road is in excess of 50 vehicles per day the use of cattle grids to control the crossing will not be permitted and the installation of a stock underpass shall be considered. A stock underpass is to be constructed consistent with Council's policy for the installation and usage of stock underpasses within the Colac Otway Shire.

## 5.2 Application and Approval

Existing Cattle Grids which meet Council standards do not require an approval application, unless the Cattle Grid falls into disrepair.

### 5.2.1 Submitting an Application

To apply for the installation of a cattle grid the owner of the land adjacent to which the public road passes must complete a Cattle Grid Application Form and pay the applicable application fee, as determined by Council. The application fee is 10 fee units in accordance with the Monetary Units Act 2004. Fees are reviewed each financial year and changes (if any) apply from 1 July each year.

For further explanation of the process to be followed refer the Cattle Grid Installation Procedure and Cattle Grid Application Form. The applicant must submit Engineering plans certified by a Structural Engineer and agree to maintain the crossing at the applicants cost.

If an application is unable to be considered due to it failing to meet the necessary criteria, the application fee will not be reimbursed and the applicant will be advised in writing that the application has been rejected.

### 5.2.2 Unregistered Cattle Grids

Owners of existing unregistered cattle grids are required to lodge a Cattle Grid Application Form with Council. The applicant will be required to identify whether the current condition of the structure complies with the defined standards and to advise current Public Liability Insurance details for the structure.

The condition of the structure must comply with the applicable standards to enable approval to be issued. In cases where the current condition of the structure does not comply with the appropriate standards Council will advise the owner of the appropriate measures to be taken. These may include:

- Upgrading of the structure or ancillary infrastructure to comply with current standards;
- Replacement of the structure or ancillary infrastructure to comply with current standards; or
- Removal of the structure and reinstatement of the road.

When an unregistered cattle grid is brought to Council's attention, direct consultation with all surrounding landowners will be undertaken to establish the ongoing operational need for a specified structure. To facilitate this, a standard letter will be sent in relation to a specified cattle grid(s) requesting submissions within a period of 28 days. The letter may also indicate the results of the field inspection which initiated the letter. In conjunction with the issuing of a letter to the responsible parties, a notice will also be placed on the specific cattle grid(s). All responses received will be judged on merit and a decision on the future of the grid will be resolved by Council.

If no response is received following a request for submissions, Council will take action to remove the cattle grid and all ancillary infrastructure from the road reserve. The adjoining landowners will be notified a minimum of 28 days prior to the removal of a structure to allow provisions to be made for the containment of stock. The containment of any stock always remains the responsibility of the landowner and Council bears no responsibility for any damage or injury arising from loose livestock.

The costs of removing the cattle grid and/or impounding of any livestock are able to be recovered by Council from the adjoining landowners. Any materials salvaged will remain the property of Council.

### 5.2.3 Approval and Ownership

Approval to construct the Cattle Grid in accordance with the Council requirements will only be deemed to have been given after the applicant has received a letter in writing from

Council, approving the installation. All Cattle Grids once installed will become the property of Council, notwithstanding the applicants responsibility to maintain.

### 5.3 Construction Standards

Council requires that all cattle grids on public roads be installed to adequately meet technical requirements including minimum width, load bearing capacity, materials, signage, and visibility markings.

The applicant must provide design details for the structure to cater for HS20-T44 loading and have a design certified by a Structural Engineer. A number of companies manufacture prefabricated cattle grid units. Subject to their design specifications being referred to Council, such units will be approved for use. Council may be able to provide details of manufacturers if required. The applicant shall construct drainage under the cattle grid to ensure that no damming or ponding of stormwater run-off occurs on the carriageway and adjacent areas.

Details of grid structure, foundations, abutments, approaches, and horizontal and vertical alignment shall be submitted with the application for a cattle grid and shall be sufficient to guarantee the safe transit of vehicles and other road users and shall not interfere with the natural drainage of the area.

All works are to be carried out in accordance with Council's Road Management Plan, Victorian Occupational Health & Safety legislation, the *Road Safety Act 1986*, the *Road Management Act 2004*, industry standards, and applicable Australian Standards. Council will provide guidance if required.

The attached plan shows a diagrammatic representation of the construction of a cattle grid, associated by-pass gate, and side track.

#### 5.3.1 Location

A cattle grid shall only be installed at a location approved by Council. A specific location needs to satisfy road traffic safety requirements. Consideration shall be given to issues such as existing road alignment, safe sight distances, etc in evaluating the appropriateness of a proposed location.

A cattle grid shall not be installed at a location where minimum stopping sight distances evaluated in accordance with VicRoads Road Design Guidelines are unable to be achieved. In instances where the proposed cattle grid location is inappropriate, Council will endeavour to assist the proponent in order to achieve an acceptable outcome where possible.

#### 5.3.2 Trafficable Width

The trafficable width of any cattle grid shall be the greater of the minimum standard trafficable width for the road classification and the existing formation width. The width of any cattle grid should not adversely impact or restrict the safe trafficable speed along the subject road.

#### 5.3.3 Controlled Stock Crossing (Grids in Series)

Where the intention is to install cattle grids in series for the purpose of establishing a controlled stock crossing, the offset distance between each cattle grid shall not exceed 10-metres where site conditions allow. The crossing area between the cattle grids may be concreted should it be deemed appropriate. The concrete crossing shall have a design certified by a Structural Engineer and cater for heavy vehicles.

**Deleted:** Where an existing cattle grid has been constructed with a width less than this, the signage provided should include a 'No Overtaking or Passing' warning sign (R6-1A) on each approach.

Where it is intended to install cattle grids in series to establish a controlled stock crossing, the landowner is required to install adequate gates along the property boundary where their cattle lanes intersect the road.

#### **5.3.4 By-Pass Gate**

The by-pass gate shall be made of resilient material of minimum width 3.66-metres and should be arranged to be free swinging and shall remain unlocked and fully functional to allow unimpeded access. By-pass gates shall be constructed at right angles to the road centreline.

By-Pass gates are to be closed at all times except when cattle are passing through them or are accessed by the general public. By-Pass gates are to be closed after use. Signs are to be affixed to these gates advising of this requirement.

The gate, any support structures, and fencing within the road reserve shall be painted white.

#### **5.3.5 Fencing**

The type of wing fencing to be constructed is to be nominated landowner and should be of a standard which is adequate for its intended use and conforms with the requirements of Council's Local Laws. Wing fencing is to be made conspicuous to other road users.

Where, in the opinion of Council, associated signs, fencing, and wing fencing to a cattle grid creates an unreasonable impediment to a required special use of a road, such structures shall be temporarily relocated or removed to adequately cater for this activity. Provisional measures will be implemented to ensure that the cattle grid operates as intended, in a safe manner, while this special arrangement is in place. Any structure removed or relocated shall be reinstated as soon as is practicable after the cessation of any special road use.

Temporary removal, relocation, and reinstatement of any associated signs, fencing, and wing fencing shall be done so at the expense of those parties requesting special use of the road.

#### **5.3.6 Cattle Grid Side Track**

The cattle grid side track which services the by-pass gate is to be constructed to a standard suitable for the passage of stock.

#### **5.3.7 Signage**

Signage is to be erected in accordance with AS1742.2 Manual of Uniform Traffic Control Devices – Traffic Control Devices for General Use. This requires a 'Grid' warning sign (W5-16) on either side of the cattle grid between 50-metres to 200-metres from the structure. A set of G9-206(L) and G9-206(R) chevrons are also required on either side of the structure.

### **5.4 Maintenance Standards**

#### **5.4.1 Structural Components**

The applicant is responsible to maintain the structure and signage of the cattle grid to ensure compliance with the construction standards as detailed by this policy. All maintenance work must be authorised and carried out by Council at the applicants full cost in accordance with Victorian Occupational Health & Safety requirements, *the Road Safety Act 1986*, the *Road Management Act 2004*, industry standards, and applicable Australian Standards.

#### **5.4.2 Road Carriageway**

**Deleted: ¶**  
Where the trafficable width of the cattle grid is less than the width of the road approaches, signage provided must include a 'No Overtaking or Passing' warning sign (R6-1a) on each approach. ¶



The landowner is responsible to maintain or repair any damage caused to a road where Council is of the reasonable opinion that the maintenance is required because of the use of the road for the crossing of stock.

The owner may not carry out maintenance works on a carriageway unless previously approved by Council.

#### **5.4.3 Failure to Maintain**

Failure to ensure that maintenance on the cattle grid and associated signage is carried out may result in Council revoking its approval and removing the structure from the road reserve. Council will give notice to the owner to conduct repair work prior to taking any such action. If the landowner fails to meet the requirements of a repair notice then Council's approval will be rescinded and the cattle grid and all ancillary infrastructure will be removed.

Where maintenance standards are in dispute and the owner of any cattle grid has failed to demonstrate to Council's satisfaction that a cattle grid has been maintained to the standards of this policy and any agreement, Council may at its discretion may remove the subject cattle grid and reinstate the road at the landowners expense after giving reasonable notice.

All costs associated with the removal of the cattle grid will be recovered from the landowner and all materials salvaged shall remain the property of Council.

### **5.5 Inspection**

#### **5.5.1 Proactive Inspections**

The owner is responsible for undertaking regular inspections to ensure that the facilities comply with the specified standards. Council staff will inspect the cattle grids as part of scheduled road network inspections. Any identified condition defects will be advised to the owner for attention.

#### **5.5.2 Reactive Inspections**

Council staff will respond to concerns in connection with a cattle grid raised by any person. Any defects observed during the course of such inspections will be advised to the owner for attention. Rectification of any defects reported to the owner by Council shall be addressed in accordance with the standards of the Road Management Plan.

#### **5.5.3 Compliance Review**

Compliance of the cattle grid and associated facilities with the construction and maintenance standards will be reviewed on a regular basis. Council may advise the owner when the review is due in writing. The owner is required to carry out a condition inspection of the structure and submit a Certificate of Currency of Public Liability Insurance with a combined single limit of \$10 million for the structure within 14 days of being notified.

Council will conduct a quality audit check of the information submitted and random inspections of structures to verify the accuracy of condition inspections. If the structure is found not to comply with requirements, or the Public Liability Insurance is invalid or inadequate, Council may revoke its approval.

Council reserves the right to terminate its approval for a cattle grid when changes occur to the classification or alignment of the road on which it is situated or if there is a demonstrated change in road usage patterns which Council considers warrants the removal of the cattle grid.

### **5.6 Alternatives to Cattle Grids**

Where an application for a cattle grid does not comply with the standards of this policy and is unable to be approved the applicant will need to consider one of the following options:

**Deleted:** The landowner is responsible for the maintenance of the carriageway for a distance of 0.5-metres either side of the cattle grid. Council may carry out maintenance of the carriageway within this distance from the structure at the owner's expense.¶

- Abandon the application for a cattle grid; or
- Make an application for an alternative control measure which may be, but not limited to the following:
  - A stock crossing established in accordance with Council's applicable local laws;
  - A roadside grazing permit issued in accordance with Council's local laws; or
  - A stock underpass constructed to comply with Council's policy.

## **6 TERMINATION OF USE**

A cattle grid shall be removed if the landowner deriving benefit from its use:

- If the cattle grid has no longer being used for its intended purpose;
- If the landowner transfers ownership of all the land or part of the land so that the they no longer own land on both sides of the road if the cattle grid(s) are being used as a controlled crossing;
- If the landowner has no further rights to run cattle on both sides of the road so that the cattle grids are unable to be used for running stock; or
- The landowner no longer holds a valid local law permit if one is required for movement of stock on a road.

Where any of the above criteria are true, the user of the cattle grid(s) shall fully remove or reinstate them, and all associated works, including all signage, bypass gates, wing fences and cattle lanes associated with the cattle grids and reinstate the road at their own cost and to the satisfaction of council. Removal and reinstatement shall be completed within a time frame specified by the council.

Should the cattle grids and associated works not be removed within this time frame, council may remove them and seek reimbursement of the costs from the landowner.

## **7 RELATED LEGISLATION**

*Local Government Act (1989)*  
*Road Management Act (2004)*  
*Road Safety Act (1986)*  
*Occupational Health & Safety Act (2004)*  
*Road Management (Works and Infrastructure) Regulations 2005*  
*Road Management (General) Regulations 2005*  
*Road Management Code of Practice – Management of Infrastructure in Road Reserves*

## **8 RELATED POLICIES/PROCEDURES/GUIDELINES**

*Cattle Grid Installation Procedure*  
*A Guide to Working in the Road Reserve*  
*Road Management Plan*  
*Municipal Road Register*  
*Cattle Grid Register*

## 9 QUALITY RECORDS

| <i>Record</i>                                              | <i>Retention/Disposal Responsibility</i>              | <i>Retention Period</i> | <i>Location</i> |
|------------------------------------------------------------|-------------------------------------------------------|-------------------------|-----------------|
| Application Form (including construction and layout plans) | Infrastructure & Services Department (I&SD)           |                         |                 |
| Planning Permit                                            | Sustainable Planning & Development Department (SP&DD) |                         |                 |
| Approval Letter(s)                                         | I&SD                                                  |                         |                 |
| Section 121 Agreement                                      | I&SD                                                  |                         |                 |
| Annual Compliance Inspection Report                        | I&SD                                                  |                         |                 |

## 10 POLICY IMPLEMENTATION

The General Manager Infrastructure & Services is responsible for ensuring that all existing and new cattle grids comply with this policy.

## 11 ATTACHMENTS

Cattle Grid Installation Procedure  
Standard Cattle Grid Layout Plan  
Annual Compliance Inspection Report

**Please note:** This policy is current as at date of adoption. Refer to Council's Intranet or Teamware Library to ensure policy is the latest version.

# COLAC OTWAY SHIRE COUNCIL PROCEDURE



|                        |                                    |
|------------------------|------------------------------------|
| Procedure Title:       | Cattle Grid Installation Procedure |
| Related Policy Title:  | Installation and Usage of Grids    |
| Related Policy No:     |                                    |
| Date Procedure         |                                    |
| Approved by Executive: |                                    |
| Responsible Officer:   | Manager Sustainable Assets         |

## PROCEDURE OBJECTIVES

This procedure provides a systematic approach to the evaluation, approval, and construction of all cattle grids to ensure that landowners and Councils exposure to risk is managed adequately.

## PROCEDURE

The following procedure provides a guide to the documents and information to be tracked and recorded in relation to the issuing of approval for cattle grids on public roads. This procedure should be read in conjunction with Council Policy No. XXX - Installation and Usage of Cattle Grids.

### 1. Upon Application

- a. Lodgement of application form ensuring that all information is completed as required
- b. Lodgement of associated design details, construction and site plans as required by the application form.
- c. Payment of fees

### 2. Initial Assessment of Application

- a. Preliminary assessment of application to ensure consistency with approval criteria.
- b. The location of the proposed cattle grid is inspected by Council Officer.
- c. The officer prepares a report which may include photos or sketches made during the inspection and supporting information in relation to site suitability (e.g. site distance measurements, road width, location of existing features, etc)
- d. If application is assessed as being unsuitable, a letter is sent to the applicant advising of their unsuccessful application.

### 3. Community Consultation

- a. Direct consultation with other landowners along the road which it is proposed to install the cattle grid via written notification.
- b. Any submissions may be received by Council in response to the proposal within 28 days.
- c. Council officer to provide a written or verbal response to any submissions as appropriate.
- d. Council officer to review submission and determine application. Written notification is to be provided to applicant if proposal is deemed inappropriate after community consultation process.

### 4. Approval of Cattle Grid

- a. Written notification provided to applicant detailing any special requirements.
- b. Section 173 Agreement prepared for signing and forwarded to landowner.
- c. Section 173 Agreement signed by landowner and returned to Council for signing and sealing. Agreement to be lodged on title by Council's solicitors.

## 5. Construction Approval

- a. Works on Roads Application Form to be completed by applicant.
- b. Documentation to be submitted with Works on Roads Application must include:
  - i. Design and layout of proposed cattle grid;
  - ii. Works Manager or Contractors insurance details;
  - iii. Traffic Management Plan; and
  - iv. Certificate of Currency for Public Liability Insurance for the proposed cattle grid with a minimum cover of \$10 million
- c. Provided all the submitted documentation is satisfactory and the Section 173 Agreement has been finalised, Council provides the applicant with consent to works and acknowledgement of receipt of insurance details.

## 6. Construction Inspection(s)

- a. Once the cattle grid has been constructed, the applicant advises Council and a Council Officer inspects site.
- b. If construction is found to be below standards or not to specification, the Council officer is to liaise with the applicant and provides:
  - i. Detailed list of defects identified during inspection;
  - ii. Written or verbal advice to the applicant or Works Manager/construction contractor; and
  - iii. Follow up inspection details

## 7. Final Approval

- a. Written advice provided to applicant upon satisfactory completion of works.
- b. Council Cattle Grid Register to be updated with the following minimum information:
  - i. Cattle Grid ID Number
  - ii. Applicants name
  - iii. Date of application
  - iv. Date of community consultation
  - v. Date of determination
  - vi. Special construction requirements
  - vii. Location of cattle grid
    - Road name and chainage from start datum or nearest cross road
    - Description of properties adjoining cattle grid
  - viii. Description of responsible land parcel(s)

## ATTACHMENTS

Cattle Grid Installation Process Map  
Cattle Grid Application Form  
Cattle Grids – Standard Agreement

**Please note:** This policy is current as at date of adoption. Refer to Council's Intranet or Teamware Library to ensure policy is the latest version.

File – Roads File

Reference Number –  
(Council Use Only)

## Cattle Grid Installation Application Form



Have you spoken previously to a Council Officer regarding the proposed installation of a cattle grid?

Yes  No

If Yes, with whom? \_\_\_\_\_

### Property Information

Property Address \_\_\_\_\_

Property Description

(i.e. the title description of the title(s) the cattle grid will be adjacent to)

### Property Owner Information

Property Owner Name(s) \_\_\_\_\_

Property Owner Postal Address

Post Code \_\_\_\_\_

### Proposal

Road Name (where cattle grid is proposed) \_\_\_\_\_ Locality \_\_\_\_\_

What type of cattle grid is proposed?

Construction drawings, and computations to be submitted

Reason for installing cattle grid(s)?

Have other options been considered (e.g. stock underpass, supervised crossing, etc)

Frequency of stock movements?

Daily  Weekly  Monthly

Have you discussed the proposal with the owners of all properties with access to the road?

Yes  No

Is a Planning Permit required for the proposed works?

Contact Council's Planning Department on 5232 9412

Yes  No

If Yes, has a planning permit been obtained?

Please attach a copy of the planning permit to this application

Yes  No

What is the Conservation Status of the road reserve in the vicinity of the works? (e.g. High, Medium or Low)

Contact Council's Environmental Department on 5232 9400

Please complete and attach a LAYOUT PLAN. (Additional locality information is available from Council upon request e.g. aerial photography). Layout Plans need to show details of the following:

- Cattle grid position in the road reserve
- Distance (m) to the nearest intersection
- Existing roadside vegetation and any roadside vegetation proposed to be removed
- All services including Telstra, Power, Gas and Water where appropriate
- Existing road width and road reserve width
- Existing property entrances

Reference Number  
(Council Use Only)

## Cattle Grid Installation Application Form (continued)



Contractor/Works Manager Name \_\_\_\_\_

Company \_\_\_\_\_

Postal Address \_\_\_\_\_ Post Code \_\_\_\_\_

Proposed construction period \_\_\_\_\_ to \_\_\_\_\_  
Contractor/Works Manager

### Applicant Contact Information

Name \_\_\_\_\_

Organisation \_\_\_\_\_

Postal Address \_\_\_\_\_ Post Code \_\_\_\_\_

Contact Phone \_\_\_\_\_

Mobile Phone \_\_\_\_\_

Fax Number \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

*Note – The applicant is encouraged to contact Dial Before You Dig on 1100 for service locations.*

### DECLARATION:

*The Colac Otway Shire Council collects personal information to levy rates, issue permits and licences and provide a variety of community services. The information collected in this form is used only for the purposes contemplated by the form (primary purpose) and is not passed onto third parties. In some instances however, disclosure is required by law or is necessary for the protection of persons or property. Where this occurs, Council will take every reasonable step to ensure your privacy is protected in accordance with the Information Privacy Act 2000 (Vic). Should you need to change or access your personal details or require further information about Council's Privacy Policy contact our Privacy Officer on 5232 9400*

### Office Use Only

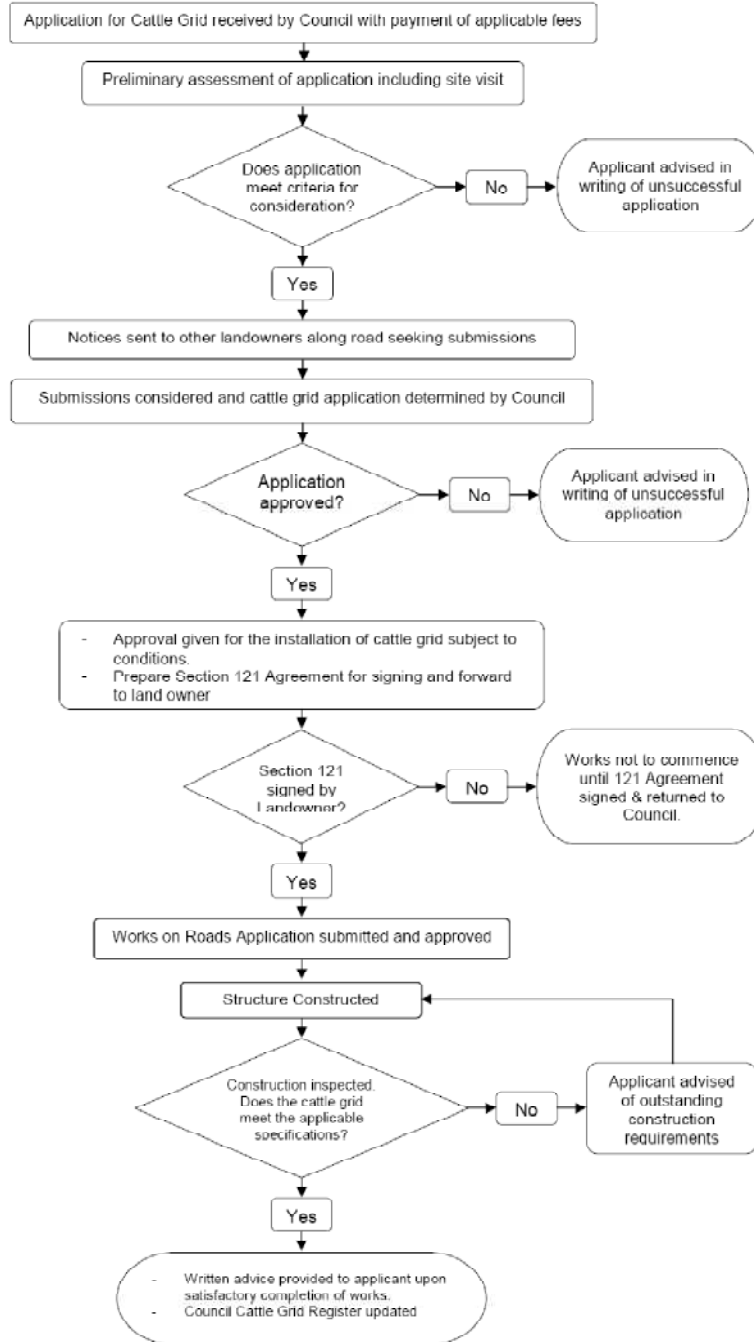
Approval Given Yes  No  Date \_\_\_\_\_

Council Officer \_\_\_\_\_ Signature \_\_\_\_\_

Comments \_\_\_\_\_

\_\_\_\_\_

## Process Map for Application to Install a Cattle Grid





Reference Number –  
(Council Use Only)

# Cattle Grid Inspection Report



Inspected by: \_\_\_\_\_ Inspection Date: \_\_\_/\_\_\_/\_\_\_

Public Gate Permit No: \_\_\_\_\_ Road Name: \_\_\_\_\_

Distance From: \_\_\_\_\_ is \_\_\_\_\_ km

Area: \_\_\_\_\_ Location: \_\_\_\_\_

### GRID FIELD INSPECTION

Grid Description: (materials used, rail spacing etc) \_\_\_\_\_

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

#### Grid Condition:

*is grid level with road surface?* YES / NO

*Are any rails missing?* YES / NO

*is there excessive build up under grid?* YES / NO

(List repairs required) \_\_\_\_\_

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

#### Guard Rails and Signage:

*Are signs on approach in place?* YES / NO

*is guard rail construction adequate?* YES / NO

(List repairs required) \_\_\_\_\_

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

#### Gate/By-pass Condition:

*is gate construction adequate?* YES / NO

*Are "Public Gate" signs on gate?* YES / NO

*is by-pass trafficable?* YES / NO

(List repairs required) \_\_\_\_\_

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

#### Road Approach Condition:

*\*Owner is to maintain any damage caused to the road as a result of the crossing of stock*

(List repairs required) \_\_\_\_\_

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

Inspectors Comments: \_\_\_\_\_

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

Signed \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

COLAC-OTWAY SHIRE COUNCIL

and

<User>

AGREEMENT MADE PURSUANT TO  
SECTION 121 OF THE ROAD  
MANAGEMENT ACT 2004

Property: <Property Description>

Level 12  
469 La Trobe Street  
Melbourne Victoria 3000 Australia

PO Box 5146AA  
Melbourne Victoria 3001  
DX 494 Melbourne

Tel 61 3 9609 1555  
Fax 61 3 9609 1600

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

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Ref ADC 301114

## PARTIES

- 1 **COLAC-OTWAY SHIRE COUNCIL**  
of 2-6 Rae Street, Colac in the State of Victoria  
("Council")
- 2 **USER (as defined in item 1 of the Schedule)**

## RECITALS

- A The Council is the coordinating and responsible road authority for the Road under the Act.
- B The User is registered or is entitled to be registered as proprietor of the Land.
- C The User desires to use the Cattle Grids, including the Associated Works, to enable the User's cattle to cross the Road to access the Land.
- D Council consents to the use and ongoing maintenance of the Cattle Grid and the Associated Works, subject to this Agreement.
- E This Agreement is made by the Council as the municipal council responsible for the management of the Road under the *Local Government Act 1989* and as the coordinating road authority and pursuant to section 121 of the Act. The Agreement sets out the arrangements for the use and ongoing maintenance and risk allocation of the Cattle Grids and Associated Works on the Road.

## THE PARTIES AGREE THAT:

### 1 DEFINITIONS

In this Agreement,

- 1.1 "Act" means the *Road Management Act 2004*.
- 1.2 "Agreement" means this Agreement, including the recitals, Schedule and any annexures to this Agreement.
- 1.3 "Associated Works" means those works as detailed in item 2 of the Schedule.
- 1.4 "Cattle Grids" means the cattle grids as detailed in item 3 of the Schedule.
- 1.5 "Commencement Date" means the date the Agreement is to begin as set out item 4 of the Schedule.
- 1.6 "Inspections" means the inspections required pursuant to clause 6.1.1 of this Agreement in the time frame as set out in item 5 of the Schedule.
- 1.7 "Land" means the land owned by the User as detailed in item 6 of the Schedule.
- 1.8 "Plans" means the plans attached to this Agreement as "Annexure A".
- 1.9 "Repair Notice" means a notice served under clause 5.6.1 of this Agreement.
- 1.10 "Road" means the road as described in item 7 of the Schedule.

1.11 **“Road Management Plan”** means Council’s Road Management Plan as developed, published and in force in accordance with the Act.

1.12 **“Schedule”** means the schedule attached to this Agreement.

1.13 **“Term”** means the initial term of the Agreement as set out in item 8 of the Schedule and the further term (if any in accordance with clause 13).

## 2 COMMENCEMENT

This Agreement comes into force on the Commencement Date and is for the Term.

## 3 RISK

3.1 The User acknowledges that the Cattle Grids and Associated Works have already been constructed on the Road as the date of this Agreement but will be subject to ongoing works for maintenance, repair and possible upgrade works at the User’s expense, and that all these works on the Road are for the benefit of the User.

3.2 The User accepts all risks in connection with the ongoing use and maintenance of the Cattle Grids and Associated Works, whether or not the risk was reasonably foreseeable by the User at the date of entering into this Agreement or at any other time.

3.3 The User acknowledges Council’s ongoing rights to ensure that the Cattle Grids and the Associated Works must comply with any Council policies relating to cattle grids.

## 4 USE OF CATTLE GRIDS

The User agrees that:

4.1 the Cattle Grids and Associated Works will only be used by the User and by persons authorised by the User to assist with the passage of stock to and from the Land;

4.2 the Cattle Grids and Associated Works will not be used for the housing of animals, vehicles or farm machinery, or for the storage of produce or material at any time;

4.3 that the continued permission to use the Cattle Grids and Associated Works is subject at all times to compliance by the User with the terms of this Agreement and all relevant Council local laws and any current Council policies relating to cattle grids.

## 5 MAINTENANCE

### 5.1 Maintenance works by User

For the duration of the Term, the User agrees to:

5.1.1 maintain the Cattle Grids and Associated Works in accordance with the Plans;

5.1.2 maintain the Cattle Grids and Associated Works in a condition that:

(a) is consistent with the use and function of the Road; and

(b) provides sufficient structural capacity to cater for HS20-11 loading;

5.1.3 maintain or repair any damage caused to the Road as directed in writing by Council where the Council is of the reasonable opinion that the maintenance is required because of the use of the Road for the crossing of stock;

5.1.4 undertake all maintenance works in accordance with all reasonable requirements of the Council and in accordance with relevant occupational health and safety requirements, the Act, the *Road Safety Act 1986 (Vic)*, and applicable Australian laws, regulations and standards,

all to the satisfaction of Council and all at the User's own expense.

5.2 Notwithstanding the above, the User also agrees to undertake maintenance on the Cattle Grids and Associated Works from time to time as reasonably directed by Council in accordance with clause 5.6 of this Agreement.

5.3 Pursuant to Part 2 Section 16 of Act, Council grants consent to the User to carry out works on the Cattle Grids or Associated Works subject to the User complying with the standard conditions of consent to conduct works in road reserves as set out in Annexure B.

5.4 The User agrees not to carry out maintenance works on the Road unless such maintenance works have been approved in writing by Council.

5.5 The parties agree that the consent of the Council to the ongoing maintenance works referred to in this clause 5, is associated with the use of Road for the Cattle Grids and Associated Works and not for other works associated with the Road.

**5.6 Maintenance by Council**

5.6.1 If Council is of the opinion that the Cattle Grids or Associated Works are in need of cleaning or repair by either its own inspection or as a result of being informed by a third party, a notice may be served on the User directing that such cleaning and/or repairs as are specified in the notice must be carried out by the User within a period of 28 days after service of the notice ("**Repair Notice**").

5.6.2 Council may carry out the cleaning and/or repairs referred to in clause 5.6.1 and charge the cost thereof to the User where:

- (a) the User is in default of the Repair Notice; or
- (b) in the opinion of Council the cleaning and/or repairs required to the Cattle Grids or Associated Works is urgently required.

5.6.3 The User shall reimburse to Council within one month of receiving a demand for payment any reasonable costs and expenses incurred by Council in carrying out the works referred to in clauses 5.6.1 and 5.6.2.

5.6.4 The User acknowledges that Council may carry out maintenance of the Road as referred to in clause 5.1.3 at the User's expense if such works are a result of the use of the Road for the purposes of crossing of stock.

- 5.6.5 Council will accept liability for the cost of any repairs to the Road, Cattle Grids and Associated Works attributable to a specially authorised vehicle(s) (e.g. a b-double, an over dimensional vehicle, or vehicle operating at higher mass limits), or any other vehicle(s) involved in any extraordinary activity of which Council has prior knowledge of travelling over the Cattle Grids, notification of which will be given by Council to the User.
- 5.6.6 The User must notify Council of any damage caused to the Cattle Grid and Associated Works as a result of an authorised vehicle using the Road in accordance with clause 5.6.5 as soon as practicable after the use has occurred.

## **6 INSPECTIONS**

### **6.1 Proactive Inspections**

- 6.1.1 The User must carry out the Inspections of the Cattle Grids and Associated Works to ensure compliance with this Agreement in accordance with Council's relevant cattle grid policies.
- 6.1.2 The User must keep records of all Inspections and provide them to Council upon request.
- 6.1.3 If the User is aware of any damage to the grids which may present a hazard to other road users, the User must notify Council as soon as is practicable.
- 6.1.4 Council staff will inspect the Cattle Grids and Associated Works as part of its scheduled road network inspections and must advise the User in writing of any defects identified, such defects to be dealt with in accordance with this Agreement.

### **6.2 Reactive inspections**

- 6.2.1 Council will respond to concerns in connection with the Cattle Grids and Associated Works raised by any person by inspecting the Cattle Grids and Associated Works as necessary.
- 6.2.2 The Council will advise the User in writing of any defects observed during the course of its inspection in accordance with this Agreement.
- 6.2.3 The User must rectify any defects reported to the User by Council to the Council's satisfaction in accordance with this Agreement.

## 7 REPLACEMENT

- 7.1 The User agrees to remove the Cattle Grids and/or Associated Works when they have been assessed by Council that they have reached the end of their serviceable life and are no longer able to be maintained to provide sufficient structural capacity to cater for HS20-T44 loading.
- 7.2 Subject to clause 7.3, if the User still requires Cattle Grids, following assessment by Council that the Cattle Grids and/or Associated Works be removed pursuant to clause 7.1 the parties agree that replacement Cattle Grids and associated works ("**New Works**") can be installed on the Road to the satisfaction of Council either:
- (a) in accordance with the Plans; or
  - (b) be designed by a suitably experienced and qualified building practitioner and certified by a qualified structural engineer and approved by Council.
- 7.3 The User must ensure that the New Works are:
- 7.3.1 designed and installed in accordance with the Act and all other relevant laws, regulations and standards; and
  - 7.3.2 provide for sufficient structural capacity to cater for HS20-T44 loading; and
  - 7.3.3 provide for adequate drainage of the Cattle Grids, the Road in the immediate vicinity of the cattle grids, and other adjacent areas.
- 7.4 The parties agree that unless a new arrangement has been entered into by the parties for the New Works, then the New Works will be subject to this Agreement.

## 8 ROAD WIDENING AND RELOCATION OF CATTLE GRIDS AND ASSOCIATED WORKS

If the Road is widened and/or realigned in the future, Council will bear the reasonable cost of any necessary extension or relocation of the Cattle Grids and Associated Works.

## 9 INSURANCE

The User must:

- 9.1 maintain in full force and effect during the Term, public liability insurance against claims for bodily injury, death or property damage and loss of earnings occurring as a result of or in connection with the maintenance works or use of the Cattle Grids and the Associated Works, with a combined single limit of A\$10 million; and
- 9.2 ensure, where possible, that Council is noted as an interested party on the insurance policy referred to in clause 9.1; and
- 9.3 provide a copy of the insurance policy to Council, together with annual certificates of currency following each insurance renewal period.

## 10 INDEMNITY

The User covenants and agrees:



- 10.1 to indemnify and keep the Council, its officers, employees, agents, workmen and contractors indemnified from and against all costs, expenses, losses or damages which they or any of them may sustain incur or suffer or be or become liable for or in respect of any suit action proceeding judgement or claim brought by any person arising directly or indirectly from the existence and use of the Cattle Grids and Associated Works undertaken by the User or its agent or contractors or employees on the Road.
- 10.2 The User agrees to be responsible for the costs of repair to the Cattle Grids and Associated Works where:
- 10.2.1 a third party has caused intentional or unintentional damage to the Cattle Grids as a result of an activity, whether negligent or not; and
  - 10.2.2 damage to the Cattle Grids or Associated Works has occurred as a result of an unknown cause.
- 10.3 The indemnity referred to in clause 10.1 cannot be revoked by the User.
- 10.4 The indemnity referred to in clause 10.1 is binding and enforceable against the User notwithstanding any neglect, delay or forbearance on the part of Council to exercise its right of indemnity.
- 10.5 Nothing in this clause 10 will prevent the User from seeking to recover damages or costs from a third party (other than Council) associated with damage caused to the Cattle Grids or Associated Works by that third party.

## 11 CONSEQUENCES OF BREACH

- 11.1 If the User is in breach of any term of this Agreement, Council may call upon the User by notice in writing to remedy such a breach within the time specified in the notice or show cause why the Agreement should not be terminated. If the User fails to either remedy the breach to the satisfaction of Council or show cause within the time stated then Council may without further notice to the User terminate this Agreement and the User shall be liable to pay to Council the reasonable costs of making good any repairs and/or reinstatement reasonably required to ensure the safety of the Cattle Grids and the Road.
- 11.2 If the User fails to comply with Clause 11.1 of this Agreement and Council is required to reinstate and make good the Cattle Grids, Associated Works or the Road, then the reasonable cost thereby incurred shall be a debt due from the User to Council.

## 12 TERMINATION

- 12.1 This Agreement will terminate if the User:
- 12.1.1 transfers ownership of all the Land or part of the Land so that the User no longer owns land on both sides of the Road; or
  - 12.1.2 has no further rights to run cattle on both sides of the Road so that the Cattle Grids cannot be used for running cattle; or
  - 12.1.3 the User no longer holds a valid local law permit if one is required for movement of stock on the Road; or



- 12.1.4 the User informs Council that the User is insolvent or financially unable to continue with this Agreement; or
- 12.1.5 being a individual person or a partnership becomes bankrupt, enters into a scheme of arrangement; or
- 12.1.6 being a corporation, enters into a deed of arrangement or company administration or a winding up order is applied for or made against it, or a mortgagee takes possession of its property or it is wound up.

12.2 In the event of termination of this Agreement by clause 11.1, 12 or otherwise, the User shall fully remove or reinstate the Cattle Grids and Associated Works and reinstate the Road at its own cost to the satisfaction of Council within a time frame specified by the Council. Should the Cattle Grids and Associated Works not be removed within this time frame, Council may remove them and seek reimbursement of the costs from the User.

12.3 No compensation shall be claimed from or be payable by Council upon termination of the usage of the Cattle Grids in accordance with the terms of this Agreement or by the mutual consent of Council and the User.

### 13 FURTHER TERM

Provided the User is not in breach of this Agreement, the User may elect by notice in writing to be delivered to Council no less than three months prior to the expiration of the initial term of the Agreement extend the period of this Agreement for up to a further (20) twenty years.

### 14 NOTICES

#### 14.1 Service of notice

A notice or other communication required or permitted, under this Agreement, to be served on a person must be in writing and may be served:

- 14.1.1 personally on the person;
- 14.1.2 by leaving it at the person's address set out in this Agreement;
- 14.1.3 by posting it by prepaid post addressed to that person at the person's current address for service; or

#### 14.2 Time of service

A notice or other communication is deemed served:

- 14.2.1 if served personally or left at the person's address, upon service;
- 14.2.2 if posted within Australia to an Australian address, two business days after posting; and
- 14.2.3 if received after 5.00pm in the place of receipt or on a day which is not a Business Day, at 9.00am on the next business day.

### 15 FUTURE PURCHASERS

- 15.1 The User shall advise any future purchaser or occupier of the Land or any part thereof in writing of the existence and contents of this Agreement.
- 15.2 The User shall advise Council in writing of any change of occupier of the Land or of any agreement to purchase the Land or any part thereof within 28 days of such change or agreement.
- 15.3 Subject to the User complying with the terms of this Agreement, Council shall agree to the transfer of rights under this Agreement conditional upon the incoming party and the User entering into with Council a novation of this Agreement or a new agreement on the same terms and conditions as this Agreement.
- 15.4 Should the new purchaser of the Land not agree to enter into this Agreement or a similar arrangement, the User must remove the Cattle Grids and Associated Works and clause 12.2 of this Agreement applies to this clause.

**16 APPLICABLE LAW**

This Agreement shall be governed by the laws of the State of Victoria and the parties hereby agree to submit to the jurisdiction of the Courts in the State of Victoria in relation to any question or dispute that may arise hereunder.

**17 ENTIRE AGREEMENT**

This document constitutes the sole and entire agreement between the parties and supersedes any and all prior arrangements, agreements or undertakings and shall be binding notwithstanding any prior arrangements, agreements or undertakings made which may conflict with or be at variance with this Agreement or any correspondence or document relating to the subject matter of this Agreement which may have passed between the parties hereto.

**18 SEVERABILITY**

If any provision of this Agreement shall be invalid and not enforceable in accordance with its terms, all other provisions which are self sustaining and capable of separate enforcement without regard to the invalid provisions shall be and continue to be valid and enforceable in accordance with those terms.

EXECUTED as a deed.

THE COMMON SEAL of the )  
COLAC-OTWAY SHIRE COUNCIL was )  
affixed hereto on )  
in accordance with Local Law No. 4: )

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

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

**Note:** In the absence of the Chief Executive Officer, affixing of seal can be witnessed by two Councillors and any other member of staff authorised by the Chief Executive Officer.

**SIGNED SEALED AND DELIVERED** )  
by **<USER>** in the presence of. )  
\_\_\_\_\_ )

\_\_\_\_\_  
Witness

**SIGNED SEALED AND DELIVERED** )  
by **<USER>** in the presence of. )  
\_\_\_\_\_ )

\_\_\_\_\_  
Witness

SCHEDULE

- 1 **USER:** **<USER>**
- 2 **ASSOCIATED WORKS** All signage, bypass gates, wing fences and cattle lanes associated with the Cattle Grids.
- 3 **CATTLE GRIDS** **<CATTLE GRID DESCRIPTION>**
- 4 **COMMENCEMENT DATE**
- 5 **INSPECTIONS** **Time frame: <TIME FRAME>**
- 6 **LAND** **<LAND DESCRIPTION>**
- 7 **ROAD** Minchinton Road, Weeaprounah
- 8 **TERM** **Initial Term: <TERM>**

SAMPLE

**ANNEXURE A  
(Plans)**

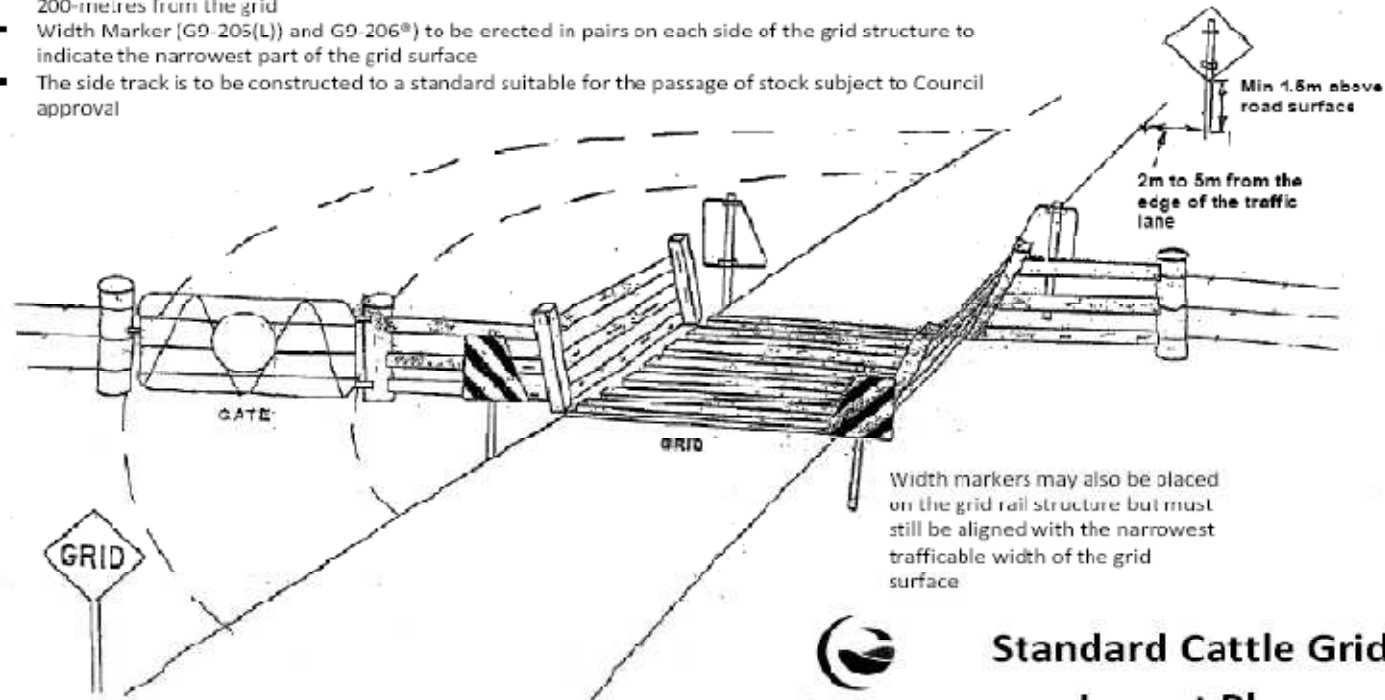
SAMPLE

**ANNEXURE B**  
**(Standard Conditions of Consent to Conduct Works)**

SAMPLE

**Notes:**

- Grid surface to be at a width specified by Council and a minimum of 2.1-metres along road
- Grid to have at least 300mm clearance underneath the entire grid
- Where possible, the roadside drainage should be directed under the grid to aid in self cleaning
- 'GRID' (W5-16) 750mm x 750mm signs to be erected on both approaches to the grid 50-metres to 200-metres from the grid
- Width Marker (G9-205(L)) and G9-206®) to be erected in pairs on each side of the grid structure to indicate the narrowest part of the grid surface
- The side track is to be constructed to a standard suitable for the passage of stock subject to Council approval



## Standard Cattle Grid Layout Plan

Colac Otway Shire  
Infrastructure and Services

Not to Scale  
Size A4

**OM092204-9 BEST VALUE SERVICES REVIEW REPORT: WASTE MANAGEMENT SERVICES**

|             |                |           |            |
|-------------|----------------|-----------|------------|
| AUTHOR:     | Ranjani Jha    | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure | FILE REF: | GEN01712   |

**Purpose**

A Best Value review has been undertaken for Waste Management Services. The report has focused on Kerbside collection, Litter collection, Management and Operation of Transfer Stations at Alvie, Apollo Bay and Birregurra including Bulk Haulage & Landfill at Alvie. The review also included management of 'Drop Off' Facilities at Gellibrand, Beech Forest, Lavers Hill and Carlisle River.

The attached report details the review process, outcomes and recommendations.

**Background**

The Victorian Government in December 1999 introduced the Local Government (Best Value Principles) Act 1999, replacing Compulsory Competitive Tendering (CCT) for Local Government. The Best Value approach includes community input (where practicable), effective service delivery and cost efficiency as key service outcomes.

The Best Value principles listed below reflect the Government's intention that local services must be a reflection of local community needs.

1. Best quality and value for money
2. Responsiveness to community needs
3. Accessibility of services to those who need them
4. Continuous improvement
5. Community consultation on all services and activities
6. Regular community reporting on Council achievements

In 2006 the Best Value process was reviewed by the State Government and guidelines were developed. The guidelines do not alter Council's legislative responsibility in relation to ongoing compliance with the legislation.

Council reviewed Best Value and in June 2006 endorsed a process whereby all of Council's services would undergo a review over a five year period, with the strategic direction for service delivery being set by Council at the commencement of each service review. The revised process also provides for greater emphasis on benchmarking, community consultation and financial assessments, with the Audit Committee continuing to oversee the Best Value Review schedule.

**Waste Management Services**

The Colac Otway Shire provides the following waste and collection services throughout the municipality:

| <b>Service Provision</b>           | <b>No. Tenaments</b> | <b>Frequency</b>      |
|------------------------------------|----------------------|-----------------------|
| Kerbside Collection -<br>Garbage   | 9071<br>141          | Weekly<br>Fortnightly |
| Kerbside Collection -<br>Organics  | 8594<br>141          | Weekly<br>Fortnightly |
| Kerbside Collection -<br>Recycling | 9212                 | Fortnightly           |



Waste Services subject of Review

The Waste Services subject to this review include:

- Kerbside collection and transport of Garbage & Organics from a 240L 'divided' Mobile Bin, and Recyclables from a 240L Mobile Bin, from the designated 'Declared Waste Service Areas' and along roads accessing the different areas, for disposal to nominated sites;
- Litter collection and transport from designated locations for disposal to nominated sites;
- Management of Transfer Stations at Alvie, Apollo Bay and Birregurra, & Landfill at Alvie and Bulk Haulage of materials for disposal to nominated sites; and
- Management of 'Drop Off' Facilities at Gellibrand, Beech Forest, Lavers Hill and Carlisle River, and transport of materials for disposal to nominated sites.

The Waste Management Services reviewed are provided under contract with the current contracts due to expire 5 September 2009:

- Barton Bros Waste of Warrnambool provides the kerbside & litter collection, management and operation of the transfer stations, landfill and bulk haulage of materials; and
- RG & JA Spence of Dreeite provides the drop off facilities.

Waste Services Not Subject to Review

Other Waste Services also provided but which are not subject to this review include:

- Receipt and Processing of Recyclables, Organics and Garbage;
- Hard Waste Collection; and
- Landfill Rehabilitation.

The receipt and processing of Recyclables, Organics and Garbage are also provided under contract as follows:

- Visy Recycling for receipt of Recyclables (contract through the Barwon Regional Waste Management Group of which Colac Otway Shire is a member);
- BioGro for receipt of Organics – expires August 2009 with provision to extend; and
- City of Greater Geelong for receipt of Garbage – expires September 2008 with provision to extend.

Hard Waste Collection was a new service recently trialled over a two year period in 2006-07 and 2007-08. The service was separately tendered.

Landfill rehabilitation works are also separately contracted out as required. Given the legislative requirements to carry out works in accordance with EPA requirements, it was felt that a Best Value Review for this area was not warranted.

New Regional Processing Contracts

Although the receipt and processing of Recyclables, Organics and Garbage was not part of the Best Value Review, during the course of the period of the Review, the Barwon Region Waste Management Group (BRWVG) also sought expressions of interest and ultimately called for tender submissions for the receipt and processing of recyclables, organics and garbage (Municipal Solid Waste - MSW).

The BRWMG evaluated the new tenders and recommended to the BRWMG Board the acceptance of two new preferred tenders to be effective from July 2010:

The acceptance of these preferred tenders for receipt and processing of kerbside collected material which permits a mix of material types (Garbage with Organics), increased the options available to Colac Otway Shire for delivery of its kerbside collection service as it moves forward to the next generation of contracts for the service. As a consequence, potential utilisation of these new contracts for processing Recyclables, Organics and Garbage has impacted on this Review, particularly in identifying changes and improvement opportunities in the way the kerbside material is collected.

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

The 2005-2009 Council Plan, under the community priority of Strong Leadership, contains an objective to "Continue the (Best Value) business planning process of organisational review". Services scheduled for review each financial year are included as Council Plan actions and progress is monitored and reported on quarterly.

This also meets Council's Corporate Plan objective for environmental sustainability to "Investigate options for a future waste management system to be implemented following completion of the existing contracts in September 2009", the State Government's Towards Zero Waste Strategy and the strategic direction set by Sustainability Victoria.

### **Best Value Service Review**

As part of Council's ongoing commitment to continuous improvement all of Council's services undergo a review over a five year period utilising the Best Value Principles.

Key components of a service review include:

- Consultation with both internal and external stakeholders to identify what is being done well and whether there are any gaps in service level. If gaps are identified consideration is given to how these can either be eliminated or reduced, along with identifying any budgetary implications;
- Benchmarking with other Councils to establish performance levels and where possible, unit costs for key activities and functions; and
- Continuous Improvement recommendations form a key component of the review process. On endorsement by Council, actions are incorporated into the Business Unit/Service annual business plans or in this case incorporated into the next generation of waste management service specifications.

### **Consultation**

Colac Otway Shire places a high priority on consultation, both within the organisation and with the community. As such, the review process for Waste Services has involved an active effort to consult as widely as possible.

Prior to the commencement of this review a detailed Community Consultation and Engagement Strategy was approved by Council.

At the commencement of the review process, Councillors provided their input via a Strategic Direction Survey. Councillors were provided with a service profile and then, based upon their contact with the community, Councillors were requested to respond to a number of questions. Issues identified in these surveys have been considered as part of the review. The attached "Best Value Review - Waste Management Services" report is a sample of the survey and a summary of the Councillor responses.

Workshops, Focus Group meetings and interviews were conducted with the following groups:

- Workshop - Steering Committee inclusive of Staff and BRWMG;
- Community Focus Group – Colac;
- Community Focus Group – Apollo Bay;
- Interview – Wye River & Separation Creek Progress Association;
- Workshop - Contractor – Barton Bros; and
- Interview - Contractor - R & J Spence.

Detailed notes from the workshops, focus groups and interviews are also included in the attached “Best Value Review - Waste Management Services” report.

Although the number of people attending the Community Focus Groups was low the overall participation and feedback from those present at the various workshops and focus groups was of a high standard and the information obtained will be used in reviewing the Waste Services.

### Benchmarking

Benchmarking of collection rates for the kerbside and litter collection services was carried out with three neighbouring Councils.

It was found that although the other Councils are similar in size, due to the various different types of mobile bins and different costs included in the collection rates, it is difficult to get good direct comparisons with the collection rates applied at Colac Otway Shire.

Therefore unit cost benchmarking against other municipalities does not necessarily reflect the performance of the service due to the number of variables between the services. For example:

- Colac Otway Shire uses a divided bin for the collection of garbage (one side of the bin) and Organics (other side of the bin). To collect the material from the divided bin and keep the material separated in the truck requires a specialised vehicle with twin storage chambers and modified lifting equipment. The specialised trucks are dearer than conventional trucks to build and maintain and have a lower capacity and slower lifting rate, which adds to the cost of the per bin lift;
- One Council, (Council A), the collection contractor includes the disposal costs within the bin lift (collection) rate;
- Another Council, (Council B), includes the write down value of the capital cost of new bins supplied and delivered by the collection contractor; and
- some councils include bin maintenance, repairs and replacement in the collection rate, whereas Colac Otway Shire requires the property owners to maintain their own bins.

Notwithstanding the above, the comparison indicated the current collection rates to be competitive.

The “Best Value Review - Waste Management Services” report includes a comparison of the collection costs.

The provision of all the waste services for the Colac Otway Shire are provided under contract and are subject to an open tendering process, where the price paid for the particular service is tested on the open market. The process is extremely competitive and assures the community that it is obtaining the best price for the services as specified.

### Key Findings

The following is a summary of the key findings.

#### *Waste Services General*

- Community is generally satisfied with services provided;
- All waste services are accessible and affordable; and
- Identified some areas of improvement required for some components of the waste services that should be considered for inclusion in the next contract for provision of the services.

#### *Kerbside Collection*

- The kerbside collection service is well received by the community and is seen as flexible and able to be tailored to meet the needs of different sectors of the community (fortnightly collection, non divided bin garbage collection etc);
- Support for the separate collection of recyclables and organics containing food waste that result in good resource recovery rates;
- Expressed dissatisfaction with the divided bin as it is not convenient to use or collect and should be replaced with a different service;
- Support for introduction of a three-bin service or modified two bin service (if combined organics /garbage can be processed to recover 75% of the material);
- Introduction of a modified two-bin service preferred to a three-bin service as introduction is more seamless than introducing a third bin into the system and has the potential to recover a very high percentage of the kerbside material;
- Community expects and accepts that there may be additional costs in introducing a new collection system;
- Generally supported a single waste charge be applied to all users, except for those receiving the fortnightly service;
- Requested consideration be given to subsidising the service cost for aged pensioners – but unable to make a decision whether to support or not;
- Support for Council to take responsibility for ownership of new bins and maintenance of all bins;
- If a new bin system is introduced it should maximise the use of existing bins. If old bins are no longer required, residents can either keep them or Council is to arrange a bin swap, with the old bins being recycled;
- Need to standardise bin lid colours to make the system easier for holiday makers and visitors to use;
- It was supported that:
  - Extra bins be available at an extra fee that reflects the extra cost only;
  - Lost, stolen and damaged bins be replaced without charge provided a statutory declaration is provided;
  - New properties be provided with new bins at no up-front or limited administrative cost; and
  - Smaller bins be made available upon request and at Council discretion for aged and frail if requested.
- Extension of the kerbside service to rural properties is not considered necessary, but provision should be made for future expansion if enough community express an interest;
- Supported a weekly recyclables collection over a four week period commencing from Christmas Day, and be provided to all Declared Waste Areas;
- Consideration be given to providing a drop-off facility for holiday makers;
- Did not support earlier starts to collections in the residential areas;
- Were satisfied with the current customer service responses and supported Council remaining as the first point of contact for service requests;

- Suggested some service improvements be investigated in relation to placement of bins after collection, retrieval of bins from holiday makers and vehicles parking in front of bins once placed out for collection; and
- Divided on whether new or second hand collection vehicles should be used in new contract, but united in that all vehicles had to meet the stringent Worksafe requirements.

#### *Litter Collections*

- Current litter bins provide an adequate service;
- That litter bin collection frequencies be reviewed to prevent bins from overflowing, and be introduced for events;
- Consideration be given to use of larger litter bins where pizza boxes are jamming the smaller litter bins; and
- Cigarette butt bins required at bus stops where tourist buses pull up.

#### *Transfer Stations and Bulk Haul*

- Community supported retention of the current three transfer station facilities;
- Supported a review of the operating hours to best suit use patterns and make them more cost effective, especially Alvie as the public usage has dropped;
- Supported putting in place a system that encourages people to sort the material before depositing it at the transfer station;
- Were satisfied with the contract management of the facilities and saw no reason to change; and
- Identified that Marengo had some operational issues which will require addressing under the new Apollo Bay facility.

#### *Drop-Off Facilities*

- Supported the retention of the four facilities, with ability to provide services at other locations if required and affordable;
- Should make provision for improved infrastructure for provision of the service; and
- Review opening times to reflect community needs.

#### Other Issues

- Although not part of this review the community strongly supported the continuation of the hard waste collection service; and
- Suggested any new Waste Services contract should be structured in a form similar to the current contract to allow awarding contracts for one service provider, separate service providers, or any combination of the services.

#### **Issues/Options**

The two kerbside collection models examined in some detail during the Waste Services review were:

- Current Two-Bin System – Recyclables Bin collected fortnightly and Garbage/ Organics Divided Bin collected weekly; and
- Three-Bin System – Recyclables Bin, Organics (with food scraps) Bin & Garbage Bin. This system will require one additional fortnightly collection.

However during the review period the BRWMG was also tendering for the acceptance and processing of Recyclables, Organics and Garbage. As a result the preferred processing system, evaluated as offering the best value, opened a further option that could be considered:

- Modified Two-Bin System – Recyclables Bin collected fortnightly and Garbage/Organics Bin (not divided) collected weekly. In simplistic terms the same service currently offered with the divider removed from the Garbage/Organics Bin.

### Community Feedback

Fortunately some knowledge of the potential for this option was known before the Community Focus Group meetings were held, even though no decisions had been made on the tenders at that stage. In addition to examining the current collection service and the three-bin service, the Focus Groups were also asked for their opinion on the concept of a Modified Two-Bin service.

The Focus Groups did not support the continued use of the ‘Divided’ bin and agreed that either the Modified Two-Bin Service or Three-Bin Service would be more appropriate.

Overall the Focus Groups preferred the concept of the Modified Two Bin-Service as it involved little change to the current system. No extra bins or collections are required compared with a three-bin system and it had the potential to recover a greater percentage of material than the 2014 State ‘Towards Zero Waste’ target of 65%.

### Continuous Improvement

Continuous improvement is the practice of constantly seeking to improve the quality and productivity of our processes, products and services while maximising the opportunities for the involvement of staff in improving the workplace. It is about developing a culture in which everybody is encouraged to make ongoing improvements to the way the work is done.

The Continuous Improvement Plan (Best Value Report) contains a list of initiatives identified during the progress of the review.

For Waste Services the opportunity for implementing improvements occurs at two main stages:

- At commencement of a new contract where improvements are incorporated into the specification prior to advertising for tenders; and
- During the provision of the service where the specification has clauses incorporated within it encouraging continuous improvement and allowing for the review of the performance during the contract period.

### **Proposal**

That the following changes be introduced into any future contracts and service provision at the appropriate time.

1. Make provision for the new Waste Services contract to provide a more effective and efficient method of organics collection.
  - The preferred method is the ‘Modified Two-Bin System’ – Recyclables Bin collected fortnightly and processed at Geelong and Garbage/Organics Bin (not divided) collected weekly and the material processed at Geelong. Council has already resolved to adopt this model; and
  - Should the DiCom processing facility not proceed the second preferred method is the ‘Three-Bin System’ – Recyclables Bin collected fortnightly and processed at Geelong, Organics (with food scraps) Bin collected fortnightly or weekly and the material pre-sorted at Alvie & processed at Mt Gambier, and Garbage Bin collected weekly or fortnightly and the material taken to landfill (Geelong or Naroghid depending upon best price). To achieve the smoothest transition the preferred frequencies of collection are Organics fortnightly and Garbage weekly.

2. Ensure bin lids are standard colours and maximise use of existing bins. Fit a yellow lid to the existing recyclables bin, and as the current divided bin is nearing its useable life and would be costly to remove the divider and replace the twin lids with a single lid, replace the current divided bin with new bin fitted with a maroon lid.
3. Make minor changes to the collection service, including litter bin collections, in accordance with the Continuous Improvement Initiatives identified in the Best Value Review report and as they apply to the collection service – either the modified two bin or three bin service.
4. Continue provision of the Transfer Stations at Marengo (until replaced with the new facility at Apollo Bay), Alvie and Birregurra and make minor changes to the management and operation of the service including bulk haulage in.
5. Continue provision of the Drop Off facilities at Gellibrand, Gellibrand, Beech Forest, Lavers Hill and Carlisle River and make minor changes to the provision of the service in accordance with the Continuous Improvement Initiatives identified in the Best Value Review report.

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

Section 208G of the Local Government Act 1989 requires that “At least once every year a Council must report to its community on what it has done to insure that it has given effect to the Best Value Principles”. In compliance with the Act, progress in continuing to apply the Best Value Principles is reported on each year in Council’s Annual Report.

### Policy Development

Flowing from the Best Value Review is the need for Council to define its responsibilities to the community and consider developing Policies to ensure effective delivery of the Waste Management Services in the areas of:

- Commercial properties waste services;
- Extra Bins;
- Bins for New Properties/services;
- Lost & Stolen Bins;
- Smaller Bins for Special circumstances;
- Alvie and Marengo Transfer Station opening times; and
- Recording Bin serial numbers.

### **Financial Implications**

In accepting the Barwon Regional contracts for the receiving and processing of Recyclables and mixed Garbage /Organics commencing 1 July 2010, Council acknowledged the financial implications of the decision.

Council also accepted the ‘modified two bin’ system as the preferred kerbside collection service with the ‘three bin’ system as the second choice should the proposed facility not proceed.

It is proposed to provide a separate report detailing the financial models, including impact on the current waste charge, involving the ‘modified two bin’ and ‘three bin’ services and bin supply and distribution and/or modification options for Council consideration.

Council has the opportunity to test cost implications of changes to the collection services when tendering the new Waste Services by requesting different rates for a range of service alternatives.

These will be specified in the tender documents and they will provide Council with actual costs of any proposed service changes to aid in making a final decision on the preferred service delivery. Such issues that will be market tested include (but not limited to):

- Extra recyclables collections over the summer holiday period;
- Contractor funding new bins and/or bin modifications (for both the 'modified two bin' and 'three bin' services);
- Extra collection for the 'three bin' service (if this option is required); and
- Contractor maintaining all bins.

Council will be considering a full report on tenders received and various options, prior to accepting a Contractor or Contractors for the Waste Management Services and there is opportunity to explore the full cost implications of service improvements identified during the Best Value Review prior to Council committing to the changes.

### **Environmental Considerations**

The review of the waste management services is directly linked to the key State Government environmental outcomes of its 'Towards Zero Waste' policy which aims to maximise diversion of kerbside collected materials from landfill. The modified two bin system with processing of garbage & organics at the Regional DiCom facility will result in all material collected (recyclables, garbage and organics) being processed before any residual material is disposed to landfill. That is no collected material will be taken directly to landfill and the recovery rate is anticipated to be in the order of 80% for all material.

### **Implementation**

Upon endorsement, the recommendations contained in the attached Best Value report will be included in the contract documents for the next Waste Management Services contract.

### **Conclusion**

The Best Value Program was first introduced to Victorian Councils in 1999 and provides for Councils and their communities to improve the way services are managed and delivered. The Best Value review of Waste Management Services, through a process that engaged both Councillors and stakeholder groups, resulted in recommendations that be introduced that would be acceptable to the majority of users.

Some of the key findings from the Best Value Review are as mentioned below:

- The divided bin does not provide a user friendly or efficient service for garbage and organics collection;
- Support for the introduction of a modified two bin collection system with material being processed at the Regional facilities of Visy and DiCom;
- If the DiCom processing facility fails then a three bin system be introduced;
- All bins should be fitted with lids of the standard acceptable colours;
- Retention of the current transfer stations and drop off facilities;
- Retention of the current litter bins collection service ; and
- Introduction of operational improvements to all services in accordance with the Continuous Improvement Initiatives identified in the Best Value Review report (attached).



**Attachments**

- Copy of “Best Value Services Review Report – Waste Management Services”

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

- 1. Note and endorse the findings of the attached report titled “Best Value Service Review Report – Waste Management Services”.***
- 2. Approves in principle, the recommended changes to the waste services contained in the continuous Improvement Plan and endorses the recommendations being included in the specification for the new Waste Management Services contract for the purpose of obtaining tender prices for proposed changes to the Service.***
- 3. Consider the cost implications of any proposed service changes based on tenders received.***

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Colac Otway
SHIRE

Naturally Progressive

BEST VALUE SERVICES REVIEW REPORT

Waste Management Services

Date completed

April 2009

Prepared by

Max Gilbert
gilbert consulting pty ltd

Contents

1. Executive Summary	2
1.1 Introduction	2
1.2 Service Review Approach	3
1.3 Best Value Service Review Panel	4
1.4 Key Findings	4
2. Service Profile	7
2.1 Department Structure	8
2.2 Staffing Profile.....	8
2.3 Services Provided	9
2.4 Service Users.....	9
2.5 Competitors.....	10
2.6 Legislative Overview	10
2.7 SWOT Analysis	11
3. Best Value Principles	15
3.1. Benchmarking	15
3.2. Continuous Improvement	16
3.3. Affordability and Accessibility	17
3.4. Responsiveness.....	18
3.5. Community/Customer Consultation	19
3.6. Quality and Cost Standards	21
4. Service Review Analysis	22
5. Recommendations	24
Appendix 1: Continuous Improvement Initiatives	25
Appendix 2 Strategic Direction Survey.....	46
Appendix 3 Benchmarking Surveys – Other Municipalities	56
Appendix 4 Consultation Surveys	57

1. Executive Summary

1.1 Introduction

The Victorian Government in December 1999 introduced the Local Government (Best Value Principles) Act, replacing Compulsory Competitive Tendering (CCT) for Local Government. The Best Value approach includes community input (where practicable), effective service delivery and cost efficiency as key service outcomes.

The Best Value principles listed hereunder reflect the Government's intention that local services must be a reflection of local community needs.

The six (6) Best Value principles now in legislation require:

1. Best quality and value for money
2. Responsiveness to community needs
3. Accessibility of services to those who need them
4. Continuous improvement
5. Community consultation on all services and activities
6. Regular community reporting on Council achievements

In 2006 the Best Value process was reviewed by the State Government and guidelines were developed. The guidelines do not alter Council's legislative responsibility in relation to ongoing compliance with the legislation.

Council reviewed Best Value and resolved in June 2006 to adopt a revised process. The key points of the revised process are:

- Continue with the current annual update of service review information and development of a five year continuous improvement plan, through the Business Planning process (addressing the principles) with five yearly major reviews of all services on a rotational basis.
- Councillors develop a strategic intent for each service as part of the five yearly review processes.
- Community consultation held every second year and in the year of the major service.
- Service costing based on full Competitive Neutrality costing.
- Oversight of the five yearly reviews forms part of Council's Audit Review Committee's annual work plan.
- Outcomes of the five yearly reviews are reported to the Audit Committee when review is complete.
- Council's overall compliance, with the legislation, and outcomes of the reviews are reported to the community in the Annual report.

The process picks up the recommendations of DJK Consulting who carried out a review of the Best Value process. It strengthens Council's governance role in that the Council sets a strategic direction for service delivery to the community. It increases organisational accountability as the Internal Audit Committee has oversight of the Best Value Review schedule, making community consultation and financial assessments more meaningful tools to monitor service improvement.

A revised Best Value review schedule was developed and approved by Council for the period 1 July 2006 to 30 June 2011.

The service review for *Waste Services* was conducted from *March 2008*. The last review for these areas was previously carried out in **2003**.

1.2 Service Review Approach

The key objective of this review is to evaluate and ensure that the Colac Otway Shire's Waste Services which is part of the *Infrastructure and Services Department* and who report directly to the *Manager Major Projects* operate in a manner consistent with the Best Value principles, and, in areas where it is identified as being deficient, ensure that plans and strategies are developed and implemented to improve any identified deficiencies.

The focus of the review is aligned to a model which requires analysis to "Understand the Need" of the service prior to making any decisions on future service standards or delivery options. This leads to the second model phase of articulating the "Agreed What Is Required" charter which then extends to the third phase of a commitment to "Deliver What's Required".

Finally, the review results in a strong ongoing commitment by the Units to "Evaluate and Continuously Improve" both the standards and delivery of the service through the development and progressive implementation of a Continuous Improvement Plan.

The process adopted for the Review included the following components:

Identification and documentation of the current Service Profile – answering the question: why do we do what we do?

Consultation with the service customers to establish satisfaction levels and needs/expectations, including:

- feedback on the current service
- feedback on monitoring performance
- identification of innovative/creative solutions/suggestions
- Identification and documentation of the gaps in service level (if any)
- Identification of innovative ways of eliminating or reducing any service gaps identified
- Identification of any budgetary implications

The anticipated outcomes of the Review include the following:

- Improved understanding of the service level sought by the service customers and the organisation
- Improved delivery of Services
- Improved certainty and understanding of the processes underpinning the service
- Service compliance with Best Value principles

The outputs of the Review comprise the following:

- Service Review Best Value Report
- Internal business process improvements
- Development of a Continuous Improvement Plan for implementing new service levels and delivering on continuous improvement (Refer Appendix 1)

- Integration of Continuous Improvement initiatives into the Units annual business planning process
- Increased accountability through an integrated performance monitoring system

1.3 Best Value Service Review Panel & Steering Committee

A panel of appropriate personnel was convened to facilitate and direct the Best Value Service Review for the *Waste Services*.

The members of the panel were:

- Gary Dolan General Manager Infrastructure & Services (up to May 2008)
- Scott Cavanagh Acting General Manager Infrastructure & Services (from June 2008)
- Ranjani Jha Manager Major Contracts
- Darren Williams Waste Management Officer (up to June 2008)
- Janet Forbes Waste Management Officer (from June 2008)
- Enzo Bruscella Executive Officer BRWM Group
- David London Senior Accountant
- Max Gilbert Independent Consultant
- Margaret Giudice Corporate Support Officer

The respective knowledge and relevant skills of this panel combined to develop the parameters and outline of the Review.

Unit staff were also involved in the Review particularly in the identification of any service delivery gaps and identification of possible service improvement initiatives. Work previously and in many cases concurrently undertaken by staff in the development of Waste Services under review was also utilised in the undertaking and production of this Best Value service review report.

1.4 Key Findings

The following is a summary of the key findings:

Waste Services General

- Community generally satisfied with services provided.
- All waste services are accessible and affordable.
- Identified some areas of improvement required for some components of the waste services that should be considered for inclusion in the next contract for provision of the services.

Kerbside Collection

- The kerbside collection service is well received by the community and is seen flexible and able to be tailored to meet needs of different sectors of the community (fortnightly collection, non divided bin garbage collection etc).
- Support for the separate collection of recyclables and organics containing food waste that result in good resource recovery rates.
- Expressed dissatisfaction with the divided bin as it is not convenient to use or collect and should be replaced with a different service.
- Support for introduction of a three-bin service or modified two bin service (if combined organics /garbage can be processed to recover 75% of the material)

- Introduction of a modified two-bin service preferred to a three-bin service as introduction is more seamless than introducing a third bin into the system and has the potential to recover a very high percentage of the kerbside material.
- Community expects and accepts that there may be additional costs in introducing a new collection system.
- Generally supported a single waste charge be applied to all users, except for those receiving the fortnightly service.
- Requested consideration be given to subsidising the service cost for aged pensioners – but unable to make a decision whether to support or not.
- Support for Council to take responsibility for ownership of new bins and maintenance of all bins.
- If new bin system introduced should maximise use of existing bins and if old bins no longer required residents can keep or Council to arrange a bin swap with the old bins being recycled.
- Need to standardise bin lid colours to make system easier for holiday makers and visitors to use
- Supported that extra bins be available at an extra fee that reflects the extra cost only; lost, stolen and damaged bins be replaced without charge provided a statutory declaration is provided; that new properties be provided with new bins at no up-front cost; and smaller bins be made available upon request and at Council discretion for aged and frail if requested.
- Extension of the kerbside service to rural properties is not considered necessary, but provision should be made for future expansion if enough people express an interest.
- Consideration be given to providing a drop off facility for holiday makers.
- Did not support earlier starts to collections in the residential areas.
- Were satisfied with the current customer service responses and supported Council remaining as the first point of contact for service requests.
- Suggested some service improvements in relation to placement of bins after collection, retrieval of bins for holiday makers and vehicles parking in front of bins once placed out for collection.
- Discussed whether new or second hand vehicle could be used for the contract but acknowledged that all vehicles had to meet the stringent Worksafe requirements.

Litter Collections

- Current litter bins provide an adequate service
- Litter bin collection frequencies be reviewed to prevent bins from overflowing and for events
- Consideration be given to Larger Litter bins be provided where pizza boxes are jamming the smaller litter bins
- Cigarette butt bins required at bus stops where tourist buses pull up.

Transfer Stations and Bulk Haul

- Community want retention of the current three facilities
- Supported a review of the operating hours to best suit use patterns and make them more cost effective, especially Alvie as the public usage has dropped
- Supported putting in place a system that encourages people to sort the material before depositing it at the transfer Station.
- Were satisfied with the contract management of the facilities and saw no reason to change.
- Identified that Marengo had some operational issues which will require addressing until the new Apollo Bay facility is on stream.

Drop Off Facilities

- Supported the retention of the four facilities with ability to provide services at other locations if required and affordable.
- Make provision for improved infrastructure to be used for the service.
- Review opening times to reflect community needs.

Other Issues

- Although not part of this review the community strongly supported the continuation of the hard waste collection service
- Suggested any new contract should be structured in a form similar to the current contract to allow awarding contracts for one, a combination of or all the components.

2. Service Profile

The Best Value service review constitutes a review of the following key Council services units:

- *Waste Services Unit (selected services only)*

The Waste Services subject to this review include:

- **Kerbside collection** and transport of Garbage & Organics from a 240l 'divided' Mobile Bin and Recyclables from a 240L Mobile Bin, from the designated 'Declared Waste Service Areas' and along roads accessing the different areas, for disposal to nominated sites;
- **Litter collection** and transport from designated locations for disposal to nominated sites;
- **Management of Transfer Stations at Alvie, Apollo Bay and Birregurra, & Landfill at Alvie and Bulk Haulage** of materials for disposal to nominated sites; and
- **Management of 'Drop Off' Facilities** at Gellibrand, Beech Forest, Lavers Hill and Carlisle River, and transport of materials for disposal to nominated sites.

Other Waste Services not Subject to this review include:

- **Receipt and Processing** of Recyclables, Organics and Garbage.
- **Hard Waste Collection**
- **Landfill Rehabilitation**

The Waste Services subject to this review are provided under contract. The current contractors are as follows:

- Barton Bros. Waste of Warrnambool provide the kerbside & litter collection, management of transfer stations and landfill and bulk haulage of materials; and
- RG & JA Spence of Dreeite provides the drop off facilities.

The current contracts expire 5 September 2009.

The receipt and processing of Recyclables, Organics and Garbage are also provided under contract with:

- Visy Recycling for receipt of Recyclables (contract through the Barwon Region Waste Management Group of which Colac Otway Shire is a member)
- BioGro for receipt of Organics – expires August 2009 with provision to extend.
- City of Greater Geelong for receipt of Garbage – expires September 2008 with provision to extend.

Hard waste Collection was a new service recently trialled over a two year period in 2006-07 and 2007-08. The service was separately tendered.

Landfill rehabilitation works are also separately tendered as the work is required.

Although the receipt and processing of Recyclables, Organics and Garbage was not part of the Best Value Review, during the course of the period of the Review, The Barwon Region Waste Management Group (BRWMG) also sought expressions of interest and ultimately called for tender submissions for the receipt and processing of recyclables, organics and garbage (municipal solid waste - MSW).

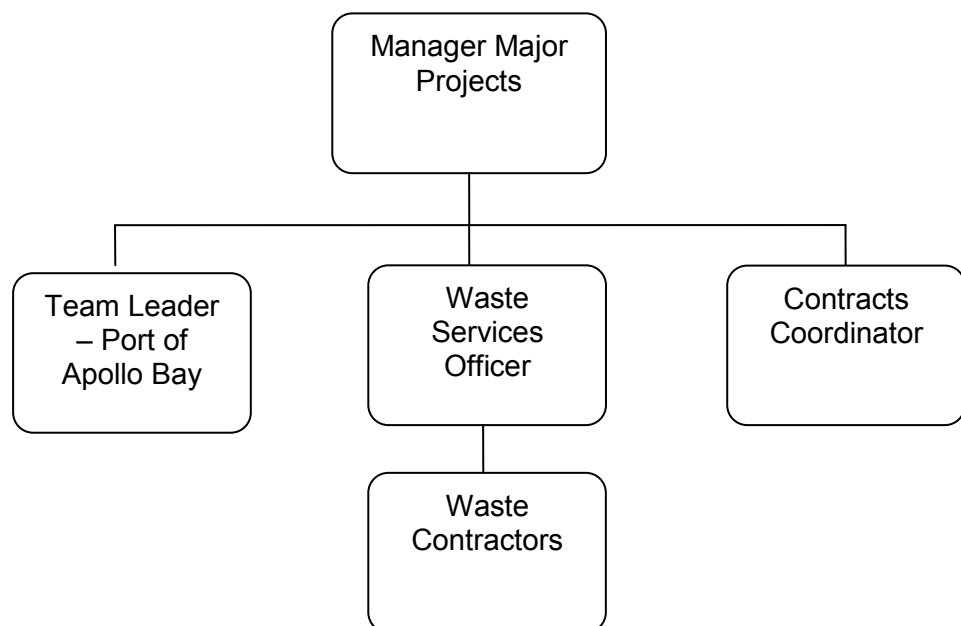
The Region has evaluated the new tenders and has recommended to the BRWMG Board the acceptance two new preferred tenders to be effective from July 2010.

The acceptance of these preferred tenders for receipt and processing of kerbside collected material, because of the mix of materials accepted and gate prices offered, has increased the options now available to Colac Otway Shire for delivery of its kerbside collection service as it moves forward to the next generation of contracts for the service. As a consequence potential utilisation of these new contracts for processing Recyclables, Organics and Garbage has impacted on this Review particularly in identifying changes and improvement opportunities to the way the kerbside material is collected.

Also, although Hard Waste collections were not part of the review, the matter was raised by the Focus Groups.

As the Best Value Review was seen as the vehicle for establishing a Strategic Direction for the next generation of Waste Services contracts, and as the receipt and processing of waste is intrinsically linked to the kerbside collection and bulk haulage of material from the Transfer Stations all factors were considered in identifying and agreeing to “What Is Required” and making commitment to “Deliver What’s Required”.

2.1 Department Structure



2.2 Staffing Profile

In total there is currently *one* EFT staff, the Waste Management Officer, employed in the *Infrastructure and Services Department Waste Services Unit* under review. The net budget for the 2007/2008 financial year for the *Infrastructure and Services Department Waste Services Unit* is \$ 672,506.

There is one full time and *no* part time staff employed within the *Infrastructure and Services Department Waste Services Unit*. The Waste services are provided by Contract with the contractors reporting to the Waste Management Office who reports directly to the Manager Major Project.

2.3 Services Provided

The Waste Services Unit provides the following services:

- Kerbside collection of Recyclables, Organics (including food waste) and Garbage
- Litter collection from street bins
- Transfer Stations at Alvie, Apollo Bay and Birregurra,
- Inert Landfill at Alvie
- Bulk Haulage of materials from Transfer Stations disposal and processing facilities.
- Weighbridge at Alvie
- 'Drop Off' Facilities at Gellibrand, Beech Forest, Lavers Hill and Carlisle River
- Receipt and Processing of Recyclables, Organics and Garbage.
- Hard Waste Collection
- Landfill Rehabilitation
- Organics Sorting Facility at Alvie
- Waste Education

2.4 Service Users

The primary service focus for *Waste Services* is with *external customers*. Key service users can be categorised as follows:

Internal Users

- CEO and Executive
- Mayor and Councillors
- Manager Major Contracts
- Finance

External Users and Partnerships

- Colac Otway Shire Residents,
- Local Businesses,
- Visitors and Tourists
- Receiving & Processing Contractors.
- Barwon Regional Waste Management Group (BRWVG)
- State Government Agencies (EPA, Sustainability Victoria, DSE),
- Waste Services Contractors

2.5 Competitors

Council provides 'the collection and disposal of refuse' pursuant to the Local Government Act 1989 and the services under review are an integral part of the Council organisation. The Waste Services, except for contract administration and management, are contracted out by Council through a competitive public tendering process. The calling of tenders initiates competition amongst contractors in the specialist waste areas allowing Council to evaluate submission and select the contractor providing best value for money.

There are no competitors to Council for providing and managing the kerbside collection, litter collection, transfer stations at Apollo Bay and Birregurra, drop off facilities and bulk haulage.

However there is a competitor for the provision of a Transfer Station in the Colac area. The private transfer station located in Colac competes, in part, for business that may use Council's Transfer Station at Alvie which is located some distance from Colac.

The private transfer station has the impact of drawing material away from the Alvie Transfer Station requiring a re-assessment of the opening times and hours for public access.

2.6 Legislative Overview

2.6.1 National Competition Policy / Competitive Neutrality

The *Waste Services* under review have been assessed for NCP/CN compliance and has been deemed not to be 'Significant Business Activities' for NCP/CN purposes. Consequently NCP/CN compliance provisions do not impact on the Service under review.

2.6.2 Other Relevant Legislative implications

- Local Government Act, 1989 and Regulations
- Road Safety Act
- Environment Protection Act 1996
- Colac Otway Shire Council Waste Management Plan (or successive reviews)
- Barwon Region Waste Management Plan (or its successor Management Plan)
- Environment Protection (Resource Recovery) Act 1992
- Occupational Health and Safety Act 2004 and associated Codes of Practice
- WorkCover Victoria & NSW – "Health and Safety at Work, Waste Management and Recycling Industry"
- WorkCover Victoria – Worksafe Victoria Waste Industry Guide for Working near Overhead Electrical Cables
- Worksafe Victoria – Non Hazardous Waste and Recycling Materials 2003 - Occupational Health and Safety Guidelines for the Collection, Transport and Unloading of Non-Hazardous Waste and Recyclables Material
- Transport Act (1983) and associated Regulations
- State Governments Best Practice Guidelines
- State Government's 'Towards Zero Waste'

- Council's Local Laws, policies and procedures

2.7 SWOT Analysis

Each component of the Waste Services subject to this review were analysed separately.

The following is a summary of the key outcomes of the SWOT analysis for each component arising from input from the Councillors, Community Focus Groups, Contractors and Steering Committee. (Note that sometimes conflicting responses were provided by different groups).

2.7.1 Kerbside Collection of Recyclables and Organic/Garbage

Strengths

- Food waste included with garden organics
- Fully commingled recycling
- Presents well
- Well received and utilised by the community
- Timely and routine service
- Small (Commercial) businesses can participate
- Two Bin system is convenient (compared with three bin system)
- Affordable and provides good value for money
- Effective
- Provides good resource recovery rates
- Flexible - tailored to meet specific requirements of different sectors of the community e.g. fortnightly collection, non divided bin garbage service etc
- Compatible with State objectives to maximise resource recovery
- Allows direct recording, measuring and benchmarking of service & materials collected
- Financial control and checking
- Can track requests and responses

Weaknesses

- Divided Bin
 - Contamination of organics
 - Double lid damage
 - Material jams
 - Perceived small capacity with narrow space
 - Bin breakages due to emptying problems
- Perception collection truck not divided
- Lack of divided back up vehicles
- Non standard lid colours – causes confusion for visitors
- Long haul to Alvie to dispose of collected organics material
- Divided Bin Collection truck more sophisticated and dearer to build and more prone to downtime
- Divided truck less efficient if one chamber fills before the other – limits number of bins to be lifted before truck must empty
- Divided bin slower to collect – gives rise to higher costs
- Access to some sites is an issue (gravel roads, step roads & windy roads)
- Have to pre-sort Organics at Alvie

Opportunities/Issues

- Introduction of Three Bin Service:
 - Standardise bin lid colours
 - More capacity for Organics
 - Reduce contamination
 - Review level of service in respect to frequency of collections (Choice of weekly collection of organics or garbage - no agreement reached)
- Introduction of Modified Two Bin System
 - Standardise bin lid colours
 - Easy transition from existing service
 - Not require third bin
 - High percentage recovery rate
- Review deposit sites for collected material (organics long haul from Apollo Bay to Alvie)
- Extra Recycling collection over Christmas period
- Consider earlier start times for efficiency gains
- Allow frail residents to have smaller bins
- Allow extra bins at a reasonable additional charge that recovers cost only
- Maximise use of exiting bins if practicable or provide new bins to reduce maintenance costs
- Build in Bench Marking and Improvement Opportunities within new Contracts
- If new bins required Council provide bins & recover cost through Waste Charge
- Council maintain all bins and recover cost through Waste Charge
- Maximise use of exiting bins if practicable or provide all new bins as current bins are ageing and require higher maintenance
- When deliver new bins as replacement for old bins, if residents do not want the old bin then recover old bins and reuse or recycle

Threats

- None identified
-

2.7.2 Litter Collection

Strengths

- Provides an adequate service

Weaknesses

- Some bins are overflowing and need to be emptied more frequently
- Some bins need to be larger

Opportunities/Issues

- Standardise litter bin surrounds and bin inserts (MGB's)
- Use 240 litre MGB inserts as Pizza Boxes and similar type litter jam in 120 litre MGB's
- Litter Bin collection frequencies should be reviewed as some bins in central Colac are sometimes overflowing and have rubbish around them, especially those in the park.
- Also review collection frequencies in coastal area and when special events are held
- Make provision for Litter Bins with high usage where located near the Drop Off facilities provision is made for them to be emptied by the Drop Off Contractor should the bins be overflowing (particularly at Lavers Hill & Beech Forrest)
- Cigarette Butts are a problem where tourist buses pull up. Either Council or Bus companies should provide facilities for the butts

Threats

- None identified

2.7.3 Transfer Stations & Bulk Haul

Strengths

- Accessible – all within 20 km of each other
- Provides important service to rural community
- Provide ability to optimise resource recovery
- Affordable

Weaknesses

- Alvie is underutilised and adds to cost of service
- Poor separation of waste
- Too many Transfer stations- is Birregurra required?
- Lack of promotion of service
- Perhaps could use Birregurra for disposal of Kerbside collected material

Opportunity/Issues

- Review Alvie opening hours to best suit community
- Separation of waste at Transfer Stations
- Utilisation of new Regional Waste Tenders
- Weight measurement for payment of Bulk haulage of materials
- Review where garbage is bulk hauled for disposal – consider Anglesea

Threats

- Private Transfer Station in Colac

2.7.4 Drop Off Facilities

Strengths

- Accessible
- Provides equitable service for local communities
- Accepted by the community
- Optimises resource recovery
- Current four locations are adequate

Weaknesses

- Cost may be too high compared with providing a rural kerbside collection
- May be too many

Opportunity/Issues

- Review methodology and infrastructure for provision of drop off facilities
- Could extend service to other areas such as Eurac and Swan Marsh if required

Threats

- None identified

The detailed responses provided by each group are recorded in the notes from each meeting attached to this report. **(Attachment 4)**

The key issues raised are addressed in Section 4 – Service Review Analysis.

3. Best Value Principles

3.1. Benchmarking

Due to the vagaries of differing structures at other municipalities and different systems, electronic capacity, levels and extent of service and resourcing, benchmarking is somewhat subjective.

It was agreed by the Best Value Review Team to not carry out extensive benchmarking comparisons with other neighbouring municipalities on Waste Services.

Unit cost benchmarking against other municipalities does not necessarily reflect the performance of the service due to the number of variables between the services.

Take Colac Otway which uses a divided bin for the collection of garbage (one side of the bin) and Organics (other side of the bin). To collect the material from the divided bin and keep the material separated in the truck requires a specialised vehicle with twin storage chambers and modified lifting equipment. The specialised trucks are dearer than conventional trucks to build and maintain and have slower lifting rate which adds to the cost of the per bin lift. The upside of this is that the organics and garbage are collected weekly and with one pass of the collection vehicle.

A further examples is that Surf Coast the collection contractor include the disposal costs within the bin lift (collection) rate and Corangamite include the write down of the capital cost of new bins supplied and delivered by the collection contractor.

As provision of all the waste services for the Colac Otway Shire are provided under contract and are subject to an open tendering process, the price paid for the particular service is tested on the open market, is extremely competitive and assures the community that it is obtaining the best price for the services as specified.

In addition, Colac Otway Shire as a member of the Barwon Region Waste Management Group (BRWVG) also takes advantage of Regional contracts where the advantages of partnering with the larger municipality of the City of Greater Geelong, who is also a member of the BRWVG, provides highly competitive pricing. Currently Colac Otway Shire utilise a Regional contract for the receipt and processing of Recyclables and is looking to take up a new offer for the receipt of Recyclables, Garbage and Organics.

A further benchmark is the progress being made towards the State's 'Towards Zero Waste' municipal targets of 65% of all kerbside collected material diverted from landfill by 2014. The 2005-2006 Sustainability Victoria survey results showed the following comparative diversion rates:

- Golden Plains Shire 18%
- Corangamite Shire 32%
- Colac Otway Shire 37%
- Surf Coast Shire 43%

From this benchmarking exercise Colac Otway Shire is above the average of 32.5% for the four adjoining Councils. For the same period the State average was 40% and Colac Otway Shire ranked 28 out of 79 Councils

Colac Otway is now considering new waste collection and processing system that will lift the diversion rate to %80+, in the 2010/2011 year.

There is less opportunity to benchmark transfer stations and drop off facilities and reliance on the tender process to provide best value.

3.2. Continuous Improvement

Continuous improvement is the practice of constantly seeking to improve the quality and productivity of our processes, products and services while maximising the opportunities for the involvement of staff in improving the workplace. It is about developing a culture in which everybody is encouraged to make ongoing improvements to the way the work is done.

The Continuous Improvement Plan (Appendix 1) referenced in the following sections of the report contains a list of initiatives identified during the progress of the review.

For Waste Services the opportunity for implementing improvements occurs at two main stages:

- At commencement of a new contract where improvements can be incorporated into the specification prior to advertising for tenders; and
- The contract documentation for providing the components of the waste services has clauses incorporated within them encouraging continuous improvement and allowing for the review of the performance during the contract period.

As an example the following are eth clauses incorporated into the current waste service contracts:

“Clause 1 - INNOVATION & CONTINUOUS IMPROVEMENT

Council invites innovation in delivering improvements to service provision and expects the Contractor/s to implement ‘continuous improvement’ management techniques to ensure its service provision is maintained at ‘Best Value’ levels.

The Contractor/s will be required to establish systems and procedures cooperatively with Council. Council will encourage and facilitate regular service reviews and measurement of service outcomes for the purpose of achieving on-going improvement of the quality of service.

The Contractor/s must be prepared to review processes and where agreed to between the Contractor/s and the Council Representative make changes where improved service standards can be achieved. This may include responses to any WorkCover Authority changes.

The determination and allocation of costs or savings that may result from the application of revised work methods or new technology will be negotiated between the Council and the Contractor/s. Where cost savings are identified and the approved standards of service to the community are maintained, then Council will consider an arrangement wherein the cost savings are shared between the Contractor/s and Council. The Council will always retain the right for the final judgement on the acceptability of proposals for innovation within the performance of the service.

Clause 2. REGULAR REVIEWS OF BUSINESS REQUIREMENT

The Council acknowledges the potential for change within the contract term that may result from technological advancement, Regional commitments, Council Policy change or State Government directive on waste minimisation strategies and targets. Potential for changes also exists through negotiation with existing Contractors to better meet Council’s overall objective of an integrated and efficient service delivery. It will therefore be necessary for regular reviews of the nature and extent of the business requirement to accommodate any need for change.

The Council will be looking to refine the contract specification and monitoring of service standards, based upon the tender submitted and as the Contract proceeds, and will require the

progressive accumulation of specific data for this purpose within the Quality Plan recording and reporting requirements

The service will therefore undergo regular formal reviews at TWELVE (12) MONTHLY intervals at which times the Contractor/s and the Council Representative will consider the effectiveness and practicality of the standards specified and the methods of monitoring, and the customer satisfaction levels being achieved. Where system change may be warranted by demonstrated benefit to all parties concerned, this may be implemented within the Terms and Conditions of the Contract. Such system changes may be permanent or may take the form of a limited time trial and then assessment of results for further consideration.

Where at the time of review of contract operation, the Contractor/s is able to demonstrate to Council that developed and agreed service standards are able to be achieved without the application of and adherence to minimum frequencies, or with modification to the contract specification, and with the introduction of innovative work methods, then the Council will consider the implementation of service change.

The Contractor/s is encouraged to view the review of business requirements as an opportunity for the establishment of new standards and work methods that will maintain a quality service and enable reductions in costs of provision.”

Issue identified in the continuous improvement plan lists a number of actions that will be incorporated into the next generation of Waste Services contracts. These improvements relate to structural changes to the way the services are provided and operational improvements to provide an enhanced service to the community.

3.3. Affordability and Accessibility

Affordability and Accessibility are two of the key Best Value principles. Under the Best Value legislation all Victorian municipal services are compelled to consider affordability and accessibility factors in the provision of services to their users and broader community.

Affordability

The benchmarking matters detailed in the previous section indicate that in general terms Council's *Waste Services* are affordable on a comparative basis.

When introducing any proposed changes to the waste services a key factor in deciding if the change should be introduced is community affordability.

In this Review one of the outcomes is to change the current Two Bin kerbside collection system to Modified Two Bin Collection System or Three Bin Collection System in the next round of contracts. The proposed change delivered significant environmental gains with the Modified Two Bin Service combined with new Regional receipt and processing contracts delivering a significant increase in the percentage of material diverted from landfill.

However, before making any recommendations on a preferred new service the comparative net operating cost impacts of the different Service Options on the present Waste Charge, with the current waste system assumed to have '0' impact (the status quo), were calculated to ensure any changes were affordable.

Further details are provided in Section 4

In terms of accessibility, the following observations can be made:

Kerbside Collection

- The standard two bin kerbside collection service is available to all residential tenements and commercial properties within the 'Declared Waste Service Areas', and properties along designated routes connecting the main collection centres within the municipality of the Colac Otway Shire. A separate Waste Services Charge is levied on the property for the service.
- A modified fortnightly service at a reduced Waste Charge is provided to Gellibrand and Kawarren rural areas
- Provision is made for the extension of the service to other rural areas where a majority of residents wanting the service.
- Currently Wye River, Separation Creek and Kennett River do not have an Organics Collection at their request
- provided to
- Infrequently Occupied Houses (Holiday Houses) - a business opportunity was identified in the current Waste Services contract for the Contractor/s to provide an 'extra' service involving placing the bin back into the property after collection.
- Special provision is made for collections from inside the private property, and return of the Bin for persons that are unable to place their waste on the street for collection due to age or physical disability, both permanent and temporary.

Transfer Stations and Drop Off Facilities

- The Transfer Stations at Alvie, Birregurra and Apollo Bay are accessible for all residents and visitors to the municipality. It is a user pay service.
- Drop Off facilities at Gellibrand Beech Forest, Lavers Hill' and Carlisle River are for communities that do not have ready access to the kerbside collection or the transfer stations. The facilities area accessible to all and it is a user pays service.

3.4. Responsiveness

Responsiveness is another key principle of the Best Value legislation. Based on the results of the Best Value consultation processes, the benchmarking indicators and the introspective analysis of service delivery methods, the *Waste Services Unit* believes that they do provide responsive services.

Nevertheless, through its commitment to continuous improvement the Continuous Improvement Plan (see Appendix 1) accompanying this report highlights initiatives which will aid ongoing improvements in the level of the units' responsiveness.

Under the direction of the CEO and General Manager Infrastructure and services, Manager Major Projects and Waste Management Officer these initiatives will be implemented. Moreover, the continuous improvement plan will be reviewed on an annual basis, ensuring a process of implementation accountability and ensuring the identification of new responsiveness initiatives.

A central platform of the approach to Best Value Reviews is a commitment to inform service customers and the wider community on any changes to existing service levels.

The customer satisfaction surveys, which form an integral part of the Continuous Improvement Plan, will provide the units with regular updates on the effectiveness or otherwise of the new measures implemented, and on the current levels of responsiveness and appropriateness.

Regular feedback to service users is proposed on the performance of new service initiatives.

3.5. Community/Customer Consultation

The legislation states that Council must develop a program of regular consultation with its community in relation to the services it provides. Colac Otway Shire places a high priority on consultation, both within the organisation and with the community. As such, the review process for Waste Services has involved an active effort to consult as widely as possible.

Community Consultation and Engagement Strategy

Prior to the commencement of this review a detailed Community Consultation and Engagement Strategy was approved by Council.

The following is an extract for the Strategy

“The proposed methods of engaging the stakeholders are detailed in the table following:

Objective	Engagement Method	Stakeholder
<i>Obtain Councillor feedback from knowledge gained through representing the community</i>	<i>Strategic Direction Survey</i>	<i>Councillors</i>
<i>Obtain input from people with an interest in the delivery of the waste services.</i>	<i>Workshop 1</i>	<i>Steering Committee inclusive of Staff and BRWMG</i>
<i>Obtain input from those providing the contracted services</i>	<i>Workshop 2</i>	<i>Contractors</i>
<i>Obtain input from users of the service in the Colac area</i>	<i>Focus Group 1</i>	<i>Colac Area Residents</i>
<i>Obtain input from users of the service in the Coastal areas</i>	<i>Focus Group 2</i>	<i>Coastal Area Residents</i>
<i>Obtain specific feedback on the current level of service and service options for the next generation of contracts</i>	<i>Written Survey</i>	<i>500 residents from Colac & Coastal</i>
<i>Consideration of Options</i>	<i>Councillor Workshop/Briefing</i>	<i>Councillor s</i>
<i>Adoption of Preferred option</i>	<i>Council Meeting</i>	<i>Councillors</i>
<i>Feedback to Participants in Workshops, Focus Groups and Survey</i>	<i>Letter</i>	<i>Participants in Review</i>
<i>Feedback to the general community</i>	<i>Website</i>	<i>General Public</i>

Note 1. Focus Group participants will be selected from persons registering an interest in response to an advertisement placed in the local newspapers, and by invitation sent to persons considered as having a particular interest in the Service and/or influence in the local community.”

At the commencement of the review process, Councillors provided their input via a Strategic Direction Survey (see Appendix 2). Councillors were provided with a service profile and then, based upon their contact with the community, Councillors were requested to respond to a number of questions. Issues identified in these surveys have been considered as part of the review.

The *Waste Services Unit* has consulted with the community and internal users in accordance with the Community Consultation and Engagement Strategy as part of this review and the outcomes are:

Kerbside Collection:

1. *Not satisfied with the Divided Bin*

2. *Support a Modified Two-Bin Service or Three-Bin service as the new Waste Collection Service*
3. *If old bins replaced allow residents to either keep them or provide a method of swapping bins for reuse or recycling*
4. *Council to own new bins & all bins to be maintained by the Contractor with cost for new bins and maintenance to be covered in the annual waste charge*
5. *Weekly Recyclables collection for all Declared Waste Areas for four weeks from Christmas day in specification and recover additional cost from annual waste charge*
6. *Extra Bins to be provided for an additional charge that reflects the actual cost of servicing the extra bin*
7. *Extension of service into Rural are not supported due to distance travelled between bins will make it very costly, and lack of interest from recent surveys*
8. *Council to replace lost & stolen bins provided statutory declaration is signed and cost recovered from Waste Charge*
9. *Council to provide new bins for new residents and cost recovered from Waste Charge*
10. *Smaller bins be made available to aged & frail at the discretion of Council. No change to Waste Charge*
11. *Specification to require all vehicles to meet the stringent Worksafe requirements*
12. *Hard Waste service to continue, with properties in the townships being serviced every two years*

Litter Collections, Transfer Stations & Bulk Haul and Drop Off Facilities:

The community was primarily satisfied with the current services. A number of minor changes are recommended in the written report and include:

1. Review of Alvie public opening times
2. Review of frequency of litter collections
3. Bulk Haul to be paid by weight for Garbage & Organics and by volume for Recyclables
4. Drop Off facilities to remain with ability to look at expansion if required
5. Review Transfer Station Charges to allow payment by weight and scale the charges to encourage the pre-sorting of material

Detailed notes from the workshops and focus groups listed below are included in **Appendix 4**. Although the number of people attending the Community Focus Groups was low the overall participation and feedback from those present at the various workshops and focus groups was of a high standard and the information obtained will be used in reviewing the Waste Services.

Workshops and Focus Group meetings:

- Workshop - Steering Committee inclusive of Staff and BRWMG
- Community Focus Group – Colac
- Community Focus Group – Apollo Bay
- Interview – Ms Carolyn Tatchell - Wye River & Separation Creek Progress Association
- Workshop - Contractor – Barton Bros
- Interview - Contractor - R & J Spence

The Continuous Improvement Plan (Appendix 1) contains improvement initiatives that will address the majority of matters raised through the consultation process.

3.6. Quality and Cost Standards

Best Value is about transparency of service delivery and decision making. The setting of quality and cost standards and the annual reporting against these to the community is a key component of Best Value. Quality and cost standards are intended to reflect measures by which the community may assess the performance of a service, both in terms of quality and efficiency (cost). The following quality and cost standards have been set for Waste Services.

(Service Name)	Target 2008/2009
<p><i>Quality</i></p> <ul style="list-style-type: none"> • As all the waste services are tendered out each component has quality standards built into the specification which vary for each component of the service, and have penalties built in if some of the standards are not met. • Each contractor's performance is audited monthly and scored against the specification requirements and given a % rating. A report is then provided to councils Audit Committee • Contractors are expected to aim for at least a 95% rating 	95%
<p><i>Cost</i></p> <ul style="list-style-type: none"> • Variation of Actual to Budget costs. 	Within +/-5%

4. Service Review Analysis

KERBSIDE COLLECTION SERVICE

The two kerbside collection models examined in some detail during the Waste Services review were:

- Current Two-Bin System – Recyclables Bin collected fortnightly and Garbage/ Organics Divided Bin collected weekly
- Three-Bin System – Recyclables Bin, Organics (with food scraps) Bin & Garbage Bin. This system will require one additional fortnightly collection

However during the review period the BRWMG was also tendering for the acceptance and processing of Recyclables, Organics and Garbage. As a result the preferred processing system evaluated as offering the best value opened a further option that could be considered:

- Modified Two-Bin System – Recyclables Bin collected fortnightly and Garbage/Organics Bin (not divided) collected weekly. In simplistic terms the same service currently offered with the divider removed from the Garbage/Organics Bin.

Community Feedback

Fortunately some knowledge of the potential for this option was known before the Community Focus Group meetings were held even though no decisions had been made on the tenders at that stage. In addition to examining the current collection service and the three bin service, the Focus Groups were also asked for their opinion on the concept of a Modified Two Bin service.

The Focus Groups did not support the continued use of the ‘Divide’ bin due to the many problems as detailed in this report and agreed that either the Modified Two Bins Service or Three Bin Service would be more appropriate.

Overall the Focus Groups preferred the concept of the Modified Two Bin Service as it involved little change to the current system, no extra bins or collections required compared with a three bin system and it had the potential to recover a greater percentage of material than the 2014 State ‘Towards Zero Waste’ target of 65%.

The advantages of the Modified Two-Bin Service compared with a Three Bin Service are:

- Slightly less annual operating costs
- Third bin not required
- Residents not required to house third bin
- Less capital required for bin purchases
- Extra collection not required
- No need to re-educate residents on which bin to use
- No need to re-educate residents which bins to place out each week
- Residents will see this as seamless – the only difference is that the divider will be gone
- Contamination of the Organics is no longer an issue
- Much higher percentage of kerbside material diverted from landfill (81%) – in fact exceeds 2014 State target of 65%
- Council can claim all its kerbside is processed with none taken directly to landfill
- Council will be one of the first Councils to utilise leading edge technology to treat its kerbside waste, particularly MSW

A key consideration of the Modified Two Bin Option is community affordability. That is, what impact this option has on the current Waste Charge compared with the other kerbside collection options of a Three Bin Service or retaining the current Two Bin service.

A detailed analysis was undertaken with the following assumptions:

Current Two -Bin System

- Keep existing bins with expected higher maintenance costs
- Organics pre-sorted at Alvie and processed by BioGro
- Recyclables to Visy under new Regional Contract
- Garbage to Corio landfill
- Collection costs kept at current rate

Three- Bin System

- Maximise use of existing bins with at least one new extra bin required - expected higher maintenance costs of existing bins. (Note: As the method of financing bins has not been resolved, the capital cost of bin purchases or modifications to bins has been treated separately as a capital cost and has not been included in the Annual Waste Charge)
- Organics pre-sorted at Alvie and processed by BioGro
- Pre-sort cost reduction due to expected less contamination
- Organics bin inspections reduction due to expected less contamination
- Recyclables to Visy under new Regional Contract
- Garbage to Corio landfill
- Extra fortnightly collection required
- Collection costs kept at current rate

Modified Two-Bin System

- Maximise use of existing bins with at least change of lid colour to Recycling Bin - expected higher maintenance costs of existing bins. (Note: As the method of financing bins has not been resolved, the capital cost of bin purchases or modifications to bins has been treated separately as a capital cost and has not been included in the Annual Waste Charge)
- Organics & Garbage to new DiCom Facility in Geelong
- Higher gate fee for Organics and Garbage
- Extra Bulk Haul of Organics to Geelong
- No pre-sort of Organics required at Alvie
- No Organics Bin Inspections required
- Recyclables to Visy under new Regional Contract
- Collection costs kept at current rate

Note 1: Collection rates may change in the next round of contracts but this will be common to all options.

Note 2. With Corio landfill closing at the end of December 2009 the current very competitive gate fee may not be available and Council may have to pay a much higher gate fee to dispose of the garbage at an alternative landfill

Note 3: Garbage deposited at Transfer Stations (other than from kerbside collection) will initially still be disposed to landfill.

Impact on Waste Charge

The comparative net operating cost impacts of the two options on the present Waste Charge, with the current waste system assumed to have '0' impact (the status quo) clearly demonstrated that based on operating costs both options are affordable with the Modified Two- Bin Service having the smaller increase to the annual Waste Charge.

A similar comparison of Capital Costs of purchasing bins (in addition to the above operating costs) demonstrated that both were both affordable with Modified Two Bin Option being considerably less cost.

Consequence

As a consequence, combining the outcomes of the community consultation of desiring to change the current waste collection system with the more detailed financial analysis demonstrating affordability, it is clear the most impacting outcome of this review is that the Modified Two-Bin Service would be the first choice for changing the current service, with the Three-Bin Service as a backup should the regional facility not meet the performances required for processing the combined organics/garbage.

The major issue of this review was the kerbside collection service from which many of the other issues raised about the kerbside collection service can now be addressed in the context of the Modified Two Bin Service.

TRANSFER STATIONS, BULK HAUL AND DROP OFF FACILITIES

The review did not reveal any major changes to the current service. Some operational issues were identified but do not change the fundamentals of the services currently in place.

5. Recommendations

That

1. Council note and endorse the findings of the attached report titled 'Best Value Service Review Report - Infrastructure and services Department / Waste Service
2. Council approves the implementation of the Continuous Improvement Plan (Summary of Issues Raised and Outcomes from Community Engagement & Consultation Process) annexed to the report.
3. Council endorses the ongoing provision Infrastructure and services Department / Waste Service by Contract, managed and administered by Council staff

Appendix 1: Continuous Improvement Initiatives - Summary of Issues Raised and Outcomes from Community Engagement & Consultation Process

Infrastructure and Services Department – Waste Services

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
A	Collection Service – Current Two Bin System – Recycling Bin and Divided Bin for Garbage & Organics (including food scraps)						
A1	Recycling Service	Support Bin Size and Collection frequency OK	Support Bin Size and Collection frequency OK	Support Bin Size and Collection frequency OK	Support Bin Size and Collection frequency OK	Action: No service change required	Retain current service in new specification
A2	Recycling Bin Lid	Should be yellow lid to conform to standard	Should be yellow lid	Should be yellow lid	Should be yellow	Action: Change lid to yellow	Include in new waste specification
A3	Divided Bin	Not Supported Material jams Perceived small capacity with narrow space Contamination Bin breakages due to emptying problems Perception collection truck not divided Lack of divided back up vehicles Non standard bin lid	Not Supported	Only need to change if long term benefit & community not buy new bin upfront	Not supported	Alternative Bin systems raised later in this review as replacement for Divided bin Action: Select a preferred new Bin system	Include any alternative Bin system into new waste specifications

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
		colours					
A4	Non Divided Bin used for garbage only in Wye River, Kennett River and Separation Creek	Support current non divided bin Not need organics collection Could undertake survey of area to determine if want change	Supported	Supported provided residents still want same service	Supported and demonstrates flexibility of current system	Action: No Service change required under this current two bin system	Retain option in new Specification if current two bin system retained
B	Three Bin System – Recycling Bin, Organics (including food scraps) Bin and Garbage Bin						
B1	Change to Three Bin system	Supported by Colac & Apollo Bay - exception for Wye River, Kennett River, Separation Creek who only want two bins	Supported One Contractor suggested only suitable for major towns. Others should have two bins Recyclables and Garbage (120 litre Bin).	Introduce only if long term benefit & community not buy new bin upfront	Supported	This option is preferred to the current system as overcomes the many disadvantages of the divided bin Action: Consider three bin system as a viable option in preference to current system	Include Three Bin system in new Specification if it is selected as preferred service option
B2	Supply of Three Bins	Maximise use of current bins	Should supply all new bins to reduce maintenance as current bins at end of life	Maximise use of current bins where economically favourable	If introduce new bins then should recycle old bins	Maximise use of old Bins where practical and economically viable Action: Reuse current Recycling Bin and obtain prices of conversion of divided bin to compare with price of new bin, third bin new.	Include in new specification if three bin system selected as preferred option
B3	Payment for New Bins & Conversion of Bins	No up-front payment.	Bins could be supplied & financed	No up-front payment	No up-front payment	Action: No up-front payment.	Build into specification price schedules option

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
		Cost recovery should be included in annual waste charge.	by Collection contractor. Cost recovery through tendered collection rate	Cost recovered through Annual Waste Charge Bins financed through loan and/or reserve funds	Cost recovery should be included in annual waste charge.	Bin conversions and new bins to be financed through either: 1. Waste Reserve funds; or 2. Collection Contractor	for collection with and without supply/conversion of bins and compare costs to Council funding purchase and conversion financed through Waste Reserve funds
B4	If Old Bins replaced should recover old bins if residents don't want them	Supported	Supported May be able to on sell to other contracts or recycle	supported	Not considered	Action: If old bins replaced allow residents to either keep them or provide a method of swapping bins for reuse or recycling	To be included in new specification
B5	Bin ownership & maintenance	Council should own new bins and maintain <u>all</u> bins Cost to be included in waste charge	Council should own new bin and maintain <u>all</u> bins through the contract	Ratepayers should pay for the purchase and maintenance of bins through the waste charge	Not discussed	Properties should ultimately pay for new bins through the annual waste charge with Council owning bins Action: All bins to be maintained by the Contractor with cost covered in the annual waste charge	Include in new Specification
B6	Change Bin Lid colours to meet State standards	Supported	Supported	Supported	Supported	Bin lid colours to meet State standard	Include in new Specification
B7	Collection Frequencies	Colac understood Organics (with food scraps) should be collected weekly with others fortnightly on alternate weeks, but felt may be too radical for community acceptance.	Collect Garbage weekly and others fortnightly as people will continue to place putrescible material in the garbage bin instead of the organics bin –	Need to keep simple. Community may find it difficult to change to full Garbage separation with all organics &	Support weekly collection of Organics (& food scraps)	Action: Collection frequency to be reviewed and Council to decide frequencies if three bin system introduced	Any changes to frequencies to be included in new Specification.

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
		<p>Maybe should continue to collect garbage weekly (but smaller 120 Litre bin and others fortnightly or organics monthly)</p> <p>Apollo Bay supported Organics weekly.</p> <p>No decision made.</p>	we do not live in ideal world	food scraps into the Organics Bin collected weekly			
B8	Bin Sizes	<p>If Garbage collected weekly could be 120 litre bin with other two bins 240 litre</p> <p>If Garbage collected fortnightly all bins to be 240 litre (Colac suggested consideration also be given for garbage to be 120 to encourage use of other bins)</p>	With weekly collection of Garbage could be 120 litre capacity, other bins 240 litre	If use a 120 litre bin for Garbage collected weekly must be sure bin is stable and not prone to blowing over	If Garbage collected weekly could be 120 litre bin with other two bins 240 litre. If Garbage collected fortnightly all bins to be 240 litre	<p>Bin sizes will be determined by collection frequencies chosen by Council.</p> <p>Action: Council to select bin sizes for a three bin system if introduced</p>	If three bin system introduced include bin sizes in new Specification
B9	If Replacing bins need to offer "swap" of new for old and/or property owners keep old bin	Supported	Supported	Supported	Supported but should recycle old bins	Action: Residents be permitted to keep old bins if choose, otherwise promoted as new for old	Include in new specification
B10	Share a Third Bin	Apollo Bay – people in Wye River, Separation Creek and Kennett River may not want third bin but may want option to share a third bin	Not considered	Not considered	Not considered	<p>Three bin service if introduced should be offered to this area, but it will be the owners choice to use it or not, or share a bin.</p> <p>The same standard charge for a three bin service should also apply</p>	When establishing new Waste Charge the full service charge is to Wye River, Separation Creek and Kennett River

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
						<p>Action: If three bin system introduced the full service apply to Wye River, Separation Creek and Kennett River and the appropriate full Waste Charge apply</p>	
C	Modified Two Bin System – Recycling Bin and Garbage & Organics(including food scraps) Bin (not divided)						
C1	<p>Modified Two Bin system with Recyclables Bin and the Garbage & Organics into a single undivided bin with this material processed (under Regional Contract) to recover a minimum of 75% of the material</p>	<p>Colac- Supported option but felt technology to process material a way off.</p> <p>May be credibility problem convincing community material is properly processed with all material going into undivided garbage bin – need to educate.</p> <p>Bin and collection cost savings compared with three bin system</p> <p>Apollo Bay – supported option. Easy transition High materials recovery rate</p>	<p>Not considered at time of Workshop</p>	<p>Not considered at time of Questionnaire</p>	<p>Not an option at the time of the workshop</p>	<p>Modified system easy transition.</p> <p>Requires only modification or replacement of divided bin and yellow lid on existing recycling bin.</p> <p>Not require extra bin and collection when compared with three bin system.</p> <p>Not require organics sorting facility at Alvie. Processing gate fee higher than current processing</p> <p>Action: This is the preferred option for the new</p>	<p>Should the Regional processing contract proceed and costs are affordable then proceed with this option.</p> <p>Council currently considering this option in a separate report</p>

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
						service if affordable and process system works	
D	Other Collection Issue						
D1	Weekly Recyclables collection for four week period from Christmas Day	<p>Identified & supported for coastal area but recognised it may be just as applicable to whole Shire as people have much packaging during this period</p> <p>Council should recover cost by 'user pays' system</p> <p>Colac – Concern about identifying beneficiaries if provided on an as needs basis</p>	Supported but felt it could be undertaken on a private commercial basis rather than through council contract as not everyone will need extra service	Mixed opinion on extra collections from support to current arrangements adequate to no.	Supported extra collections in coastal area	<p>There is demand for extra collections and by focussing on Recyclables will lead to greater materials recovery.</p> <p>Involves an extra two collections per year.</p> <p>To apply to all declared waste areas</p> <p>Action: A weekly collection of Recyclables be provided for all Declared Waste Areas for four weeks from Christmas day in specification.</p> <p>The cost to be recovered from annual Waste Charge.</p> <p>Properly advertise the extended service</p>	<p>Include weekly collection Recyclables for all Declared waste Areas for four weeks from Christmas day in the new specification.</p> <p>Recover additional cost from annual waste charge.</p> <p>Properly advertise the extended service</p>
D3	Extra Bins available for an additional charge. Charge to be reasonable to recover costs only	Colac – supported Apollo Bay – not considered	Not considered	Not considered	Supported	<p>Currently an additional full waste charge applies to any extra bin.</p> <p>Industry practice is to</p>	Council to determine a reasonable extra charge for different types of extra bins for next budget

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
						<p>charge a 'cost recovery' extra charge for an extra bin</p> <p>Action: Charge for extra bins to be reviewed and reflect the actual cost of providing the extra service.</p>	New rates o be included in future advertising
D4	One standard charge for all users except fortnightly collection at Gellibrand and Kawarren	<p>Apollo Bay – support.</p> <p>If go to three bin system may also want to review charge for two bins at Wye River, Kennett River and Separation Creek Colac – Support but concern at cost for pensioners</p>	Not considered as an issue	Not considered at time of Questionnaire	Not raised as an issue	<p>Action: Maintain status quo.</p> <p>One standard charge for all users except fortnightly collection at Gellibrand and Kawarren, even if three bin system introduced</p>	No action required as retain current practice
D5	Discount for age pensioners	<p>Colac – considerable discussion took place and no consensus reached.</p> <p>Concern at where does discounting stop, why not include single parent support pension, disabled pension. Add these in generates higher cost for the rest of the community – who are then also disadvantaged.</p>	Not identified as an issue	Not identified as an issue	Not identified as an issue	<p>Pensioners do not currently receive a discount on the waste Charge.</p> <p>Pensioners can receive a discount on the general rate.</p> <p>That the Colac Focus Group could not come to a conclusion indicates the difficulty of establishing a policy on this matter.</p> <p>There are other provisions for hardship</p>	No action required as retain current practice

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
						<p>Action: That no change be made to the current arrangement and no discount be offered on the Waste Charge for age pensioners.</p>	
D6	Vehicles parking in front of Bins after being placed out	Problem in coastal area- requires education and enforcement	Not identified as an issue	Not identified as an issue	Not identified as an issue	<p>This matter is very hard to control</p> <p>Service specification has built into requirement to still collect bins if behind cars</p> <p>Action: Problem to be highlighted in future advertising material</p>	That information on the problem of cars parking in front of bins once placed out for collection be included in future education material
D7	Improved and clearer collection calendars	Apollo Bay - identified as an issue	Not identified as an issue	Not identified as an issue	Not identified as an issue	<p>The calendar is similar to that used by many other councils</p> <p>Action: Calendar format to be reviewed before next calendar issue</p>	Waste Management Officer to review calendar format before next calendar is issued
D8	Extend Service into Rural areas	Colac – not generally support – long distances too costly	Not supported due to distance travelled between bins will make it very costly	Not generally supported unless affordable and practicable	If considered then need to undertake a comparison of cost of providing a drop off facility against extending the collection service	<p>Recent surveys of areas where some interest has been shown have not been able to obtain enough support to extend the collection service.</p> <p>Current contract has provision for extending the service during the contract</p>	Retain the same provisions in the new contract for consideration of extensions should the need arise

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
						period Action: No further action at this stage due to lack of support from the rural community.	
D9	Replacement of lost and stolen Bins	Colac – Council should replace provided owner signs a Statutory Declaration.	Not raised as an issue	Not included on questionnaire	Not raised as an issue	Action: Council form the view that it will replace bins at Council cost provided a statutory declaration is signed. Actual Bin supply can be part of collection contractor tasks with reimbursement for cost	An appropriate amount be set aside in the budget for bin replacement Cost be covered in the Waste Charge Include Contractor requirements into specification
D10	Council to provide new bins to new properties at Council cost (recovered from waste charge)	Colac – supported	No considered	Not considered in questionnaire	Not considered	New Bins could be provided by Council with cost recovered through the waste charge Action: Council form the view that it will provide new bins for new residents In the next round of service contracts Actual Bin supply can be part of collection contractor tasks with reimbursement for cost	Supply of bins to new residents apply to the next round of contracts. An appropriate amount is set aside in the budget for bin supply. Cost be covered in the Waste Charge

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
D11	Smaller Bins for disadvantaged people (frail and aged)	Colac supported smaller bins being provided at the discretion of Council	Not considered	Not considered in questionnaire	Not considered	<p>This is normal practice in a number of municipalities.</p> <p>The change of bin size is a for the convenience of the person and no change is usually made to the waste charge</p> <p>Action: Provision be made for smaller bins being provided at the discretion of Council at the same standard Waste Charge</p>	Provision be included in new specification.
D12	Collection times to be consistent on each collection day	Apollo Bay - Supported. Problem identified at Kennett river	Not considered	Not considered in questionnaire	Not considered	<p>Already included in current tender specification</p> <p>Action: Collection times should be consistent each collection day</p>	Provision to be reinforced in new specification
D13	Small vehicle to be used for Collection from narrow roads – particularly in Wye River, Kennett River and Separation Creek	Apollo Bay – Supported	Supported	Not considered in questionnaire	Not considered	<p>Use of smaller vehicles is included in current Contract</p> <p>This arrangement should be retained for any new service</p> <p>Action: Maintain current requirement for use of small vehicle in Wye River, Kennett River</p>	Retain use of smaller vehicle in the new specification

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
						and Separation Creek	
D14	Bin return service in Wye River, Separation Creek and Kennett River areas	Suggested by Wye River progress association An option is for Council to provide a runner Could encourage holiday users to contact permanent residents to place bins back	Not considered	Not raised as an issue	Not considered	This is an issue for residents to address. Local law restricts limit of time bins can be left out Current contract has a price for Contractor to provide this service at a cost if required. Bin owners could also arrange to pay someone to place their bins back Action: Retain current option for provision of user pays service by Contractor	Retain current arrangement in new specification
D15	Improved Education on how to use system required and to encourage composting	Relates to Wye River, Kennett River and Separation Creek Area	Education seen as a Council responsibility	Not considered in questionnaire	Education is an important issue	Council sets aside an allowance for education in the waste budget. The education is delivered in accordance with a Waste Education Plan.	To be considered when preparing next Waste Education Plan
D16	Undivided Garbage Bin to be made available to Units	Supported – Apollo Bay	No considered	Not raised as an issue	Not considered	Allowed under current contract Action: If Divided bin system retained then	Retain in new contract if Divided bin system retained

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
						undivided bin to be available to Units	
D17	Mandatory Recycling Collection for all commercial properties	Not considered	Not supported – would lead to high contamination levels due to careless use of bins	Not raised as an issue	Supported	<p>Current arrangement makes provision for commercial properties within the declared area to have a domestic recycling bin</p> <p>Difficulty in policing if make mandatory</p> <p>Action: Current arrangement to be retained in nay new contract</p>	Retain in new contract
D18	Collection not start before 6.00 am in residential areas	Supported – Apollo Bay	Collection contractor requested consideration be given to allowing earlier starts and even a night time collection as in Warrnambool	Not raised as an issue	Not considered	<p>EPA Guidelines establish the rules.</p> <p>The current contract follows EPA</p> <p>Guidelines and prohibits commencing earlier than 6.00 am in residential areas unless otherwise agreed to.</p> <p>Warrnambool has always had a night collection. The Colac Otway community would not accept a night collection.</p> <p>Some early starts are permitted on main roads</p>	Retain current arrangement in new specification

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
						<p>Action: No change to current arrangement supported.</p> <p>Maintain the current specified condition</p>	
D19	More care with replacing bins so they do not fall over	<p>Supported especially in Kennett River and Wye River</p> <p>Maybe 'Bin Platforms' could be constructed on the roadside</p>	Not considered	No raised as an issue	Not considered	<p>Proper replacement of bins is covered in the current specification and is a contract administration matter</p> <p>The provision of 'Bin platforms' should be investigated and where it is feasible to locate a platform close enough to the road for the truck to reach to collect the bin without compromising safety and road drainage,. the owner should be permitted to construct the platform</p> <p>Action: Support be given for the owner to construct a bin platform where practicable and safe.</p> <p>No change to current specification for bin replacement requirements</p>	<p>Retain current bin replacement requirements in new specification</p> <p>Owners be permitted to construct bin platforms subject to approval of the Infrastructure and Services Department.</p>

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
D20	Provide drop of facility for holiday makers	Suggested by C Tatchell	Not considered	Not raised as an issue	Not considered	<p>The only successful drop-off facilities have been located where they can be supervised 24 hours a day.</p> <p>If not supervised then they are abused.</p> <p>This matter was investigated in 2004 and no suitable site could be located</p> <p>Action: No further action at this stage</p>	<p>No immediate action required.</p> <p>However if a suitable site is identified a trial could be implemented</p>
D21	New Collection Vehicles should be Specified	Not considered	Divided opinion between contractors	Not considered	Not considered	<p>New vehicles are more reliable, usually quieter and meet stringent Worksafe requirements</p> <p>Action: Preference is for new vehicles. However if they meet current standards and have adequate backup vehicles available, older vehicles could be considered</p>	New specification will require all vehicles to meet the stringent Worksafe requirements
D22	Customer Service – first point of call	Not considered	Satisfied with current arrangement of Council taking calls	Current service responses are satisfactory	Not considered	Current arrangement with Council being first point of call provide ability to	Retain current system in new specification

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
						<p>monitor contract performance in relation to service requests</p> <p>The alternative is for the Contractor to take all service calls.</p> <p>Action: Retain current arrangement of Council being first point of call</p>	
D23	Hard Waste Collection	Apollo Bay – supported – annual or every two years	Not part of the review and not raised by Collection Contractor	Not part of the review and not raised	Not part of the review and not raised	<p>There is strong support for the service to continue.</p> <p>Council could tender separately (current case) or add to the Waste Services</p> <p>As the waste services are long term an individual contract is preferred to allow changes to the service to be made or even withdrawal of the service</p> <p>Action: Hard waste service to continue with properties in the townships being serviced every two years</p>	Hard Waste service be tendered separately to the other Waste Services

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
						Hard Waste service be tendered separately to the other Waste Services	
E	Litter Collection						
E1	Litter Bin Surrounds and Inserts	Not raised as an issue	Should standardise litter bin surrounds. Should have 240 litre bin inserts in areas where pizza boxes are likely to be placed in the bins	Not raised as an issue	Not raised as an issue	New larger litter bins are being installed in key areas. Action: Matter will be reviewed with current contractor before preparing the next specification	Waste Management Officer to review with current contractor before preparing the next specification
E2	Higher Frequency of Collection	Colac – review litter bin collection frequencies in central Colac, especially near the park, as some overflow	Not raised as an issue	May be required in coastal area and when special events are held. Bins often overflow in Forrest with campers dumping rubbish. Also at overflow at Beeac main street and reserve	May be required in coastal area and when special events are held	Current specification requires Collection Contractor to report on overflowing bins to enable review of collection frequencies Action: This matter will be raised with the current Contractor and resolved before next specification is written. Frequencies will be changed if warranted	Waste Management Officer to follow up with the current Contractor and resolved the matter before next specification is written.
E3	Cigarette Butts	Apollo Bay - Are a problem where tourist buses pull up. Either Council or Bus	Not raised as an issue	Not raised as an issue	Not raised as an issue	Once Cigarette Butt facilities are provided then need someone to empty them.	This matter be referred to the Litter Strategy for consideration

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
		companies should provide facilities for the butts				Usually funds are sought for the bins and arrangements made for adjoining shop owners to empty Action: This matter should be pursued as part of a Litter Strategy in tourist area.	
F	Transfer Stations & Bulk Haul						
F1	Retain Current Facilities	Supported. Apollo Bay looking forward to new facility	Supported	Must be cost effective Could consider downgrading Birregurra to a drop off facility Alvie less use due to competition from private TS in Colac	Look at impact of Private Transfer station in Colac and whether could be used for disposal of kerbside collected material and the impact this would have on Alvie Questioned need for Birregurra Alvie currently underutilised adding to cost	Action: Specification to allow for kerbside collected materials to be transferred through alternative facilities other than Alvie. The impact of any alternative arrangement on Alvie will be assessed and operating hours adjusted accordingly before a new contract is awarded.	Specification will allow for kerbside collected materials to be transferred through an alternative facility. If such a proposal is successful then Alvie's role will be re-assessed before accepting any new tender. Specification will also allow for such a scenario and request different operating costs for Alvie with different opening hours
F2	Change operating Times	Could be open longer during school holiday periods Private facility in Colac taking business away from Alvie – may be able to reduce opening times	Alvie could be opened for less hours	Not raised as an issue	Not raised as an issue	Action: Hours will be reviewed before going to tender (see comments above)	Optional operating times will be included in specification

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
		to best suit general public i.e. Sunday and Public Holidays					
F3	Encourage pre -sorting of material	Not mentioned	Encourage pre-sort by charging highest fee if not sorted. Not turn people away because not sorted	Not raised as an issue	Pre-sorting should be encouraged	Action: Pre-sorting of material to be promoted with penalty payment for unsorted material by charging a premium rate for unsorted material.	Council to review gate charges to encourage the pre-sorting of material at the next budget.
F4	Bulk Haul Payment by weight	Support bulk haul payment by weight or container	Support bulk haul payment by weight or volume. Suggest garbage and organics by weight and containers volume recyclables to protect integrity of product and reduce contamination from over compaction	Not raised as an issue	Not raised as an issue	Action: Bulk haul payment to be by weight for garbage and organics and by container for recyclables	New specification will include bulk haul payment by weight for garbage and organics and by container for recyclables
F5	Council to manage Transfer Stations with employees	Satisfied with current contract arrangement	Supports contractor management	Not seen as any advantage for council to manage directly	Not considered	Action: No change to current arrangement proposed	No action required
F6	Add the responsibility for disposal of materials bulk hauled from the Transfer Station to the Transfer Station management contract	Not raised as an issue	Proposed by the current contractor to take responsibility for the disposal of material bulk hauled from the Transfer Stations	Not raised as an issue	Not raised as an issue	Council successfully utilises Regional contracts or individual contracts for the disposal or processing of the material. Action: No change to current	No action required

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
						arrangement proposed	
F7	Operational Issues with Marengo Transfer Station	Current facility well utilised Looking forward to new facility	Litter problems Poor conditions	Not raised as an issue	Not raised as an issue	Marengo is a temporary facility to be replaced with a new facility at Apollo Bay Action: The site to be improved to allow more effective operation. Works to include improvements to drainage and working surface.	Works to be undertaken if need to extend the time for use of the temporary facility
G	Drop Off Facilities						
G1	Retain Current Facilities	Supports Well received and no need to change Letter of support from Lavers hill & District Progress Association	Supported	Supported provided cost effective and meets resident needs	Cost may be too high compared with providing a rural kerbside collection May be too many	The current facilities are appreciated by the users and are cost effective Action: No Change proposed	Retain current facilities
G2	Expand Facility	Could extend into Eurac and Swan Marsh if demand requires	Could extend into Eurac and Swan Marsh (one Sunday per month)	Could consider downgrading Birregurra to a drop off facility		Any expansion of the service will be demand driven and allowance must be made in the specification Action: Allow provision for expansion during contract term in the new specification	Provision for expansion during contract term to be in the new specification
G3	Change opening times of Facilities	Could be open longer during school holiday	Change Gellibrand – close Friday and	No comment	No comment	The opening hours of the current facilities	He Waste Management Officer to undertake a

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
		periods	open 6 hours on Sunday			have been changed during the term of the current contract. Action: A review of the opening times will be undertaken with the current contractor before preparing the new specification	review of the opening times will with the current contractor and include any changes in the new specification
G4	Collection Infrastructure	No comment	Not considered	Not considered	Review and updated infrastructure used for Drop Off Facility – such as use of storage bags with pay as you drop off scanner system	The specification details the material to be collected but it is left up to the contractor to tender how the service is to be provided. The current specification allows for innovative infrastructure to be put forward at the time of tender. Action: It is proposed tender specification not be changed	No action required
H	Contract Issues						
H1	Contract better awarded to one Contractor	Not raised as an issue	One Contractor supported awarding all services to one contractor for synergy reasons. Other Contractor stated that	Not raised as an issue	Not raised as an issue	The current contract allowed the service to be let in part or in combination or as a whole. The specification was structured this way to encourage	The new specification to be structured similarly to the current contract

No	Issue	Workshop & Focus Group Position on Issue				Outcomes/Improvements	
		Community Focus Groups	Contractors	Councillors	Steering Committee	Discussion & Proposed Action	How Action to be Undertaken
			specification should be structured to provide opportunity to let contract in parts			competition Action: It is proposed that the new specification be established similar to the current contracts to allow contracts to be let separately or in combinations or for all services	
H2	Contractor Reporting should be reviewed as duplication occurs	Not raised as an issue	Frequency of reports should be reviewed – Current weekly and monthly reporting causes duplication and some information required is not relevant	Not raised as an issue	Not raised as an issue	Reporting requirements are reviewed each time a new specification is prepared. Some reporting standards are set by the State Government Action: Reporting requirements to reflect needs at time of preparing new specification:	New specification to include reporting requirements

OM092204-10 SPECIAL CHARGE SCHEME – MORRISON STREET, COLAC

AUTHOR:	Paula Gardiner	ENDORSED:	Neil Allen
DEPARTMENT:	Infrastructure	FILE REF:	Morrison St, Roads

Purpose

The purpose of this report is to recommend the abandonment of the investigation for a possible Special Charge Scheme for the construction of the unsealed shoulders of Morrison Street, Colac.

Background

An initial meeting was held with residents of Morrison Street on the 23 April 2008. Various options were discussed in general terms, including the sealing of the unsealed shoulders in a similar manner that the works completed in Wynne Street and Marks Street, Colac.

A survey was sent to all properties abutting Morrison Street seeking their comments on the proposed construction and sealing of the shoulder via a Special Charge Scheme. Surveys were sent early May 2008, with the majority of property owners who responded in favour of Council further investigating the construction of the unsealed shoulders of Morrison Street by way of a Special Charge Scheme. Property owners were also invited to nominate their interest in being involved in a Resident Representative Committee, who were to meet with Council Officers as required to discuss key issues associated with the project proposal, including items such as apportionment options, and to discuss these issues with the residents involved in the scheme. The first meeting of the Resident Representative Committee (RRC) which had 5 members, met on 25 September 2008. Issues discussed at the meeting included apportionment methods, costing of the project and whether driveway improvements were required as part of the project scope. A further meeting was held on 10 December 2008, at which the members of the RRC indicated the level of support for the continuation of the project had decreased. The members requested a further survey be sent to all property owners to determine if the majority still wanted Council to further investigate the construction of Morrison Street by way of a Special Charge Scheme.

Further surveys were sent to all property owners on 27 February 2009, and at the close of the survey period, the majority indicated they did not want Council to further investigate the construction of Morrison Street by way of a Special Charge Scheme. Generally it was felt the project estimates were too expensive. The estimated cost per property calculated using a benefit unit apportionment method was approximately \$5,860.

Corporate Plan/Other Strategies/Policy

The proposed Special Charge Scheme would be undertaken in accordance with Council's Special Charge Scheme Policy and the relevant requirements of the Local Government Act 1989.

Issues/Options

The three options available are;

Option One – Abandon the proposed project

As the proposed project would provide special benefit to the abutting property owners along Morrison Street, it would be appropriate to fund the cost of the project by way of a Special Charge Scheme. As indicated with the second survey of residents, the majority of property owners indicated they did not want Council to further investigate the project.

Due to the lack of support for the continuation of the proposal, it is considered the project is not a high priority for Council to undertake as part of the Capital Works Program. As such

the project would be abandoned and removed from the project listings for consideration within the 10 year Capital Works and Major Projects Program.

Option Two – Proceed with the proposal to implement a Special Charge Scheme for the project

It is considered the proposal will provide special benefit to the abutting property owners only, with little to no benefit received to the wider community. As such, it would be appropriate to continue with the proposal to construct the unsealed shoulders of Morrison Street by way of a Special Charge Scheme.

Given that property owners have indicated that they do not support the continuation of the proposal by way of Special Charge Scheme, it would be reasonable to predict that if the proposal was to proceed Council would receive a large number of objections during the formal process. As detailed within the Local Government Act 1989, if the proposal was to proceed and a majority of residents against the proposal (being more than 50%), then the Special Charge Scheme would not be able to continue. Therefore, it is very likely that a large portion of Officer resource, scheme preparation costs, and Officer time would be used in preparing a scheme that would attract a large level of objection, and ultimately not proceed to the Declaration.

Option Three – Proceed with the project proposal without the implementation of a Special Charge Scheme

Given the proposed construction of the unsealed shoulders of Morrison Street would only provide special benefit to the abutting property owners, it is considered inappropriate to complete the works using rate revenue.

Proposal

That Council abandon the proposed project, including the implementation of a Special Charge Scheme, given the project is not supported by the majority of property owners abutting Morrison Street.

Financial and Other Resource Implications

As the proposal is not generally supported by the abutting residents of Morrison Street, the required staff resources and scheme development costs would probably not result in a successful and accepted Special Charge Scheme. By abandoning the proposal at this stage, the costs incurred by Council of both financial and Officer resources would be minimised.

By not proceeding, there would be no financial or resource implications to Council, other than standard maintenance costs already associated with the current level of service provided along Morrison Street. The maintenance costs associated with Morrison Street is already included within Council's maintenance budget.

Risk Management & Compliance Issues

There are no foreseen risks associated with the abandoning of the proposal, as the current level of service provided by Morrison Street is adequate for the provision of access to properties. Through routine inspections of Morrison Street, any compliance issues associated with the current road are managed through maintenance.

However, if Council was to proceed with the proposal to implement a Special Charge Scheme for the construction of the unsealed shoulders of Morrison Street, there is a risk that the scheme receive high levels of objection, and residents will be frustrated with having to proceed through the objection process even though they have already indicated they do not support the proposal.

Environmental Considerations

Environmental issues were not considered in determining if the project should be pursued as a Special Charge Scheme.

Communication Strategy/Consultation

Consultation with the property owners was carried out in accordance with Council's Special Rates and Charges Policy. All affected property owners will be advised by letter of Council's consideration of this project.

Implementation

By abandoning the proposal, no further consideration will be given to the construction of the unsealed shoulders of Morrison Street within Council's 10 year Capital Works and Major Projects Program. Thus, there would be no civil works or improvements to implement along Morrison Street.

Conclusion

The implementation of a Special Charge Scheme to fund the costs associated with the construction of the unsealed shoulders of Morrison Street should be abandoned, and the project be removed from the 10 year Capital Works and Major Projects Program due to the lack of support indicated by the abutting property owners. The benefits associated with the works would be received only by the abutting property owners, which means the implementation of a Special Charge Scheme to fund the project costs would be appropriate. Given the lack of support by the residents, and the improvement works not providing any wider community benefit, the abandoning of the proposal would be recommended.

Attachment

Nil

Recommendations

That Council –

- 1. Abandon the proposal to construct the unsealed shoulders of Morrisons Street by way of a Special Charge Scheme, and remove the project from the 10 year Capital Works and Major Projects Program; and***
- 2. Notify affected property owners that the proposal has been abandoned and removed from Council's 10 year Capital Works and Major Projects Program.***

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OM092204-11 GELLIBRAND LANDFILL REHABILITATION - SITE ACCESS AGREEMENT WITH PARKS VICTORIA

AUTHOR:	Ranjani Jha	ENDORSED:	Neil Allen
DEPARTMENT:	Infrastructure	FILE REF:	GEN01693/0817

Purpose

The purpose of this report is for Council to sign and seal the Gellibrand Landfill site access agreement, a part of Great Otway National Park.

Background

Funds have been allocated in the 2008/09 Capital Works Program for Gellibrand Landfill Rehabilitation works. The landfill site is a part of the Great Otway National Park; therefore Council is required to seek site access approval from Parks Victoria prior to any construction works.

Accordingly a "Consent – Section 27(1) National Parks Act 1975" has been prepared and signed by Parks Victoria for signing by Council. Parks Victoria has advised that this is a standard agreement being used through out the state.

Corporate Plan/Other Strategies/Policy

Council is committed to a long term landfill rehabilitation program which will ensure prevention of any environmental damage and satisfy EPA waste discharge licence condition for closed landfill sites.

Issues/Options

Council has operated a municipal landfill on the land from 1979 to 1998 with the landfill operations ceasing in 1998. Council is under an obligation to comply with condition 12 of Environment Protection Authority Waste Discharge Licence ES393/9 (EPA Licence) relating to site restoration. If the land is not properly rehabilitated, and causes pollution to the environment, Council will be found liable for the costs of cleaning up the pollution.

Section 27 of the National Parks Act 1975 provides that a Public Authority, where it has obtained the consent of the Secretary of the Department of Sustainability and Environment, may perform its functions and undertake works in a National Park in accordance with any conditions to which the consent is subject (Section 27 Consent).

Proposal

The proposal is to sign the land access agreement as proposed by Parks Victoria allowing commencement of a tendering process and construction works. The relevant conditions contained within the consent will be incorporated into the tender document.

Financial and other Resource Implications

An amount of \$250,000 has been allocated in the 2008/09 financial year for rehabilitation of Gellibrand landfill. There will be no significant financial impact due to signing of the land access consent. A fee of \$500 plus GST will be payable for the preparation of consent.

Risk Management & Compliance Issues

The Contractor will be responsible for preparation of an Occupational Health and Safety (OH&S) Plan ensuring safety of:

- Principal personnel;
- Project Superintendent personnel;
- Contractor personnel;

- Traffic Management; and
- First Aid Trained Personnel.

No public trespassing will be permitted through the construction site and a sign will be installed indicating construction timeframes, nature of works and advising that the land is part of Great Otway National Park.

Environmental Considerations

The rehabilitation works will be carried out in accordance to the Rehabilitation Plan for the Gellibrand Landfill prepared by URS, Environmental and Engineering professional services in June 2004 containing drawing and specifications.

Parks Victoria have supplied a list of preferred species for revegetation of the site comprising of shallow rooted shrubs and grassy /herbaceous types endemic to the local area. The suitable species will have the seed collected and distributed on the finished surface after completion of earthworks. The treatment is preferred as it is a proven and effective method for revegetation of large areas. The future follow up maintenance for pest control will be included in Council's maintenance budget under "Landfill Post Care" budget line.

A native vegetation assessment study has also been undertaken as a part of Planning Permit condition.

Communication Strategy/Consultation

Council officers have been in touch with Parks Victoria during development of rehabilitation plans. Discussion has also taken place on any specific conditions that will need to be taken in to account during carrying out of construction works. The relevant conditions relating to long term responsibilities of Parks Victoria and Council are outlined in the agreement and found to be reasonable.

Implementation

The conditions contained in the Consent – Section 27(1) agreement have been perused and incorporated into the tender document as applicable. Tenders are about to be invited therefore signing of the agreement is vital. It is expected that the construction works will commence by May/June 2009.

Conclusion

All of the planning requirements of the Department of Sustainability and Environment (DSE) have been fulfilled for the Gellibrand Landfill Rehabilitation Project and signing of site access agreement would result in issue of a Planning Permit. The design and tender documents are in place for commencement of tendering process.

Attachments

The Consent – Section 27(1) National Parks Act 1975, Gellibrand Landfill Site, great Otway National Park, Consent No 33275 will be tabled for the perusal of Elected Members.

Recommendation(s)

That Council Sign and Seal the Consent – Section 27(1), National Parks Act 1995, site access agreement for access to Gellibrand Landfill Rehabilitation Site, a part of Great Otway National Park.

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**OM092204-12 RAIL/ROAD SAFETY INTERFACE AGREEMENT (SIA'S)**

|             |                |           |                      |
|-------------|----------------|-----------|----------------------|
| AUTHOR:     | Peter Dohnt    | ENDORSED: | Neil Allen           |
| DEPARTMENT: | Infrastructure | FILE REF: | GEN00016/Road Safety |

**Purpose**

The purpose of this report is to provide Council information in relation to legislation which has been passed requiring all rail and road asset managers to enter into Safety Interface Agreements (SIA's) that relate individually to all rail/road interfaces. The interfaces involved are only "at-grade" interfaces which essentially means level crossings (Overpasses such as the Princes Highway and Corangamite St will not require SIA's involving this shire).

**Background**

The Rail Safety Act 2006 requires road authorities and rail authorities to enter into SIA's to define the roles and responsibilities of the various authorities involved and to define the mechanism by which risks and/or hazards are identified, assessed and managed.

Over the last 18 months, considerable work has been done (and continues to be done) by the authorities involved in making progress towards meeting the requirements of the Rail Safety Act 2006.

There is a working group currently working on finalising a template for the SIA's. The working group includes representatives from the Municipal Association of Victoria (MAV), Public Transport Safety Victoria (PTSV), Connex, V/Line, Victrack, Australian Rail Transport Corporation (ARTC) and VicRoads.

**Corporate Plan/Other Strategies/Policy**

Council's Road Management Plan outlines for Council's responsibility for the management of the road approaches to rail crossings. This responsibility will not change, however, the SIA's will provide clarity of roles and responsibilities with regard to the area directly relating to the physical crossing.

**Issues/Options**

On the 6 April 2009, a meeting was held between Council and V/Line to commence preparation of SIA's.

The SIA's are expected to:

- a) Define the rail/road interfaces involved;
- b) Define roles and responsibilities of the various authorities (there may be more than 2 authorities involved);
- c) Define how risk issues are identified and managed at each interface;
- d) Monitor compliance; and
- e) Keep the agreement under review.

In Colac Otway Shire's case there are 24 level crossings that intersect with local roads, for which Council will be required to enter into SIA's (4 or 5 of these may also involve VicRoads as a signatory). There are another five (5) level crossings that are on VicRoads roads (1 of which, on Timboon-Colac Rd at Kervins Road, may involve Council). VicRoads and Council sometimes both have responsibilities around a single level crossing because signage relating to a single crossing may extend onto roads managed by both authorities.

There are two (2) rail authorities involved. V/Line on the Geelong to Warrnambool line (21 crossings) and Australian Rail Track Corporation (ARTC) on the Geelong to Hamilton line (three (3) crossings).

It is most likely that the Australian Level Crossing Assessment Model (ALCAM) database will continue to be used to keep the details of the identified maintenance risk issues at each of the individual rail/road interfaces. Council is currently managing its interaction with the ALCAM website through its Infrastructure Department. Proposals for strategic safety upgrades (eg road closures and road realignments) are likely to be noted in the SIA's.

During discussions so far, the Rail Authorities have indicated their strong preference to close some roads so as to remove the level crossing. Possible road closures (that were raised by the Rail Authority in the minutes of a site inspection on the 24th September 2008 and again at the meeting on the 6/4/2009) include Prices Lane, Whytecross Road, Aireys Reserve Road, Back Larpent Road and Station Road – with particular emphasis on Station Rd). If Council decides to close a road, Department of Transport will reimburse reasonable costs involved in closure. No commitment or indication of Council's position on road closures has been discussed.

Officers have not received any formal requests to close any crossings at this stage. Prior to any decisions being made, a full report is required to Council to seek approval to close any crossing. That Report would involve a thorough analysis of the safety issues involved and will make recommendations that may or may not support the road closure. Council will then need to determine if these crossings are to close or remain open.

In addition there are some level crossings on private property "occupation crossings" (which still do require a form of SIA). Council is not a manager of any roads on private property and should not be involved in these SIA's. However, it is likely that Councillors may get representations from property owners. It is understood that the Rail Authorities will approach property owners directly – property owners need do nothing until approached by the relevant Rail Authority.

Other sites which may involve Council are pedestrian crossings (either formal or informal). Possible sites include Dalton Street (2), Bruce Street, Polwarth St and Sinclair Street.

### **Proposal**

That Council continue to work with the various road and rail authorities involved to enter into Safety Interface Agreements which address all the rail crossings that involve Council assets.

### **Financial Implications**

Depending upon the inclusions in the final agreements, there may be some costs to Council. These costs are likely to vary from the cost of sign installation and vegetation management to the costs involved in a road closure.

It should be noted that funding is available for the supply of additional signage. Also, at the moment, funding is available for all reasonable costs involved in a road closure (possibly including the cost of alternative access or access upgrade). It appears that there that there may be a time limit on this funding being available but no clear indication has been made.

### **Risk Management Implications**

There are significant risks to the public at road/rail interfaces. The Safety Interface Agreements will provide a mechanism by which risks are assessed and hazards managed in an appropriate manner.

**Environmental Considerations**

Not applicable.

**Communication Strategy/Consultation**

If there are issues which effect the public, consultation and/or communications will be undertaken in accordance with Council policy. In the event that a road closure is under consideration, public consultation will need to be undertaken in accordance with the requirements of the relevant acts and regulations and Council policy.

**Implementation**

Council is required to have entered into Safety Interface Agreements for all the relevant rail/road interfaces by 30 June 2010.

**Conclusion**

Council is required to enter into Safety Interface Agreements. In order to have prepared agreements in place by 30/6/2010 it is recommended that Council officers continue to work with the various authorities to ensure that such agreements are fair and reasonable to Council.

**Attachments**

Road Closure – Rail Level Crossing Closure  
(Municipal Association of Victoria document)

**Recommendation(s)*****That Council;***

- 1. Notes that the above report including the continued involvement of Council officers to work with the various authorities to develop Safety Interface Agreements; and***
- 2. Receives a further report from Officers detailing specific recommendations for Safety Interface Agreements for all crossings within the Municipality prior to 30 June 2010.***

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## **Road Closure - Rail Level Crossing Closure**

### **Why close a rail level crossing?**

A rail level crossing could be considered for closure for a number of reasons. Whilst the list is not considered exhaustive, some reasons are outlined below.

1. To improve safety of the overall road and rail network
2. When there are safety issues at the crossing that cannot be satisfactorily mitigated. For example
  - a. Sight distance
  - b. Road alignment (vertical or horizontal)
  - c. Short stacking issues
  - d. Road geometry needs improvement
  - e. Poor visibility
  - f. Upgrade required but not funded
  - g. Development on adjoining land impacting on safety
  - h. Visibility impediments
3. The crossing is incurring a high level of maintenance cost to Council
4. There are low traffic volumes on the road
5. The road is no longer needed to access properties
6. Road could be closed to reduce ongoing operating costs

### **Factors which could be used to identify level crossings which may be suitable for closure**

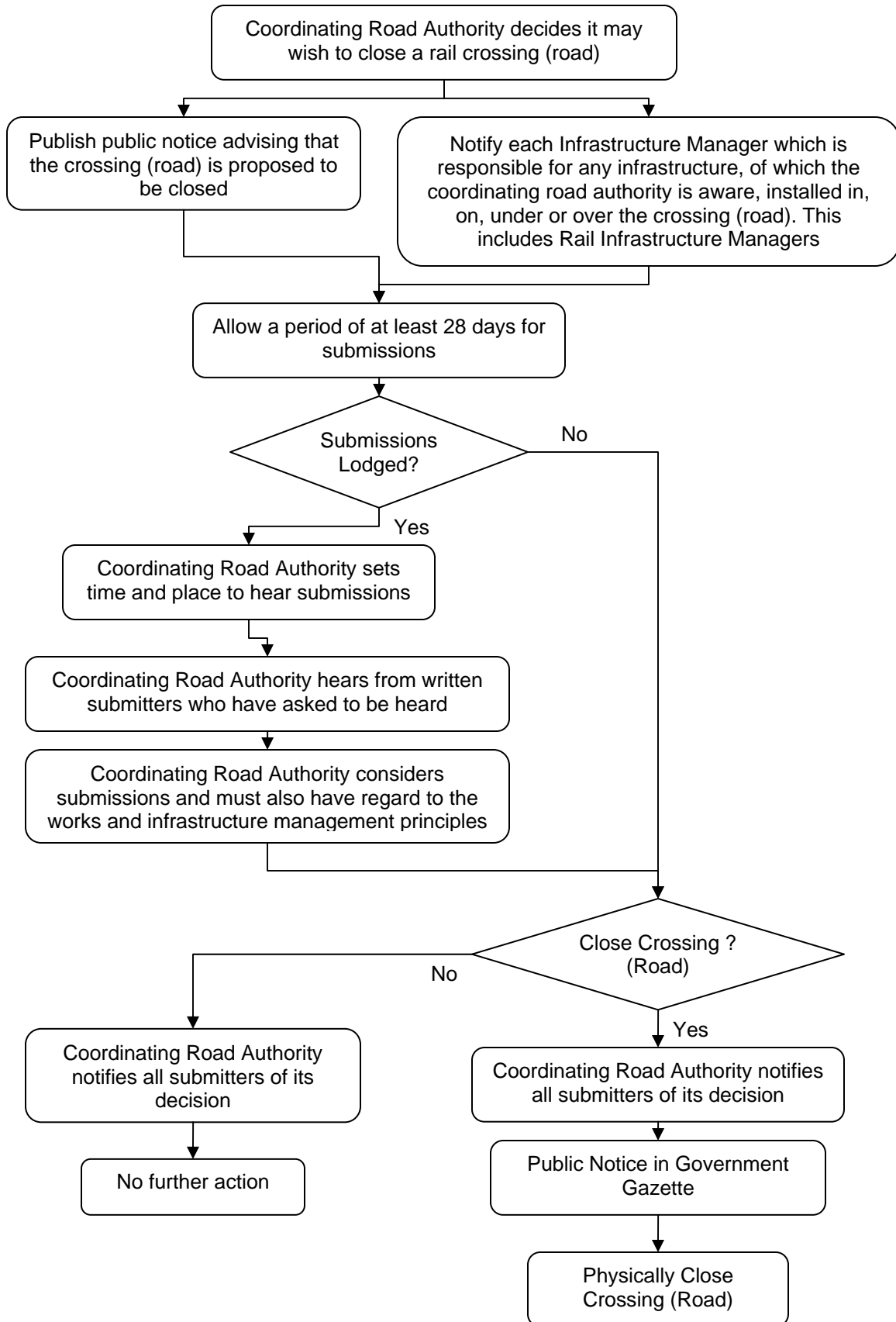
1. A risk assessment has identified safety concerns at the level crossing
2. The road has low traffic volumes
3. Alternative access to properties is available
4. Limited requirement for crossing
5. Ongoing maintenance costs are high
6. Closure would improve the safety of the road network
7. Closure of one crossing as part of a safety upgrade program at other nearby crossings may improve road safety over the whole network

### **Process to close a rail crossing**

A rail level crossing is a rail line crossing a road reserve. Therefore to close a level crossing, the road must be closed. Section 12 of the Road Management Act provides a Coordinating Road Authority with the power to discontinue (close) a road. A flow chart summarizing section 12 is contained below.



## Road Closure – Rail Level Crossing Closure



## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | D | W |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p> <p><b><u>OM092204-13 LAKE COLAC FISHING PLATFORM</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council proceed to construct the Lake Colac Fishing Platform, following the approval of the Lake Colac Cultural Heritage Management Plan (CHMP) by Aboriginal Affairs Victoria (AAV).</i></p>                                          |   |   |
| <p><b><u>OM092204-14 REVISION OF LAND SUBJECT TO INUNDATION OVERLAY AND INTRODUCTION OF THE FLOODWAY OVERLAY INTO THE COLAC OTWAY PLANNING SCHEME - AMENDMENT C12</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council request the Minister for Planning to appoint an independent panel to consider all submissions to Amendment C12 to the Colac Otway Planning Scheme.</i></p>              |   |   |
| <p><b><u>OM092204-15 COUNCIL SUBMISSION TO THE NEW RESIDENTIAL ZONES CONSULTATION DRAFT</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council endorse the attached submission in relation to the Department of Planning and Community Development's 'New Residential Zones for Victoria: Consultation Draft' and submit this to the Department of Planning &amp; Community Development.</i></p> |   |   |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

**OM092204-13 LAKE COLAC FISHING PLATFORM**

|             |                                      |           |              |
|-------------|--------------------------------------|-----------|--------------|
| AUTHOR:     | Mick Cosgriff                        | ENDORSED: | Doug McNeill |
| DEPARTMENT: | Sustainable Planning and Development | FILE REF: | GEN0611A     |

**Purpose**

To seek Council endorsement of the construction of a Fishing Platform at Lake Colac.

**Background**

In 2007 Colac Otway Shire was granted a total of \$35,000 from the Victorian Department of Primary industries and the Federal Department of Agriculture, Forestry and Fisheries for the purpose of constructing a Fishing Platform on Lake Colac. Council committed matching funds of \$35,000 in the 2007/08 Council budget.

Council Officers consulted with the Lake Colac Coordinating Committee and a decision was made to build the platform on the northern end of the boat ramp on its western side so that it would assist in launching and retrieving boats as well as being used as a fishing platform. Due to a delay related to the approval of the Lake Colac Cultural Heritage Management Plan (CHMP) the boat ramp has not yet been constructed. Both Council funds and external funds received were carried forward to the 2008/09 Council budget.

As Lake Colac is now substantially dry, the Fishing Platform project was reviewed. Officers were concerned about potential adverse community opinion given the dry lake and sought a Council position on whether to proceed. Following a workshop with Council in February, it was agreed to consult the Lake Colac Coordinating Committee on the issue. The Coordinating Committee was briefed at its 12 March 2009 meeting and strongly supported the project proceeding.

It is anticipated that Aboriginal Affairs Victoria will approve the CHMP plan within the current financial year, allowing works to proceed in accordance with the 2008/09 budget should this be the position of Council.

**Issues/Options**

The Lake Colac Coordinating Committee fully endorses the construction of the Fishing Platform, given the significant work that has already been undertaken in relation to both design of the works and consultation that has occurred. The Committee believes that this is an ideal time to construct the platform in that there will be no water to impede construction. The Committee also expressed confidence that water will return to the lake, which will make the platform a significant asset in the future.

In recognising this view it is important to consider the current state of the Lake and the fact that it is unlikely that the Lake will have sufficient water for boating and fishing for some years to come. If constructed the Fishing Platform would stand out on its own for this time above the dry grass bed, deteriorating with age. Under the more conservative rainfall scenarios associated with climate change, there is some chance the lake may remain dry for a much longer period. Council funds would have to be spent on maintenance and Council would be required to place a barrier and signage on the Platform warning the public of the risk of accessing it.

Council has the option to not complete the construction of the Fishing Platform however in light of the strong support from the Lake Colac Coordinating Committee it is recommended that the project proceed as planned.

**Corporate Plan/Other Strategies/Policy**

This project is linked to the Lake Colac Foreshore Master Plan 2005, and relates directly to the Council Plan 2005 – 2009 commitment to continue to implement the Lake Colac Master Plan and Management Plan, including advocating for funding contributions from the State Government, relevant authorities and the community.

**Proposal**

It is proposed that Council proceed with the construction of a Fishing Platform based on the recommendation of the Lake Colac Coordinating Committee.

**Financial and other Resource Implications**

The project is fully funded, with Council having committed \$35,000 to the project, and the remaining \$35,000 coming from State and Federal sources. If Council was to decide not to proceed, an amount of \$12,800 already received would be returned to the Department of Agriculture, Forestry and Fisheries (with the remaining \$22,200 to be forgone). The \$35,000 contribution from Council would remain unspent.

**Risk Management & Compliance Issues**

There is a risk to Council in proceeding with the project that it may be seen to be expending ratepayer funds on an asset that may not be used, either in the short or longer term depending on future rainfall patterns which are difficult to predict given the uncertainty of the effects of climate change.

There is however, also a risk to Council if it were to decide not to proceed that it would damage its relationship with the funding bodies and the contractor, both of which have acted in good faith all through this process. It would also cause disappointment to members of the Lake Coordinating Committee and others who have strongly supported the project.

Once constructed the Fishing Platform would require, until sufficient water were to be in the Lake, a permanent barrier and a sign indicating no public access.

**Environmental Considerations**

All environmental and cultural heritage considerations have been addressed in the planning process for this project.

**Communication Strategy/Consultation**

The Lake Colac Coordinating Committee was consulted extensively during the planning process for this project, including the recent briefing on 12 March 2009.

The decision of Council will be communicated directly to the Co-ordinating Committee and funding agencies, and through the local media so that the community fully understands the reasons for the decision.

**Implementation**

Subject to support of the Officer's' recommendation by Council, once AAV consent for the Lake Colac Cultural Heritage Management Plan is received by Council the project will proceed.

**Conclusion**

The construction of a new Lake Colac Fishing Platform has been delayed because of the need to develop a Cultural Heritage Management Plan. During the delay in process, the Lake has become substantially dry and there is the very high possibility that it will not re fill in the short term. Whilst there is some risk of adverse community opinion concerning

construction of the facility without potential for immediate use, the project is fully funded, and has full support from the Lake Colac Coordinating Committee.

It is proposed that Council proceed with the construction of a Fishing Platform based on the recommendation of the Lake Colac Coordinating Committee.

**Attachments**

Nil

**Recommendation(s)**

***That Council proceed to construct the Lake Colac Fishing Platform, following the approval of the Lake Colac Cultural Heritage Management Plan (CHMP) by Aboriginal Affairs Victoria (AAV).***

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OM092204-14 REVISION OF LAND SUBJECT TO INUNDATION OVERLAY AND INTRODUCTION OF THE FLOODWAY OVERLAY INTO THE COLAC OTWAY PLANNING SCHEME - AMENDMENT C12

| | | | |
|-------------|--------------------------------------|-----------|---------------------------|
| AUTHOR: | Paul Marsden | ENDORSED: | Doug McNeill |
| DEPARTMENT: | Sustainable Planning and Development | FILE REF: | GEN00451
Amendment C12 |

Purpose

To present submissions received during exhibition of Amendment C12 - Revision of Land Subject to Inundation Overlay and introduction of Floodway Overlay to the Colac Otway Planning Scheme for Council's consideration in accordance with sections 22 and 23 of the *Planning and Environment Act 1987*.

As all submissions cannot be accommodated by modifying the amendment, Council is being asked to endorse making a request to the Minister for Planning to appoint an independent panel to consider submissions in relation to Amendment C12 to the Colac Otway Planning Scheme.

Background

In 2007 Council received revised mapping of areas within the municipality which are subject to flooding from the Corangamite Catchment Management Authority (CCMA). The review recommended variations to the extent of the Land Subject to Inundation Overlay (LSIO) and the introduction of the Floodway Overlay (FO) into the Planning Scheme. The review also recommended changes to the Schedule to the Land Subject to Inundation Overlay to specify buildings and works that are exempt from the requirement of a planning permit.

The Amendment was prepared in conjunction with the Corangamite Catchment Management Authority and forms part of a state wide approach aimed at ensuring flood information contained in planning schemes is as relevant as possible.

At the Council meeting of 27 May 2008, Council resolved to seek authorisation from the Minister for Planning to exhibit Amendment C12 to the Colac Otway Planning Scheme. A copy of the exhibited documents can be found at **Attachment 1**.

The amendment proposes to:

- Modify the Land Subject to Inundation Overlay maps to align with updated flood mapping provided by the Corangamite Catchment Management Authority (CCMA).
- Amend the Schedule to the Land Subject to Inundation Overlay to specify buildings and works that are exempt from the requirement of a planning permit.
- Introduce the Floodway Overlay to areas of the Shire identified as having the greatest risk and frequency of being affected by flooding.
- Introduce a schedule to the Floodway Overlay to specify buildings and works that are exempt from the requirement of a permit;

Amendment C12 was placed on public exhibition for a period of one month from 12 September 2008 to 27 October 2008. A total of 12 submissions were received which are discussed in more detail in **Attachment 2**.

Council Plan/Other Strategies/Policy

The 2005 – 2009 Council Plan includes a priority to:

“Undertake a comprehensive review of the Colac Otway Planning Scheme and prepare an updated Municipal Strategic Statement and Local Planning Policy Framework to address the recommendations arising from the Planning Scheme Review.”

The proposed planning scheme amendment will contribute towards the implementation of the Council Plan. The need for a revision to the flood maps was identified in the 2005 Planning Scheme Review, but was not included as part of Amendment C55 which is with the Minister for approval, and implemented other parts of the review.

Issues/Options

In accordance with Section 22 of the *Planning and Environment Act* (1987), Council is now required to consider all submissions made during the exhibition period. Under Section 23 of the Act, “Decisions about submissions”, the following is required:

“23. *Decisions about submissions*

(1) *After considering a submission which requests a change to the amendment, the planning authority must –*

- (a) *change the amendment in the manner requested; or*
- (b) *refer the submission to a panel appointed under Part 8; or*
- (c) *abandon the amendment or part of the amendment.”*

A total of nine submissions were received by Council during the exhibition period, and three late submissions were received after the exhibition period ended. All 12 submissions were referred to the CCMA for comment. Comments from the CCMA have been used to assist Council in its consideration of the submissions received.

A number of common themes emerged from the submissions received by Council. These themes are outlined in more detail below.

- ***The exemptions for minor buildings and works contained within the proposed schedule to the LSIO are inappropriate and could alter flood flow and velocity.***

The revised schedule to the LSIO introduces exemptions from the need to obtain a planning permit for certain minor buildings and works. The proposed exemptions relate to works or development for which the CCMA would currently have no objection or specific requirements. The inclusion of these exemptions will assist in reducing the resource and administrative costs for Council in administering the LSIO.

Some examples of the type of buildings and works listed as exempt are detailed below:

- *An extension to an existing dwelling provided that the floor area of the extension is less than 40 square metres and is less than 50% of the existing floor area.*
- *A pergola, verandah, carport or swimming pool.*
- *Earthworks that do not raise ground level topography by more than 200 millimetres.*
- *Repairs and routine maintenance that do not affect the height, length or location of a levee, embankment or road.*

The CCMA supports these exemptions; as such minor works are unlikely to have any impact on flood flow direction and temporary flood storage. It is not uncommon for such minor works to be exempt from requiring planning approval. Other planning schemes where the LSIO has been applied generally contain a range of exemptions for minor works similar to those proposed by this amendment.

- ***The proposed amendment does not take into consideration the future impacts of climate change.***

The CCMA has relied upon the most up to date flood data currently available in determining the extent of the boundaries of the LSIO. In terms of the area of the LSIO shown on maps 29 and 30, the CCMA has relied upon flood data that was prepared for Amendment C29 (Great Ocean Green proposal), as part of the rezoning request. This flood data plans for a sea level rise of 0.8 metres, consistent with the Victorian Coastal Strategy 2008 and Clause 15.08 of the planning scheme.

It is considered that the coverage of the LSIO effectively addresses the issue of potential sea flooding stemming from anticipated future sea level rises. The Victorian Coastal Strategy 2008 recommends that ‘...a policy of planning for sea level rise of not less than 0.8 metres by 2100 should be implemented’.

The purpose of Amendment C12 is to review and update the existing LSIO, and introduce a Floodway Overlay where appropriate, based on most recent flooding data available.

The Future Coasts Program, being undertaken by the State Government will provide more detailed assessment of the potential impacts of climate change along the Victorian coastline. Once this work has been completed this will assist councils and State government in the development of planning tools to assist in decision making and assessment of future planning proposals to effectively manage the impacts of climate change.

- ***The mapping is flawed as it does not apply the Floodway Overlay to all coastal waterways.***

The CCMA have advised that further work and financial resources would be required to justify the inclusion of the coastal waterways in the FO. At present the LSIO extends to include all areas that are subject to the 1:100 year flood event. The LSIO requires planning approval for building and works and any application is referred to the CCMA for comment under Section 55 of the Planning and Environment Act.

The main difference between the FO and the LSIO is that one focuses on overland flooding, (LSIO), while the other relates to waterways and major flood paths, (FO). Both overlays require planning approval for building and works and referral to the CCMA. The key difference between the two overlays is that under the FO a flood risk report is required to be prepared if there is no local floodplain development plan.

In its current form, Amendment C12 ensures that all coastal waterways are covered by the LSIO. The controls contained within the LSIO trigger the need for a Planning Permit and require referral of all development applications to the CCMA. This level of control is considered appropriate given the fact that development is highly unlikely to take place on or near coastal waterways as a result of obvious environmental constraints and existing zoning controls.

- ***The reduced area of the LSIO identified on Maps 29 and 30 is unjustifiable and does not represent a conservative estimate.***

In some areas of the Shire the extent of the LSIO has been reduced. This is largely as a result of improvements to the accuracy of the data used to inform the previous application of the overlay. It is considered that Amendment C12 provides an opportunity to correct any anomalies that have been detected in the coverage of the existing LSIO.

The delineation for the proposed LSIO for maps 29 and 30 is based on the best information currently available. Any reduction in the coverage of the LSIO proposed by Amendment C12 is simply a reflection of the more detailed and accurate data now available.

Proposal

Each submission to the proposed amendment has been discussed in more detail in Attachment 2 to this report. On reviewing each submission, taking into consideration the CCMA's comments, it is not possible to modify the amendment to accommodate all submissions. It is therefore recommended that all submissions be referred to a Panel in accordance with Section 23 of the Act. This will give all submitters the opportunity to raise their concerns before an independent Panel hearing.

It is therefore recommended that:

- All submissions received to Amendment C12 to the Colac Otway Planning Scheme are considered as relevant.
- All submissions are referred to a Panel.

Financial and other Resource Implications

Costs associated with the amendment are contained in the Sustainable Planning and Development Department budget. The CCMA has indicated it will support Council officers at any subsequent Panel hearing to clarify issues discussed in this report.

Risk Management & Compliance Issues

Section 21(2) of the Planning and Environment Act 1987 states:

"The planning authority must make a copy of every submission available at its office for any person to inspect during office hours free of charge until the end of two months after the amendment comes into operation or lapses."

All submissions to the amendment are therefore publicly available documents and are on display at the Council offices.

Council's consideration of this report satisfies Council's obligations under sections 22 and 23 of the Planning and Environment Act of 1987 to consider and make a decision about submissions.

Environmental Considerations

The Amendment will result in more accurate representation of the area that should be included in the LSIO and FO. Amendment C12 will not alter the manner in which environmental issues are considered when assessing planning permit applications triggered by the LSIO and FO.

Communication Strategy/Consultation

Submitters will be given the opportunity of presenting to an independent panel who will prepare a panel report that includes recommendations for Council consideration.

Implementation

To enable the amendment to proceed it is necessary to refer the submissions to an independent panel. Once the panel hearing has been held, a panel report will be forwarded to council for consideration. Council will then be in a position to progress the amendment for implementation into the planning scheme on approval by the Minister for Planning.

Conclusion

Based on an analysis of the submissions received by Council and the CCMA comments, it is considered that the amendment cannot be modified in a manner that accommodates all matters raised within the submissions.

To enable the amendment to proceed, it is recommended that Council request the Minister for Planning to appoint an independent panel to consider all submissions to Amendment C12 to the Colac Otway Planning Scheme. This will provide submitters with an opportunity to raise their concerns before an independent panel.

Once the Panel Hearing and associated Panel Report have been completed, a further report will be prepared for Council consideration.

Attachments

Attachment 1: Consideration of Submissions Report

Attachment 2: Amendment C12 – Amendment documentation

Recommendation(s)

That Council request the Minister for Planning to appoint an independent panel to consider all submissions to Amendment C12 to the Colac Otway Planning Scheme.

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Consideration of Submissions Report – Amendment C12

| Key Issues | CCMA Comments | Officer Comments | Officer Recommendation |
|---|---|--|----------------------------------|
| <ul style="list-style-type: none"> In favour of proposed increased coverage of the LSIO around Lough Calvert. | <ul style="list-style-type: none"> No need for changes to the proposed amendment based on this submission. | <p>The submitters support for Amendment C12 is acknowledged.</p> | <p>Refer submission to Panel</p> |
| <ul style="list-style-type: none"> Considers the mapping to be flawed due to the fact that the FO has not been applied to coastal waterways. Suggests that accepted predictions of more extreme storm events and climate change are not consistent with the reduced areas of LSIO on maps 29 and 30. Is concerned that the schedule offers exemptions from planning permits when even minor changes on the floodplain such as filling or revegetation can alter flood flows and increase flooding. | <ul style="list-style-type: none"> The floodway mapping has been undertaken based on a 1 in 100 year flood event and has therefore been designed around this level of frequency and severity. In order to apply the FO to all coastal waterways it would be necessary to estimate a 1 in 10 year ARI flood level and then map the corresponding flood extents using the now available LIDAR data. The lack of mapping for a FO is based on a lack of data on which to base it. CCMA suggests there is limited need for an FO on waterways where future development is unlikely due to zoning constraints. The reduced area of LSIO is based on the most current information available and has considered the predicted effects of future climate change on sea level rise. The proposed schedule to the LSIO provides an exemption from the need to obtain a permit for minor works for which the CCMA would currently have no objection or specific requirements. The CCMA has no objection to the Schedule. The CCMA recommends Council consider including a FO based on the estimated 1 in 10 year flood event for each catchment, within catchments where future development is a possibility. The CCMA will assist with this where information is available to the Authority. CCMA would not recommend any changes to the LSIO based on this submission. | <p>Officers support the CCMA's comments in relation to the application of the LSIO and the appropriateness of the exemptions contained within the new schedule.</p> <p>The importance of the FO is acknowledged, however it is not feasible to implement it in its entirety as part of this amendment due to the absence of relevant flood data. Council Officers will consider any new data as it becomes available.</p> <p>In its current form, Amendment C12 ensures that all flood prone areas are covered by the LSIO. The controls contained within the LSIO trigger the need for a Planning Permit and require referral of all development applications to the CCMA.</p> <p>Officers do not recommend any changes to the proposed amendment based on this submission.</p> | <p>Refer submission to Panel</p> |
| <ul style="list-style-type: none"> Has understood that Maps 29 and 30 show the FO replacing | <ul style="list-style-type: none"> Including a FO for maps 29 and 30 would clarify the confusion regarding its application. | <p>Officers support the CCMA's comments in relation to the use of the WBM Oceanics flood data and the</p> | <p>Refer submission to Panel</p> |

Consideration of Submissions Report – Amendment C12

| Key Issues | CCMA Comments | Officer Comments | Officer Recommendation |
|---|---|--|----------------------------------|
| <p>the LSIO.</p> <ul style="list-style-type: none"> • Suggests that the outcomes of Amendment C29 should be considered as part of Amendment C12. • Refers to the 600mm freeboard for dwellings and asks what “tolerance” the CCMA attaches to flood levels it produces. | <ul style="list-style-type: none"> • The delineation for the proposed LSIO for maps 29 and 30 has been sourced from work undertaken by WBM Oceanics for the purposes of Amendment C29, which is the best information available. The CCMA has adopted the flood levels produced by the WBM modelling as an accurate prediction of the 1 in 100 year flood levels expected for the Barham River. • It is normal practice in Victoria to apply a freeboard to account for variations caused by wind, vehicle movement etc, or where necessary to account for possible inaccuracies in flood modelling. • The CCMA do not recommend any changes to the proposed LSIO based on this submission. | <p>implementation of a 600mm freeboard. There was significant assessment of flood risk associated with Amendment C29 including potential impacts of a sea level rise of 0.8m. This assessment included the CCMA obtaining a peer review of the flood study. The current amendment is consistent with this work.</p> <p>The submission implies that the FO will be replacing the LSIO on maps 29 and 30. This is incorrect. Amendment C12 does not propose to introduce the FO over all areas currently covered by the LSIO.</p> <p>Whilst it may clarify the matter for the submitter, Officers do not support the replacement of the proposed LSIO on maps 29 and 30 with an FO.</p> <p>Officers do not recommend any changes to the proposed amendment based on this submission.</p> | |
| <ul style="list-style-type: none"> • Notes there are no Floodway Overlays on coastal waterways | <ul style="list-style-type: none"> • The CCMA’s suggestion for addressing this issue is noted above. | <p>Officers do not recommend any changes to the proposed amendment based on this submission.</p> | <p>Refer submission to Panel</p> |
| <ul style="list-style-type: none"> • Suggests the FO should be applied to the Barham River. • The flood modelling is based on outdated data and has not considered the potential future impacts of climate change. • Flooding of the Barham River usually occurs during high tides and storm surges which create a sand bar at the river mouth preventing the water from | <ul style="list-style-type: none"> • The issue of insufficient application of the FO and the appropriateness of the revised LSIO schedule has already been covered above. • The delineation for the proposed LSIO for maps 29 and 30 comes from work undertaken by WBM Oceanics for the purposes of Amendment C29, which is the best information available. • The CCMA agrees that flooding within the estuary occurs when the river mouth is blocked by a sand bar. Currently, when water | <p>The issues of insufficient application of the FO and the appropriateness of the revised schedule have already been covered above.</p> <p>Officers support CCMA’s comments in relation to the accuracy of the flood modelling data and its consideration of climate change issues including sea flooding, tidal surges and sea level rises. The flood modelling for Amendment C29 took into account the potential for flooding and storm surge peaks to</p> | <p>Refer submission to Panel</p> |

Consideration of Submissions Report – Amendment C12

| Key Issues | CCMA Comments | Officer Comments | Officer Recommendation |
|---|--|---|----------------------------------|
| <p>flowing back out to sea.</p> <ul style="list-style-type: none"> The reduced coverage of the LSIO shown on maps 29 and 30 will not adequately address issues of sea flooding stemming from future sea level rises. Objects to the proposed exemptions contained within the Schedule and suggests that a Planning Permit should be required for any major works. | <p>levels in the estuary reach a level that threatens existing infrastructure the estuary is likely to be artificially opened.</p> <ul style="list-style-type: none"> The purposes of the LSIO provide adequate protection for the function of the floodplain. The estimated future 1 in 100 year sea surge level is 3.00 metres AHD in the C29 work. The proposed 1 in 100 year flood level for the Barham River at the lower end of the estuary is 3.00 metres AHD. Therefore, whether flooding is caused by a riverine flood or a tidal surge the 1 in 100 year flood level – and hence flood extent is the same. The CCMA would not recommend any changes to the proposed LSIO based on this submission. | <p>coincide, therefore representing a conservative approach.</p> <p>Officers do not recommend any changes to the proposed amendment based on this submission.</p> | |
| <ul style="list-style-type: none"> Objects to the changes proposed by Amendment C12 on the grounds that they will result in the inclusion of his home in the LSIO Suggests that the proposed upgrade of Pound Rd between Forest and Queen Streets will significantly improve drainage in the area and thus reduce the risk of flooding. Requests that rubbish and debris be removed from the Talbot Street waterway and drain. | <ul style="list-style-type: none"> The proposed LSIO coverage on this site is very similar to the existing coverage. The LSIO represents the extent of flooding predicted during a 1 in 100 year flood event. Clearing minor channel obstructions and sealing Pound Road will not significantly reduce the impact of such an event. The CCMA would be prepared to consider a proposal to undertake removal of weeds and debris from within the waterway where this would result in a positive environmental outcome. The CCMA would not recommend any changes to the proposed LSIO based on this submission. | <p>Officers support the CCMA's comments in relation to the coverage of the LSIO and the impact of a 1 in 100 year flood event.</p> <p>Officers would support any CCMA led initiative to undertake weed and debris removal from the Talbot St waterway.</p> <p>Officers do not recommend any changes to the proposed amendment based on this submission.</p> | <p>Refer submission to Panel</p> |
| <ul style="list-style-type: none"> Objects to the reduced area of Land Subject to Inundation Overlay on maps 29 and 30 compared to existing. | <ul style="list-style-type: none"> Issues relating to the proposed coverage of the LSIO and the accuracy of the flood modelling data have already been covered above. | <p>Issues relating to the proposed LSIO coverage and the accuracy of the flood modelling data have already been covered above.</p> | <p>Refer submission to Panel</p> |

Consideration of Submissions Report – Amendment C12

| Key Issues | CCMA Comments | Officer Comments | Officer Recommendation |
|--|--|---|----------------------------------|
| <ul style="list-style-type: none"> • Suggests that flood mapping becomes outdated over time as conditions on the floodplain change. • Considers the flood modelling undertaken by CCMA does not adequately address issues of climate change, storm and swell surge, sea level rise and sea flooding into the Barham River mouth. • Critical of the CCMA and their flood mapping techniques. | <ul style="list-style-type: none"> • The CCMA agrees that flood mapping can become outdated over time. • The flood modelling takes into account a sea boundary height of 3.00 metres, which includes a sea level rise of 0.8 metres by 2100. This is in accordance with current government policy (Victorian Coastal Strategy 2008). • The modelling assumes an extreme high tide for 24 hours at the same time as an extreme low pressure system and a 0.8 metre sea level rise. The Authority considers these assumptions result in a conservative flood level estimate. • The modelling used for Amendment C29 is the same modelling used to delineate the existing case 1 in 100 year flood extent for C12. The C29 modelling addressed issues of climate change, storm surge and sea level rise. It is considered that the C29 Panel Report confirmed the validity of this data. • The CCMA would not recommend any changes to the proposed 1 in 100 year flood extent delineation based on this submission. | <p>Officers support the CCMA's comments in relation to the accuracy and currency of their flood mapping techniques and their consideration of the impact of climate change events on the Barham River mouth.</p> <p>Officers do not recommend any changes to the proposed amendment based on this submission.</p> | |
| <ul style="list-style-type: none"> • Objects to the reduced area of LSIO on maps 29 and 30 compared to existing. • Objects to the fact that there are no Floodway Overlays on the Barham River or any other coastal waterway. • States that the impact of climate change has not been considered and that the incidence of storm surges is expected to increase and cause | <ul style="list-style-type: none"> • Issues relating to the proposed coverage of the LSIO and FO, impacts of climate change and the accuracy of flood modelling data have already been covered above. • The Victorian Coastal Strategy (VCS) was released in December 2008. Amendment C12 satisfies the objectives of this strategy. • The CCMA would not recommend any changes to the proposed LSIO based on this submission. • The CCMA recommends Council consider | <p>Issues relating to the coverage of the proposed FO and LSIO, impacts of climate change and the accuracy of flood modelling data have already been addressed above.</p> <p>The VCS was released in December 2008. It recommends that '<i>...a policy of planning for sea level rise of not less than 0.8 metres by 2100 should be implemented</i>'. The flood mapping assumes a future sea level rise of 0.8 metres and it is considered that</p> | <p>Refer submission to Panel</p> |

Consideration of Submissions Report – Amendment C12

| Key Issues | CCMA Comments | Officer Comments | Officer Recommendation |
|--|--|--|-----------------------------------|
| <p>further flooding.</p> <ul style="list-style-type: none"> The flood modelling is based on outdated data and is therefore highly questionable. It would be reckless to consider the amendment prior to the release of the Victorian Coastal Strategy. | <p>including an FO with a 1 in 10 year flood event as part of a future amendment.</p> | <p>Amendment C12 satisfies the objectives of the Victorian Coastal Strategy 2008.</p> <p>Officers do not recommend any changes to the proposed amendment based on this submission.</p> | |
| <ul style="list-style-type: none"> Opposed to removal of the LSIO on the proposed site of two broiler farms in Pierces Road, Beeac. The LSIO coverage in this area should be extended to cover all flood areas. | <ul style="list-style-type: none"> The exhibited mapping for the proposed LSIO does not show a decrease in area or removal of the LSIO on the subject property. It is considered that the mapped flood extent covers a broader area than is actually expected to be inundated in a 1 in 100 year flood. There are also currently areas of the subject land that would be subject to inundation that do not appear in the proposed LSIO. The CCMA recommends that the LSIO delineation on the subject site be revised to more accurately depict the estimated 1 in 100 year flood extent. | <p>The LSIO currently covers a large portion of this site and although it could be more precisely defined, in the overall context there is no justification that warrant support for changes to the extent of the overlay subsequent to the exhibition process. If Council were to support modification of the overlay the owner would be required to be notified and have an opportunity to make a submission to the panel.</p> <p>As the changes would be minor, it is not recommended that the amendment be modified.</p> | <p>Refer submission to Panel</p> |
| <ul style="list-style-type: none"> Notes recent planning permit application was not approved. Supports Amendment C12. Considers the outcome of Amendment C12 will allow her to construct a dwelling on the site. | <ul style="list-style-type: none"> The extent of the LSIO at 28 Ryans Rd is reduced by proposed Amendment C12 compared to the current delineation. This submission supports the amendment. The CCMA would not recommend any changes to the proposed LSIO based on this submission. | <p>The submitters support for Amendment C12 is acknowledged.</p> <p>The submission does not request any changes to the proposed amendment.</p> | <p>Refer submission to Panel.</p> |
| <ul style="list-style-type: none"> Notes that lakes and aquifers are drying up. | <ul style="list-style-type: none"> The extent of the LSIO at 28 Ryans Rd is reduced by the proposed amendment C12 | <p>The submitters support for Amendment C12 is acknowledged.</p> | <p>Refer submission to Panel</p> |

Consideration of Submissions Report – Amendment C12

| Key Issues | CCMA Comments | Officer Comments | Officer Recommendation |
|---|---|--|----------------------------------|
| <ul style="list-style-type: none"> • Suggests that until Amendment C12 is resolved a planning permit to construct a dwelling on the site cannot be issued. • Supports Amendment C12 | <p>compared to the current delineation.</p> <ul style="list-style-type: none"> • This submission supports the amendment. The CCMA would not recommend any changes to the proposed LSIO based on this submission. | <p>The submission does not request any changes to the proposed amendment.</p> | |
| <ul style="list-style-type: none"> • Notes that without a favourable decision on Amendment C12, equipment may need to be stored elsewhere. | <ul style="list-style-type: none"> • The extent of the LSIO at 1490 Princes Highway is reduced as a result by proposed Amendment C12 compared to the current delineation. • This submission supports the amendment. The CCMA would not recommend any changes to the proposed LSIO based on this submission. | <p>The submitters support for Amendment C12 is acknowledged.</p> <p>The submission does not request any changes to the proposed amendment.</p> | <p>Refer submission to Panel</p> |

Planning and Environment Act 1987

COLAC OTWAY PLANNING SCHEME

AMENDMENT C12

EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the amendment.

The amendment applies to all land within the Colac Otway Shire affected by flooding.

What the amendment does.

The amendment:

- Modifies the Land Subject to Inundation Overlay maps to align with updated flood mapping provided by the Corangamite Catchment Management Authority.
- Introduces Floodway Overlay maps to implement flood mapping provided by the Corangamite Catchment Management Authority.
- Amends the Schedule to the Land Subject to Inundation Overlay to specify buildings and works that are exempt from the requirement of a planning permit.
- Introduces the Floodway Overlay to the Colac Otway Planning Scheme and inserts a schedule to specify buildings and works that are exempt from the requirement of a planning permit.

Strategic assessment of the amendment

- **Why is the amendment required?**

As a result of a review of the areas of the municipality which are subject to flooding, the extent of the Land Subject to Inundation Overlay (LSIO) is proposed to be varied and the Floodway Overlay (FO) introduced into the Planning Scheme. The LSIO mapping in the current scheme is in some cases incomplete or inaccurate. The Council in association with the Corangamite Catchment Management Authority has now reviewed and updated the application of the overlay as a result of more accurate information on flooding obtained under the Flood Data Transfer Project, which was managed by the former Department of Natural Resources and Environment for regional Victoria.

The Flood Data Transfer Project has collected and reviewed all flood data information currently available with the objective of producing high quality, consistent and comprehensive flooding information. The data was collected from the former NRE and other organisations, local government and water authorities.

The Floodway Overlay has been applied to areas that have the greatest risk and frequency of being affected by flooding. A floodway is identified as the channel, stream and that portion of land subject to inundation necessary to convey the main flow of floodwater, and are often, but not necessarily, the areas of deeper flow or the areas where higher velocities occur. It includes areas that convey active flood flows or store floodwater.

The areas included in the Land Subject to Inundation Overlay are likely to be affected by a 1 in a 100 year flood. Flooding in these areas is less severe although some property damage may occur. The Overlay seeks to ensure that development maintains the free passage of floodwaters, minimises flood damage, is compatible with flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity. The area covered by the overlay is based on the most accurate available information.

Colac Otway Shire Council's three year Planning Scheme Review Report, prepared pursuant to Section 12B(1) of the *Planning and Environment Act 1987* identified that:

"The LSIO schedule presently serves little useful purpose and will need to be modified pending updated advice, mapping and the requirements of the Corangamite Catchment Management Authority. It is noted that there is some inconsistency between Council's local flood mapping and that of the CMA. Moreover, some of the provisions of Clause 802 of the Building (Interim) Regulations 2005 need to be reflected in any LSIO schedule."

The proposed amendment seeks to respond to this issue.

The amendment will assist Colac Otway Shire Council and the Corangamite Catchment Management Authority in carrying out more effective planning and management of land affected by flooding. The amendment will provide clearer guidance for proposals in flood affected areas, streamline decision making and provide greater certainty for landowners.

- **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria as outlined in the *Planning and Environment Act, 1987*. In particular it implements the objectives of Section 4(1)(a) by providing for the fair and orderly development of land, Section 4(1)(b) by ensuring a safe working, living and recreational environment, and Section 4(1)(f), by facilitating development in accordance with these objectives.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

The Amendment will have positive effects on the environment by controlling development in areas affected by flooding and also by ensuring that the environmental significance of floodplains is protected.

The Amendment is not expected to have any detrimental economic or social effects. Rather, it is expected to have positive effects because flood risks to life, property and community infrastructure can be minimised and appropriate minor buildings and works will be exempted from the need to obtain a planning permit.

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

The amendment is of local significance only and complies with all Minister's Directions under Section 12 of the *Planning and Environment Act 1987*.

The amendment is not directly affected by Minister's Directions for the *Melbourne 2030 Strategy*, that is *Minister's Direction No 9, Metropolitan Strategy* and *Minister's Direction No 10, Urban Growth Strategy*.

The amendment complies with Minister's Direction No 11, *Strategic Assessment of Amendments*. All requirements to be met under the direction have been considered and met in the preparation of the amendment.

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

• **How does the amendment support or implement the State Planning Policy Framework?**

State Planning Policy states the following objective for floodplain management (15.02-1):

“To assist the protection of:

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and flood ways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance”.*

The Implementation clause (15.02-2) includes amongst other things that:

“Land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, should be shown on the planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority”

The amendment will assist in implementing these aspects of State Policy.

• **How does the amendment support or implement the Local Planning Policy Framework?**

The amendment supports and assists in implementing Clause 21.04-02 (Natural Resources and Cultural Heritage Management) of the Local Planning Policy Framework. The Clause lists the following objective, strategy and selected implementation measures:

Key objective

To manage the natural and cultural resources of the Shire in a sustainable manner to balance the needs of the future with protection for the key elements of the natural and cultural environment which are fundamental to the prosperity of the Shire.

Strategy to achieve the objective:

Minimise environmental hazards.

Implementation will be achieved by:

- *Promoting floodplain management policies, which minimise loss and damage, maintain the function of the floodway to convey and store floodwater and protect areas of environmental significance.*
- *Encouraging the use of "constructed wetlands" as a means of storing floodwater, improving water quality and adding to natural habitats.*
- *Including over areas subject to inundation a Land Subject to Inundation Overlay.*
- *Using the findings of the Shire's Floodplain Management Project to manage flood prone areas, floodplains and wetlands.*

The accurate application of the FO and the LSIO will assist in planning for and managing waterways, marine environments and areas of environmental hazards, resulting in a positive outcome for catchments and the Shire generally.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions. The amendment proposes to amend the Land Subject to Inundation Overlay maps and schedule to introduce exemptions from the need to obtain a planning permit for appropriate minor buildings and works, as well as introduce Floodway Overlay mapping and corresponding schedule into the Planning Scheme. These are the most appropriate tools to achieve these changes to the Colac Otway Planning Scheme, and are in accordance with the DPCD Practice Note: *'Applying the Flooding Provisions in Planning Schemes'*.

- **How does the amendment address the views of any relevant agency?**

The amendment has been prepared in conjunction with the Corangamite Catchment Management Authority and is part of a state wide approach to ensure that flood information contained in planning schemes is as relevant as possible.

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

The amendment is not expected to cause a significant impact on the resource and administrative costs of the Responsible Authority. The amendment will assist local government and catchment management authorities in carrying out more effective planning and management of land affected by flooding. The amendment will provide clearer guidance for proposals in flood affected areas, streamline decision making and provide greater certainty for landowners.

Where you may inspect this Amendment.

The amendment is available for public inspection, free of charge, during office hours at the following places.

- **Colac Otway Shire Council**
2-6 Rae Street,
Colac Vic 3250
- **Colac Otway Shire Council**
Apollo Bay Customer Service Centre
69 Nelson Street,
Apollo Bay Vic 3233
- On Council's website at www.colacotway.vic.gov.au
- The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at www.dpcd.vic.gov.au/planning/publicinspection

Any submission about the amendment must:

- Be made in writing giving the submitter's name, address and, if practicable, a phone number for contact during office hours.
- Set out the views on the amendment, that the submitter wishes to put before Council and indicate what changes (if any) the submitter wishes made to the amendment.

Please be aware that copies of objections / submissions received may be made available to any person for the purpose of consideration as part of the planning process under the Planning and Environment Act, 1987.

The closing date for submissions is Monday 27th October, 2008. A submission must be sent to the **General Manager, Sustainable Planning and Development, Colac Otway Shire Council** either by mail at PO Box 283, COLAC VIC 3250 or by email inq@colacotway.vic.gov.au.

Enquiries about the amendment can be made by contacting the Planning Department on (03) 5232 9400.

Jack Green
General Manager, Sustainable Planning & Development

44.0315/09/2008
VC49**FLOODWAY OVERLAY**

Shown on the planning scheme map as **FO** or **RFO** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.

To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

44.03-115/09/2008
VC49**Buildings and works**

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 4500 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
 - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
 - The erection of telephone or power lines provided they do not involve the construction of towers or poles.

- To post and wire and post and rail fencing.

44.03-2 Subdivision

19/01/2006
VC37

A permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

44.03-3 Application requirements

19/01/2006
VC37

Local floodplain development plan

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

Flood risk report

If a local floodplain development plan for the area has not been incorporated into this scheme, an application must be accompanied by a flood risk report to the satisfaction of the responsible authority, which must consider the following, where applicable:

- The State Planning Policy Framework and the Local Planning Policy Framework.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effects of the development on environmental values such as natural habitat, stream stability, erosion, water quality and sites of scientific significance.

44.03-4 Exemption from notice and review

19/01/2006
VC37

An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

44.03-5 Referral of applications19/01/2006
VC37

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

44.03-6 Decision guidelines19/01/2006
VC37

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.

Notes: *Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

--/20--
C12

SCHEDULE TO THE FLOODWAY OVERLAY

Shown on the planning scheme map as **FO**.

1.0

Permit requirement

--/20--
C12

A permit is not required to construct or carry out the following:

Buildings

- A non-habitable building (other than industrial and commercial) with a floor area less than 100 square metres.
- An extension to a non-habitable building (other than industrial and commercial), provided that the total ground floor area of the building is less than 100 square metres.
- An extension to an existing dwelling provided that the floor area of the extension is less than 40 square metres and is less than 50% of the existing floor area.
- A pergola, verandah, carport or swimming pool.
- A hay shed with open sides.

Works

- Earthworks that do not raise ground level topography by more than 200 millimetres.
- Repairs and routine maintenance that do not affect the height, length or location of a levee, embankment or road.
- Open type fencing (excluding paling fencing, brick and concrete walls) and a replacement fence of the same type and materials as the existing fence.
- Works associated with apiaries and vine or horticultural trellises or watering systems.
- Sports grounds with no grandstands or raised viewing areas.
- Golf courses, playgrounds, picnic shelters and barbeques.
- A protective wall or levee bank around an existing dwelling and its curtilage, providing it protects an area (including the foot print of the protective wall and levee bank) less than 200 square metres.

2.0

Referral of applications

--/20--
C12

An application for a permit is not required to be referred to the floodplain management authority if the application is in accordance with an adopted local floodplain development plan.

44.0415/09/2008
VC49**LAND SUBJECT TO INUNDATION OVERLAY**

Shown on the planning scheme map as **LSIO** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.

To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

44.04-115/09/2008
VC49**Buildings and works**

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 4500 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
 - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
 - The erection of telephone or power lines provided they do not involve the construction of towers or poles.

- To post and wire and post and rail fencing.

44.04-219/01/2006
VC37**Subdivision**

A permit is required to subdivide land.

44.04-319/01/2006
VC37**Application requirements****Local floodplain development plan**

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

44.04-419/01/2006
VC37**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

44.04-519/01/2006
VC37**Referral of applications**

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

44.04-619/01/2006
VC37**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on environmental values such as natural habitat, stream stability, erosion, water quality and sites of scientific significance.

Notes: *Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

--/20--
C12**SCHEDULE TO THE LAND SUBJECT TO INUNDATION OVERLAY**

Shown on the planning scheme map as **LSIO**.

1.0 Permit requirement--/20--
C12

A permit is not required to construct or carry out the following:

Buildings

- A non-habitable building (other than industrial and commercial) with a floor area less than 100 square metres.
- An extension to a non-habitable building (other than industrial and commercial), provided that the total ground floor area of the building is less than 100 square metres.
- An extension to an existing dwelling provided that the floor area of the extension is less than 40 square metres and is less than 50% of the existing floor area.
- A pergola, verandah, carport or swimming pool.
- A hay shed with open sides.

Works

- Earthworks that do not raise ground level topography by more than 200 millimetres.
- Repairs and routine maintenance that do not affect the height, length or location of a levee, embankment or road.
- Open type fencing (excluding paling fencing, brick and concrete walls) and a replacement fence of the same type and materials as the existing fence.
- Works associated with apiaries and vine or horticultural trellises or watering systems.
- Sports grounds with no grandstands or raised viewing areas.
- Golf courses, playgrounds, picnic shelters and barbeques.
- A protective wall or levee bank around an existing dwelling and its curtilage, providing it protects an area (including the foot print of the protective wall and levee bank) less than 200 square metres.

2.0 Referral of applications--/20--
C12

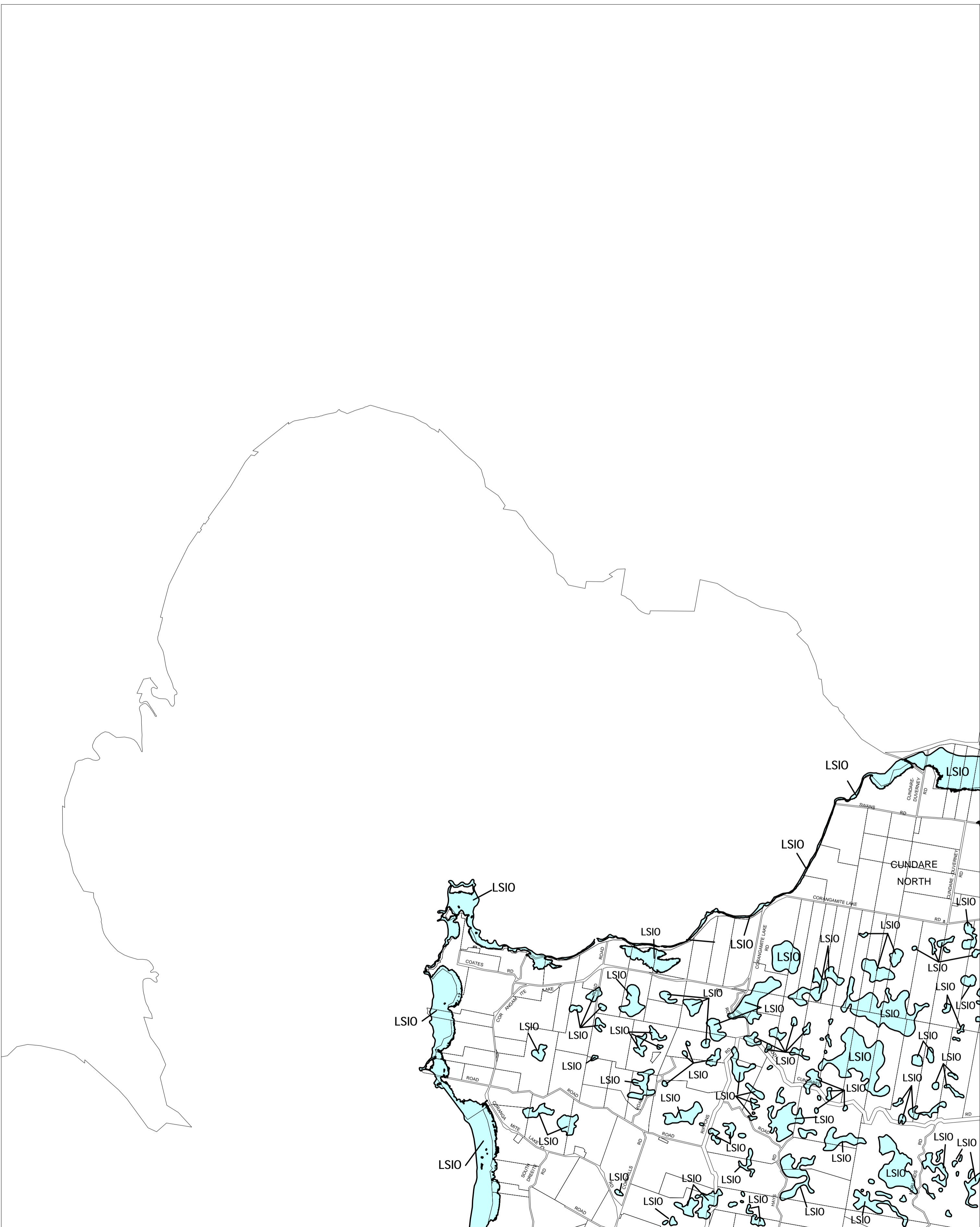
An application for a permit is not required to be referred to the floodplain management authority if the application is in accordance with an adopted local floodplain development plan.

SCHEDULE TO CLAUSE 61.03**Maps comprising part of this scheme**

- 1, 1ESO2, 1ESO4, 1HO, 1LSIO-FO, 1SLO, 1VPO2
- 2, 2ESO2, 2ESO3, 2ESO4, 2HO, 2LSIO-FO, 2SLO, 2VPO2
- 3, 3ESO2, 3ESO4, 3HO, 3LSIO-FO
- 4, 4ESO4, 4HO, 4LSIO-FO, 4VPO2
- 5, 5DDO, 5ESO2, 5ESO4, 5HO, 5LSIO-FO, 5PAO, 5VPO1
- 6, 6HO, 6LSIO-FO, 6PAO, 6VPO1
- 7, 7HO
- 8, 8HO, 8SLO
- 9, 9AEO, 9DDO, 9DPO, 9EMO, 9ESO2, 9ESO4, 9HO, 9LSIO-FO, 9PAO, 9SLO1, 9VPO2, 9WMO
- 10, 10ESO2, 10ESO4, 10HO, 10LSIO-FO
- 11, 11DDO, 11EMO, 11ESO2, 11HO, 11LSIO-FO, 11PAO, 11SLO1, 11VPO1, 11WMO
- 12, 12EMO, 12ESO4, 12HO, 12LSIO-FO, 12PAO, 12VPO2, 12WMO
- 13, 13HO, 13EMO, 13ESO3, 13LSIO-FO
- 14, 14ESO4, 14EMO, 14HO, 14LSIO-FO, 14VPO1, 14VPO2, 14WMO
- 15, 15EMO, 15ESO1, 15ESO2, 15ESO3, 15HO, 15LSIO-FO, 15SLO, 15VPO1, 15VPO2, 15WMO
- 16, 16EMO, 16ESO1, 16ESO2, 16ESO3, 16ESO4, 16HO, 16LSIO-FO, 16PAO, 16VPO1, 16VPO2, 16SLO, 16WMO
- 17, 17EMO, 17HO, 17LSIO-FO, 17WMO
- 18, 18EMO, 18ESO3, 18HO, 18LSIO-FO, 18SLO, 18WMO
- 19, 19EMO, 19ESO2, 19ESO3, 19HO, 19LSIO-FO, 19SLO, 19VPO1, 19VPO2, 19WMO
- 20, 20EMO, 20ESO2, 20ESO3, 20HO, 20LSIO-FO, 20VPO1, 20WMO
- 21, 21EMO, 21ESO2, 21ESO3, 21ESO4, 21ESO5, 21HO, 21LSIO-FO, 21VPO1, 21VPO2, 21WMO
- 22, 22EMO, 22ESO2, 22ESO3, 22HO, 22VPO2, 22WMO
- 23, 23DDO, 23EMO, 23ESO2, 23ESO4, 23HO, 23LSIO-FO, 23SLO, 23NCO, 23WMO
- 24, 24DDO, 24EMO, 24ESO2, 24HO, 24LSIO-FO, 24SLO, 24NCO, 24WMO
- 25, 25EMO, 25ESO2, 25ESO3, 25ESO4, 25HO, 25LSIO-FO, 25SLO1, 25VPO1, 25VPO2, 25WMO
- 26, 26EMO, 26ESO2, 26ESO3, 26ESO5, 26HO, 26LSIO-FO, 26SLO1, 26VPO1, 26VPO2, 26WMO
- 27, 27AEO, 27EMO, 27ESO2, 27ESO3, 27ESO5, 27HO, 27LSIO-FO, 27PAO, 27VPO1, 27VPO2, 27WMO
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COLAC OTWAY PLANNING SCHEME

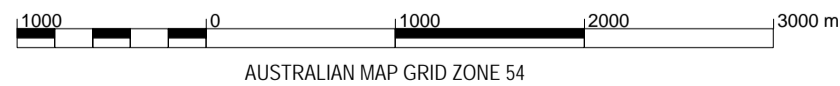
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Overlays

LSIO Land Subject to Inundation Overlay

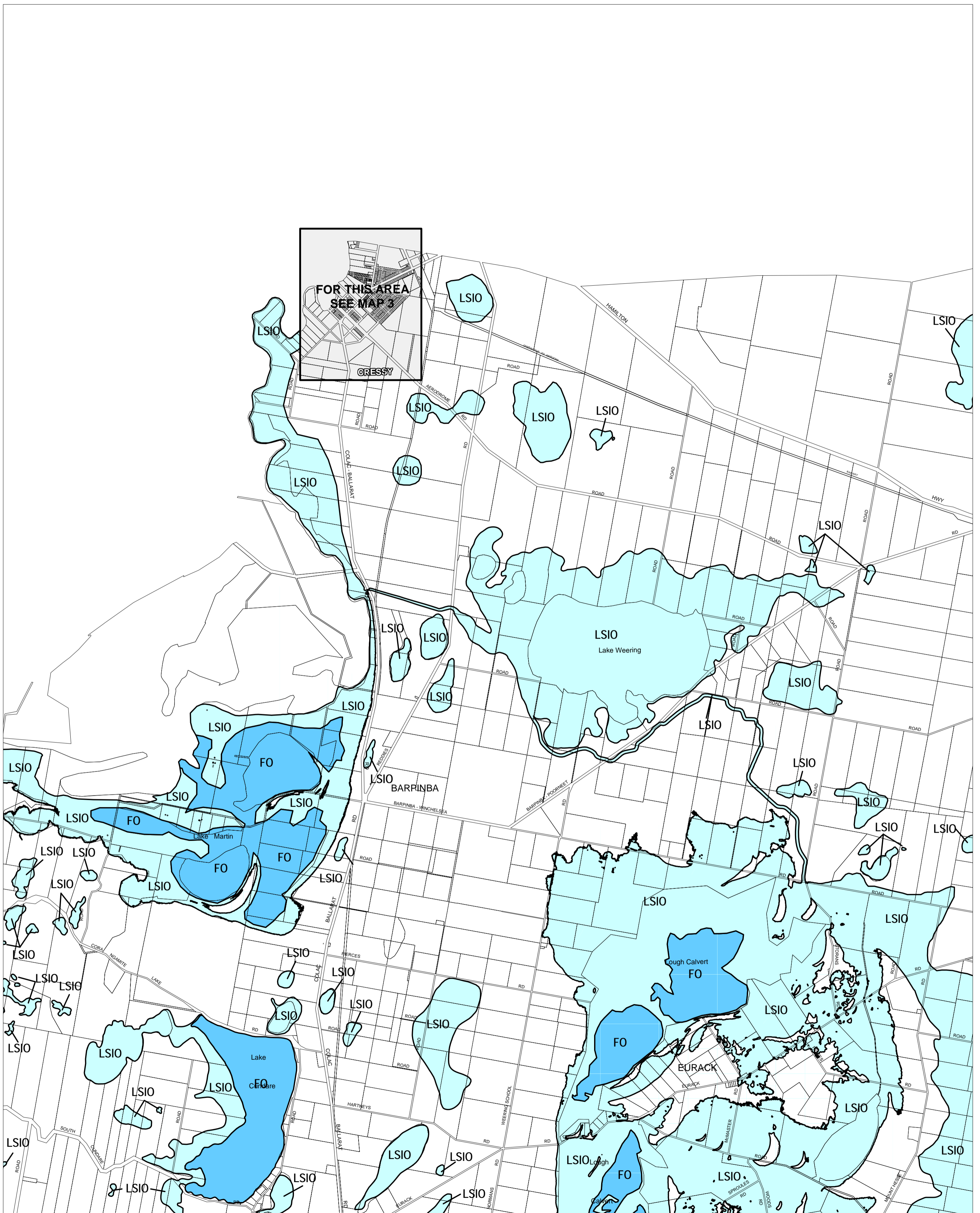


INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| 5 | 6 | 9 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 2/5/2008

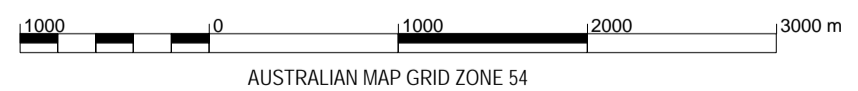
AMENDMENT C12



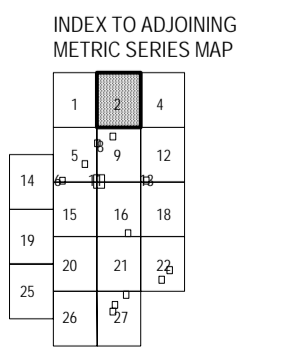
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Overlays

- Floodway Overlay
- Land Subject To Inundation Overlay



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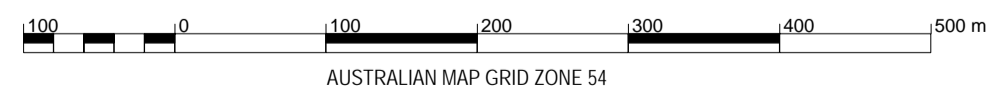


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Overlays

LSIO Land Subject to Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54



INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| | 5 | 9 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 2/5/2008

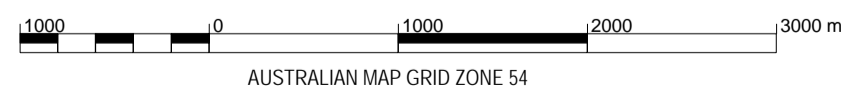
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Overlays

- LSIO Land Subject to Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54

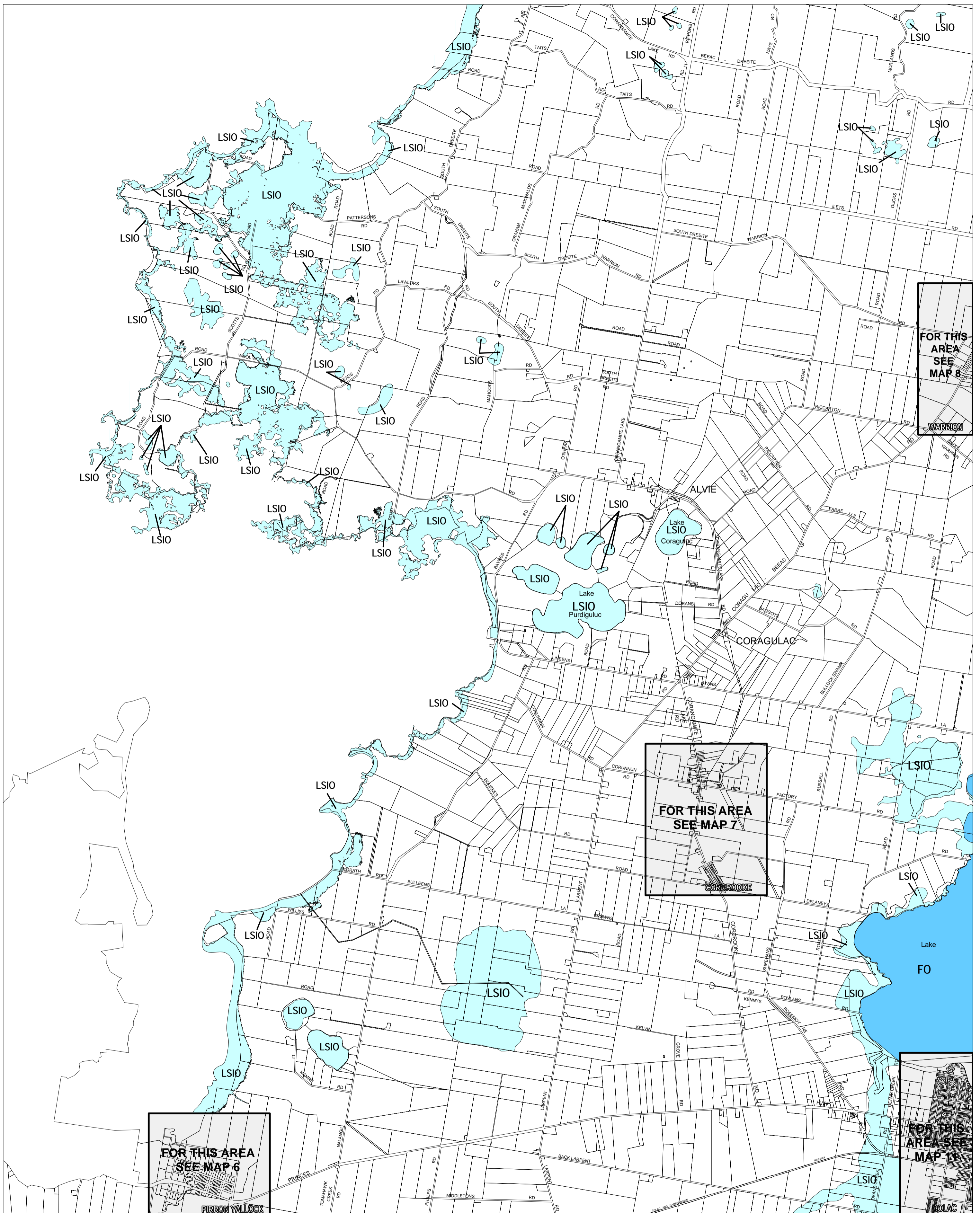


INDEX TO ADJOINING METRIC SERIES MAP

| | | | | |
|----|----|----|----|----|
| | | 1 | 2 | 3 |
| | 5 | 6 | 7 | 8 |
| 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 |
| 25 | 26 | 27 | 28 | 29 |

Printed: 2/5/2008

AMENDMENT C12

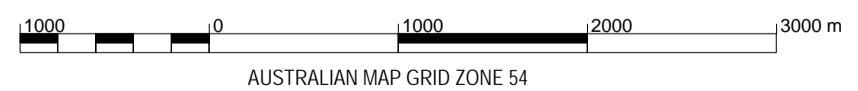


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Overlays

- FO Floodway Overlay
- LSIO Land Subject To Inundation Overlay

HERITAGE OVERLAY



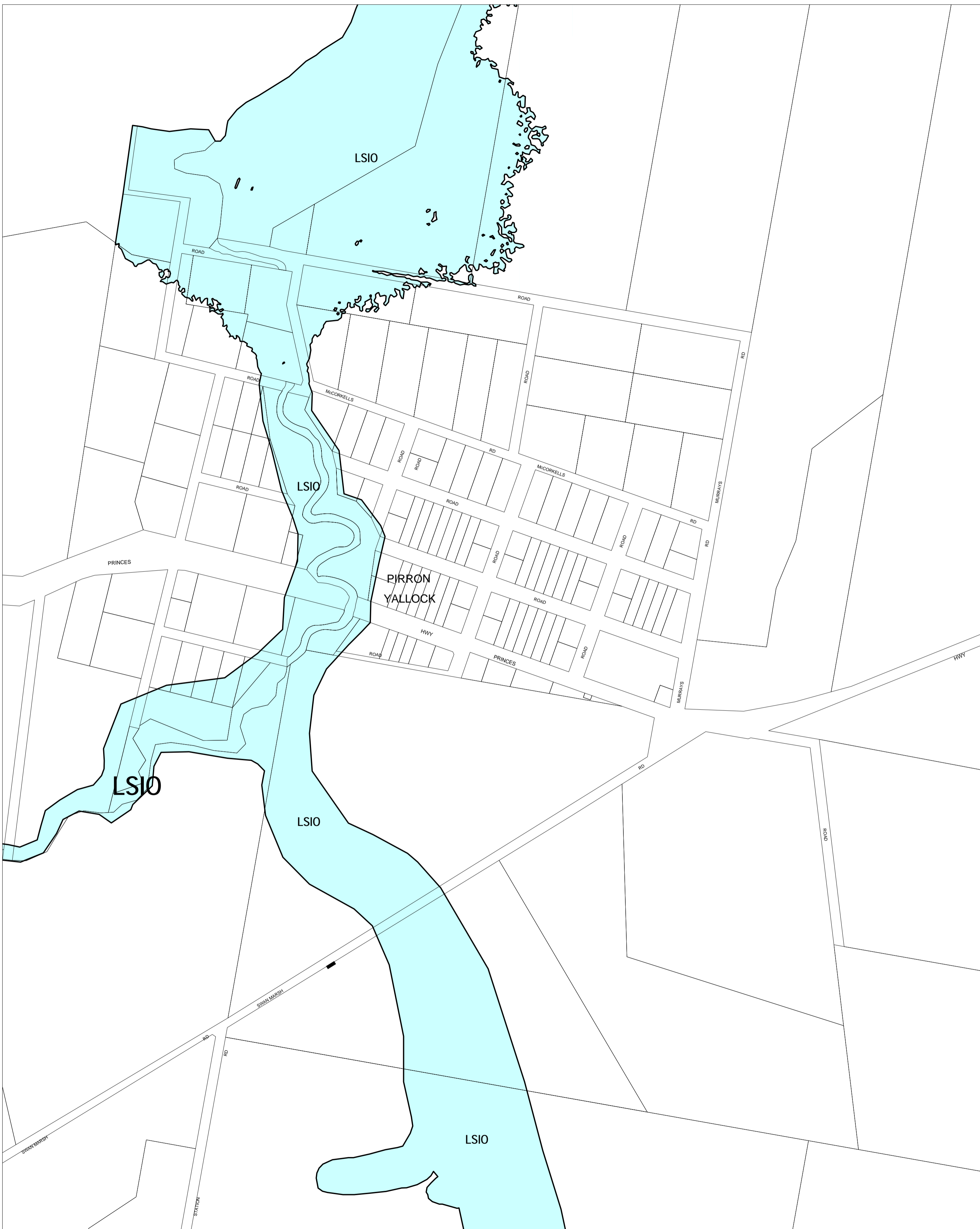
INDEX TO ADJOINING METRIC SERIES MAP

| | | |
|----|----|----|
| 1 | 2 | 4 |
| 5 | 9 | 12 |
| 14 | 16 | 18 |
| 19 | 21 | 26 |
| 25 | 27 | |

Printed: 5/5/2008

AMENDMENT C12

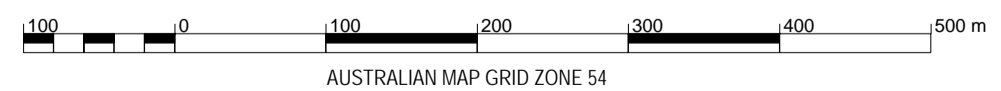
MAP No 5LSI-FO



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Overlays

LSIO Land Subject to Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54

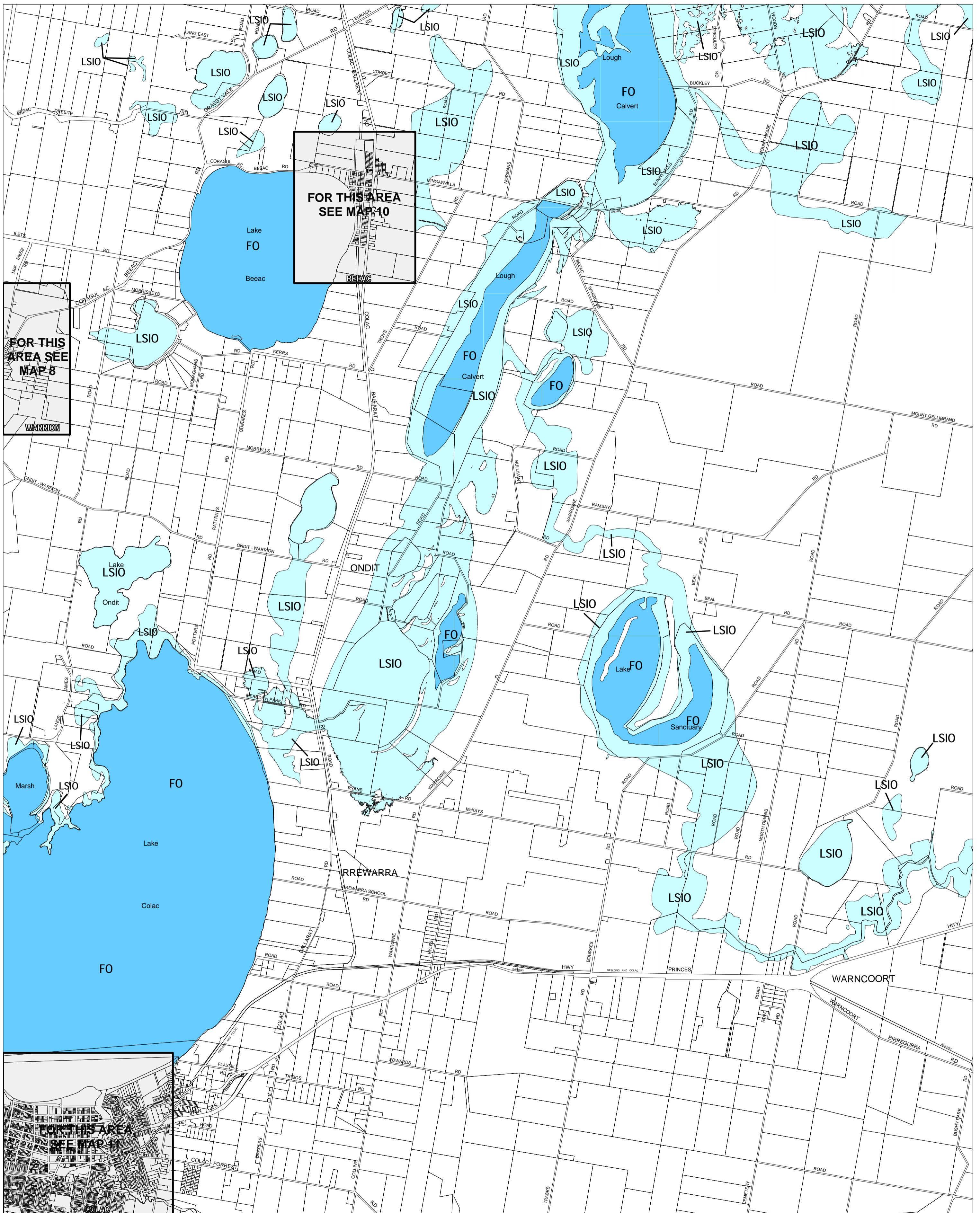


INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|-----|----|
| | 1 | 2 | 4 |
| | 5g | 9 | 12 |
| 14 | 15 | 16n | 18 |
| | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 5/5/2008

AMENDMENT C12

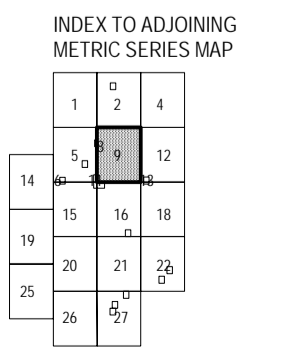
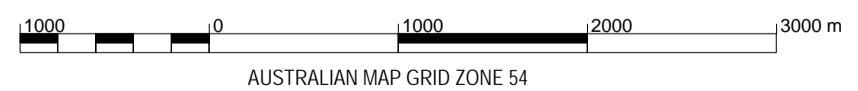


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Overlays

- FO Floodway Overlay
- LSIO Land Subject To Inundation Overlay

PUBLIC ACQUISITION OVERLAY



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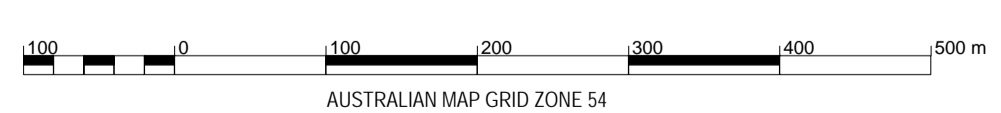
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Overlays

- FO Floodway Overlay
- LSIO Land Subject To Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54



INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| | 5 | 9 | 12 |
| 14 | 15 | 16 | 18 |
| | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 5/5/2008

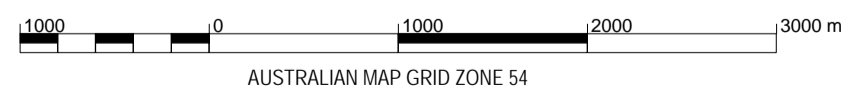
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Overlays

LSIO Land Subject To Inundation Overlay



INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| 5 | 8 | 9 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 5/5/2008

AMENDMENT C12

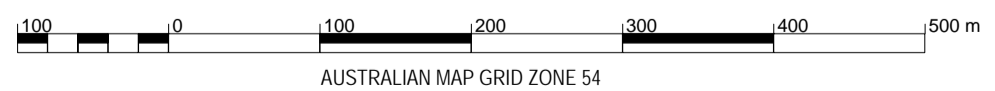


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Overlays

- FO Floodway Overlay
- LSIO Land Subject To Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54

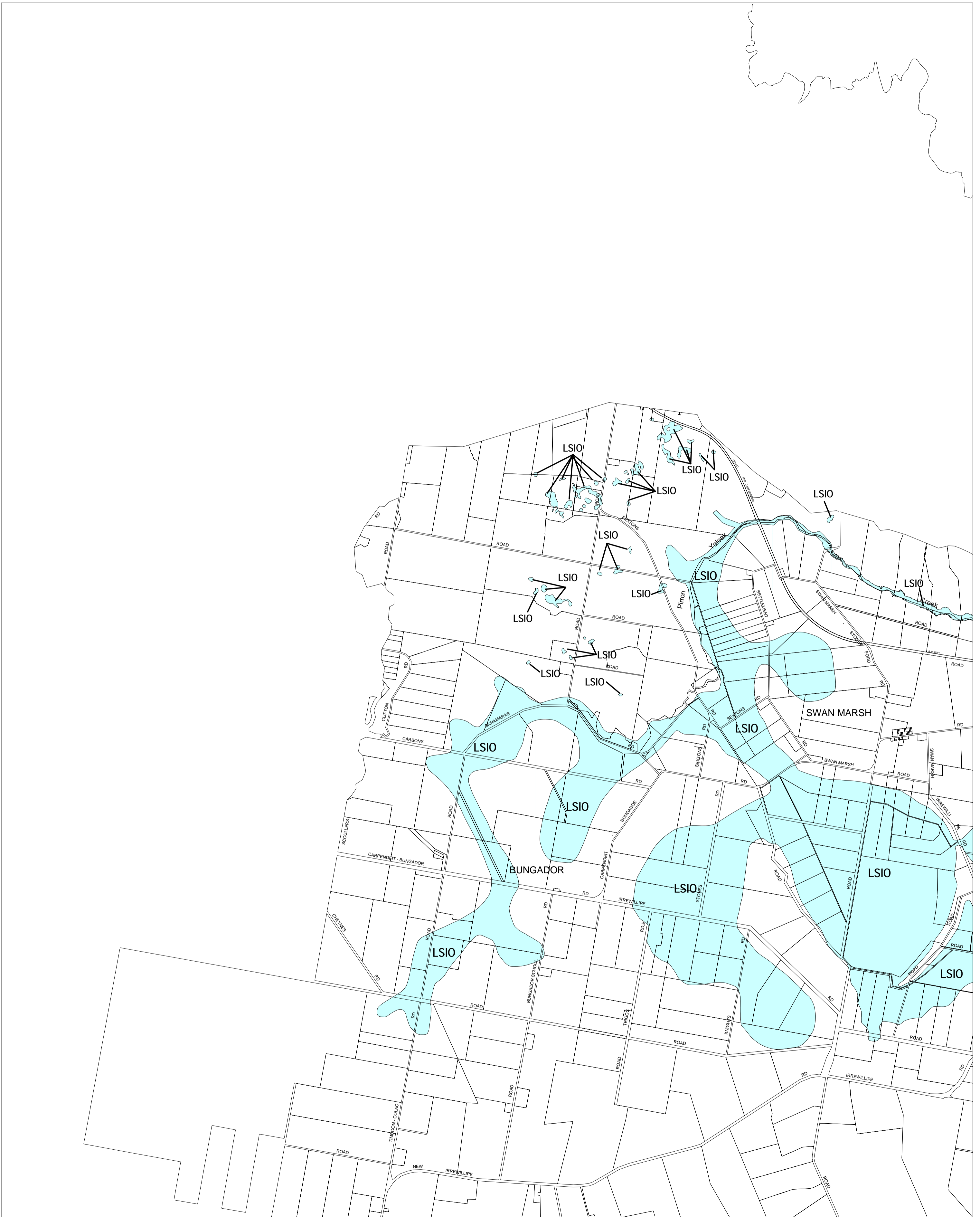


INDEX TO ADJOINING METRIC SERIES MAP

| | | |
|----|----|----|
| 1 | 2 | 4 |
| 5g | 9 | 12 |
| 14 | 17 | 18 |
| 19 | 21 | 26 |
| 25 | 27 | |

Printed: 5/5/2008

AMENDMENT C12

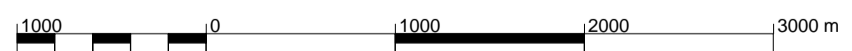


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Overlays

LSIO Land Subject to Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54



INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| | 5 | 9 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 5/5/2008

AMENDMENT C12



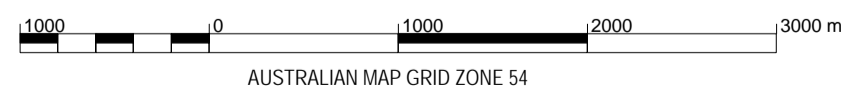
FOR THIS AREA
SEE MAP 6
PIRRON YALLOCK

FOR THIS
AREA
SEE
MAP 11

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Overlays

LSIO Land Subject To Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54



INDEX TO ADJOINING METRIC SERIES MAP

| | | |
|----|----|-----|
| 1 | 2 | 4 |
| 5g | 9 | 12 |
| 14 | 15 | 16n |
| 19 | 20 | 21 |
| 25 | 26 | 27 |

Printed: 5/5/2008

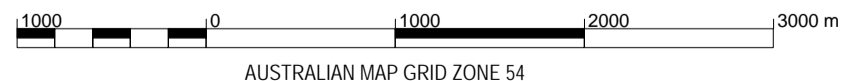
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Overlays

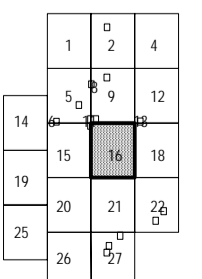
LSIO Land Subject to Inundation Overlay



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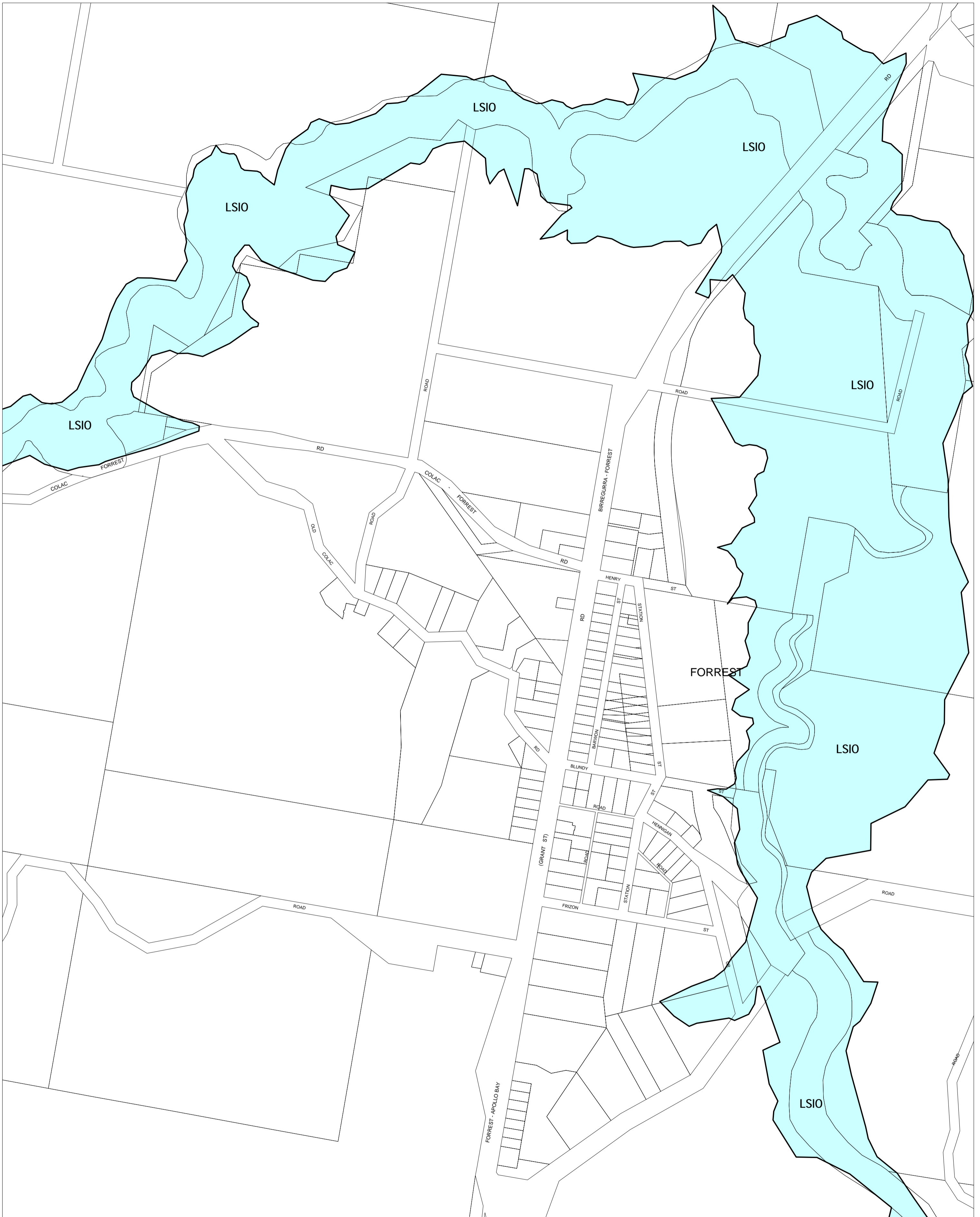


INDEX TO ADJOINING METRIC SERIES MAP



Printed: 5/5/2008

AMENDMENT C12

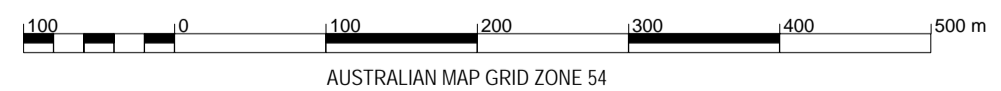


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Overlays

LSIO Land Subject to Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54

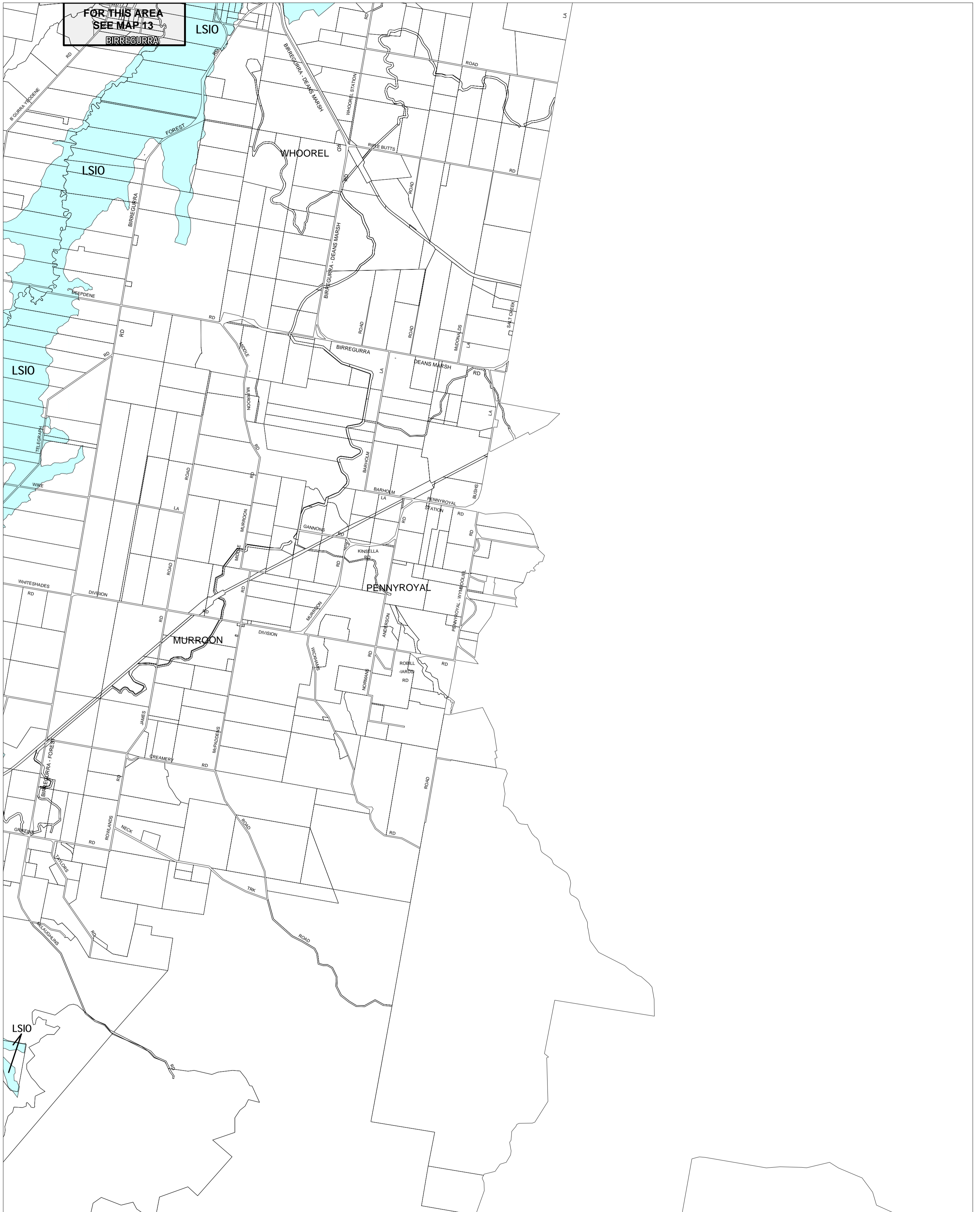


INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| | 5 | 9 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 5/5/2008


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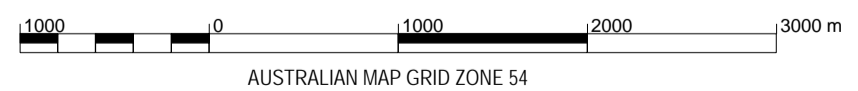


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Overlays

 Land Subject To Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54

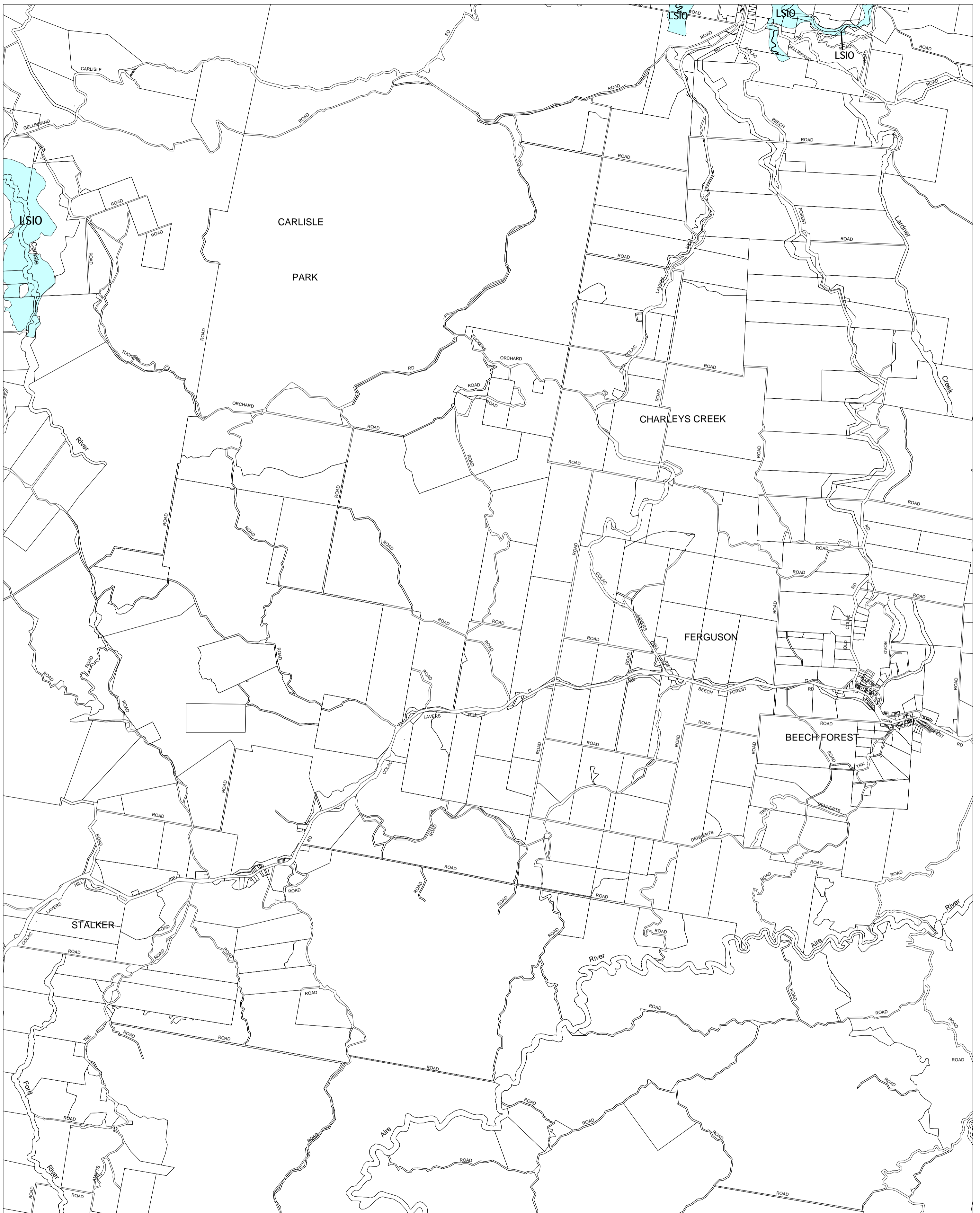


INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| | 5 | 8 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 5/5/2008

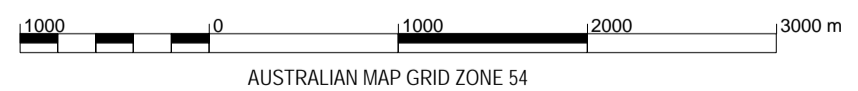
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Overlays

LSIO Land Subject to Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54

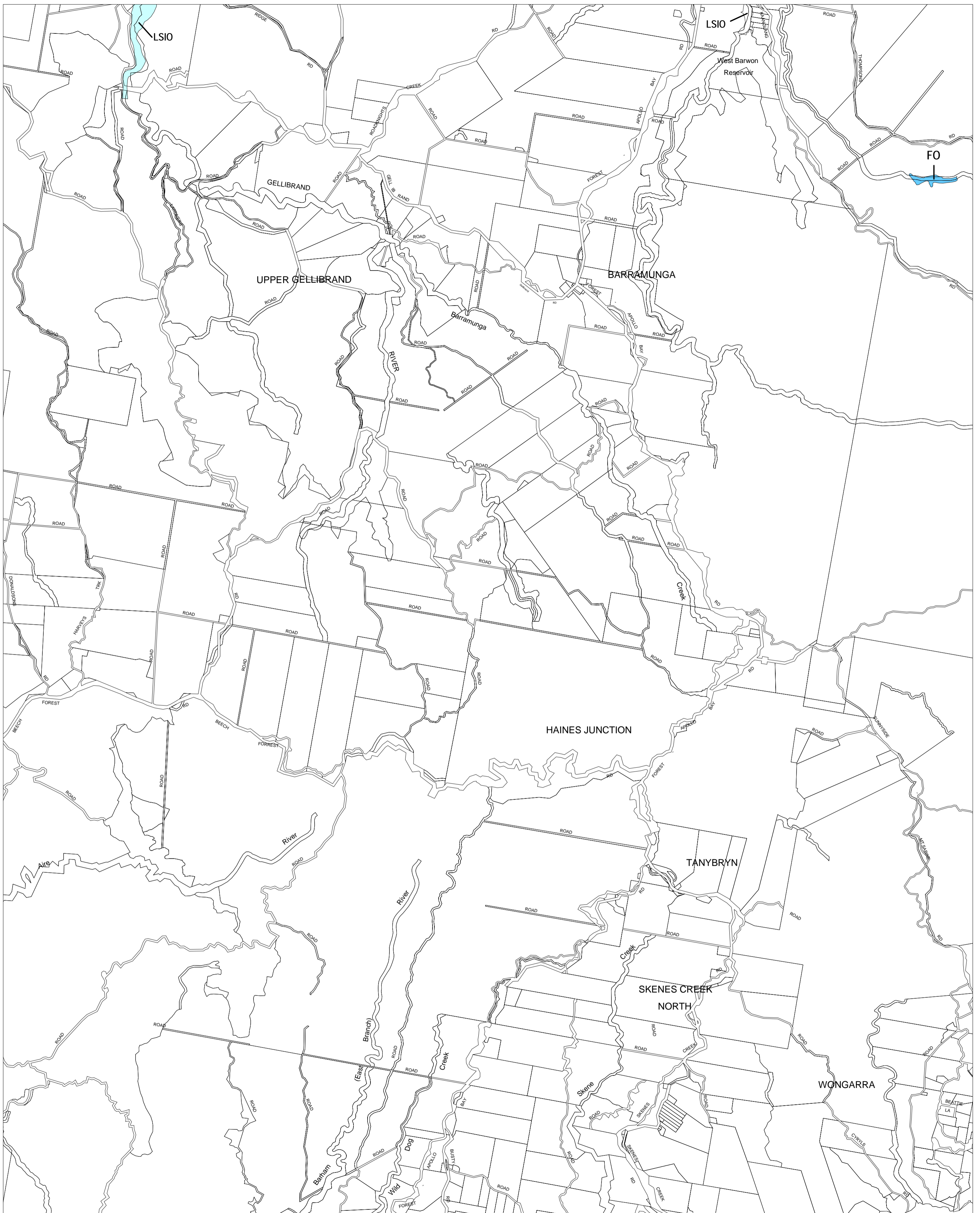


INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| | 5 | 8 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 5/5/2008

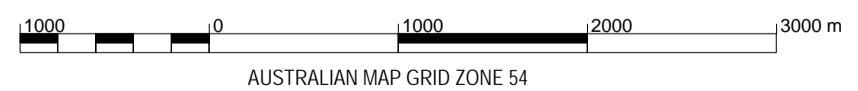
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Overlays

- FO Floodway Overlay
- LSIO Land Subject To Inundation Overlay

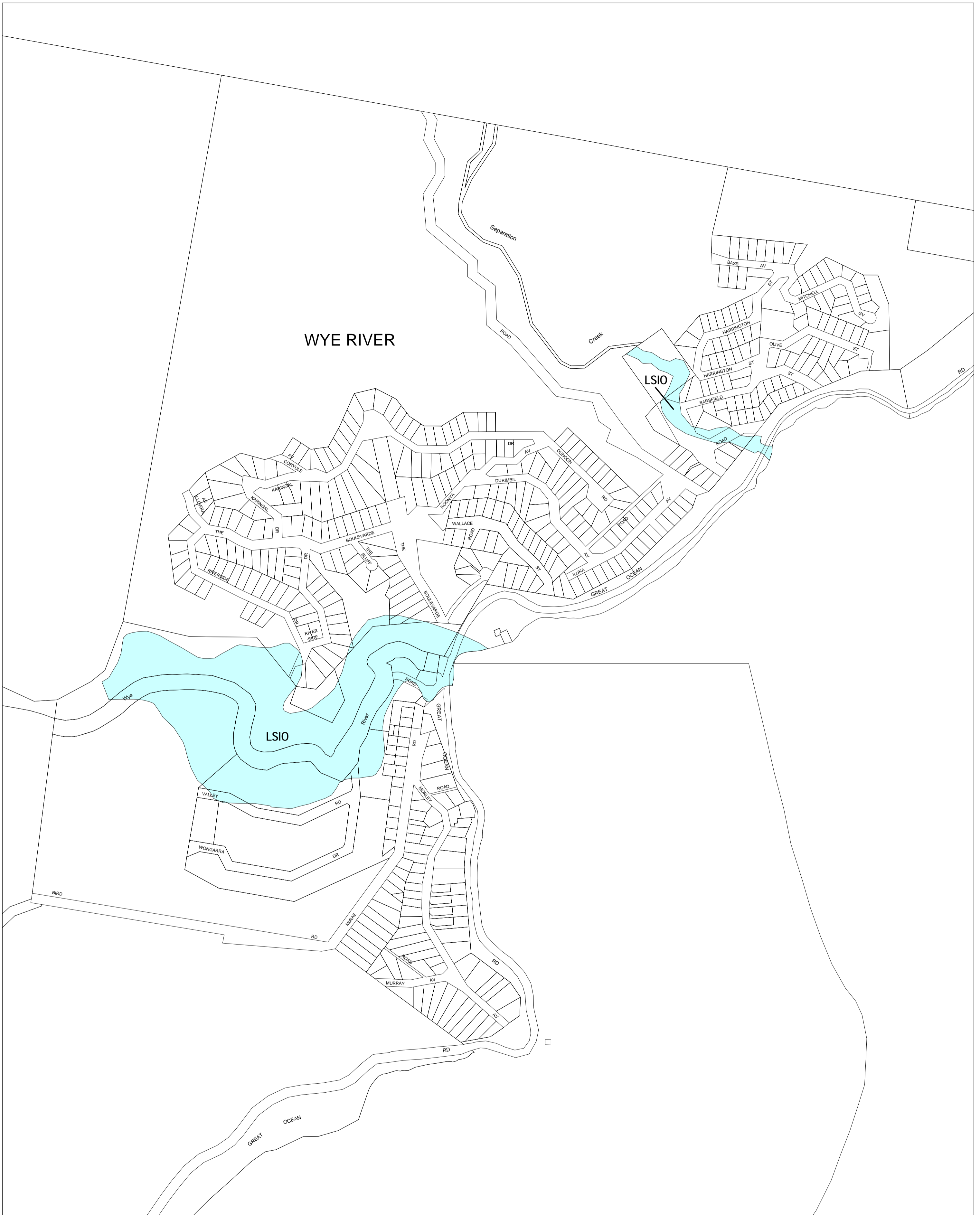


INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| | 5g | 9 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 5/5/2008

AMENDMENT C12

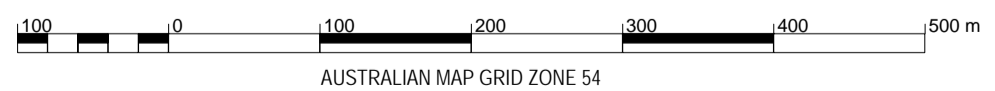


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Overlays

LSIO Land Subject to Inundation Overlay



INDEX TO ADJOINING METRIC SERIES MAP

| | | |
|----|----|----|
| | 0 | 4 |
| 1 | 2 | |
| 5g | 9 | 12 |
| 14 | 15 | 16 |
| 19 | 20 | 21 |
| 25 | 26 | 27 |

Printed: 5/5/2008

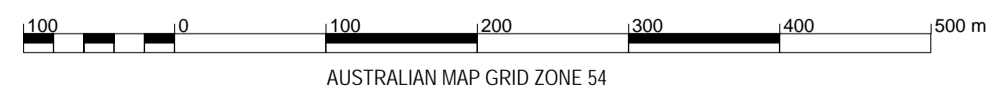
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Overlays

LSIO Land Subject To Inundation Overlay



INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| | 5 | 8 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 22 |
| 25 | 26 | 27 | |

Printed: 5/5/2008

AMENDMENT C12

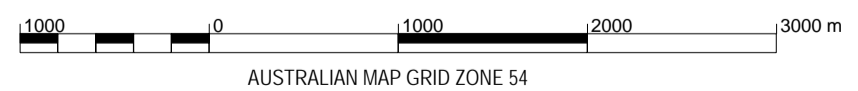


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Overlays

LSIO Land Subject To Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54

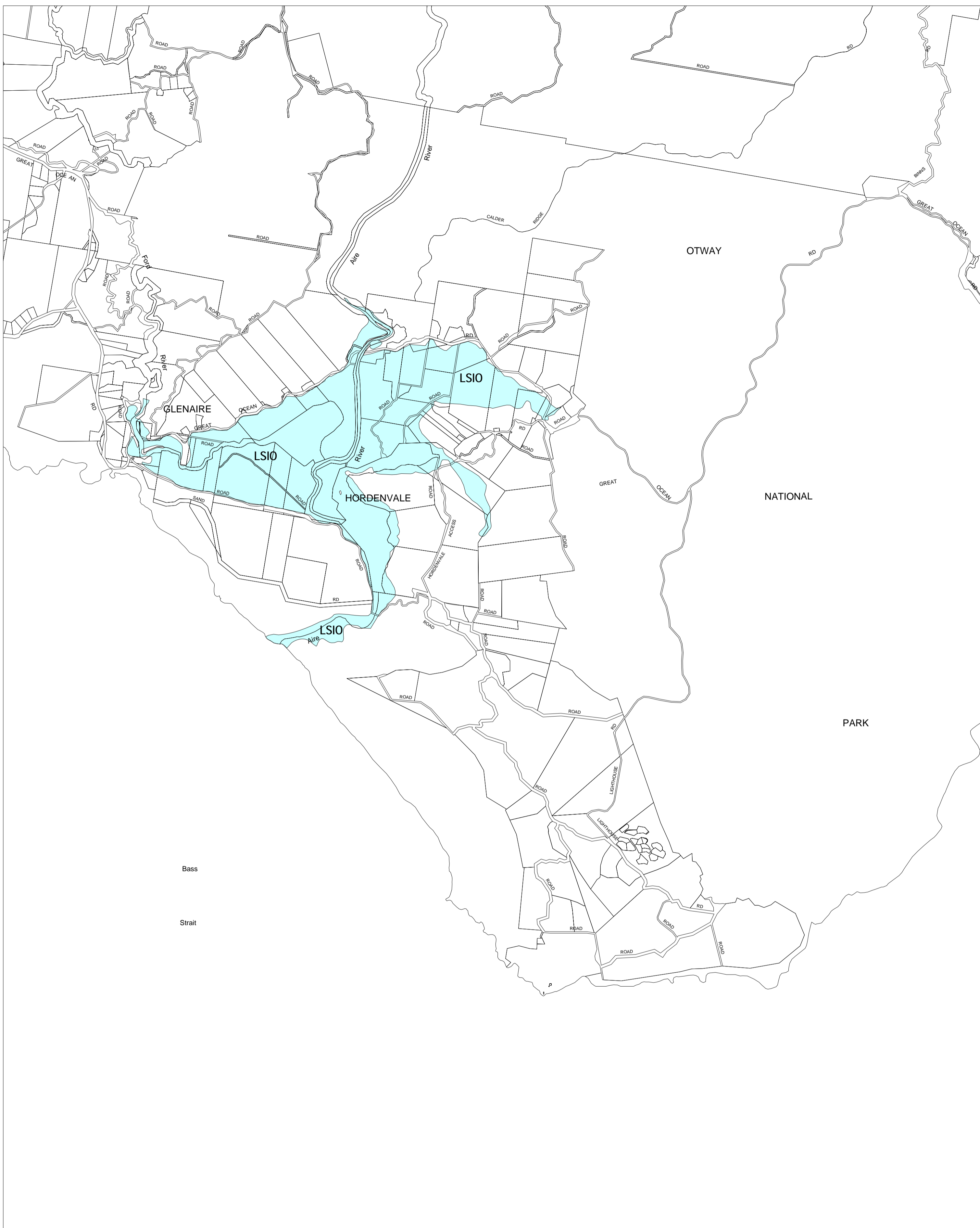


INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| | 5 | 8 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 5/5/2008

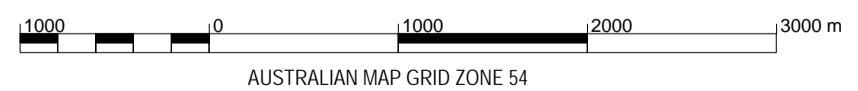
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Overlays

LSIO Land Subject To Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54

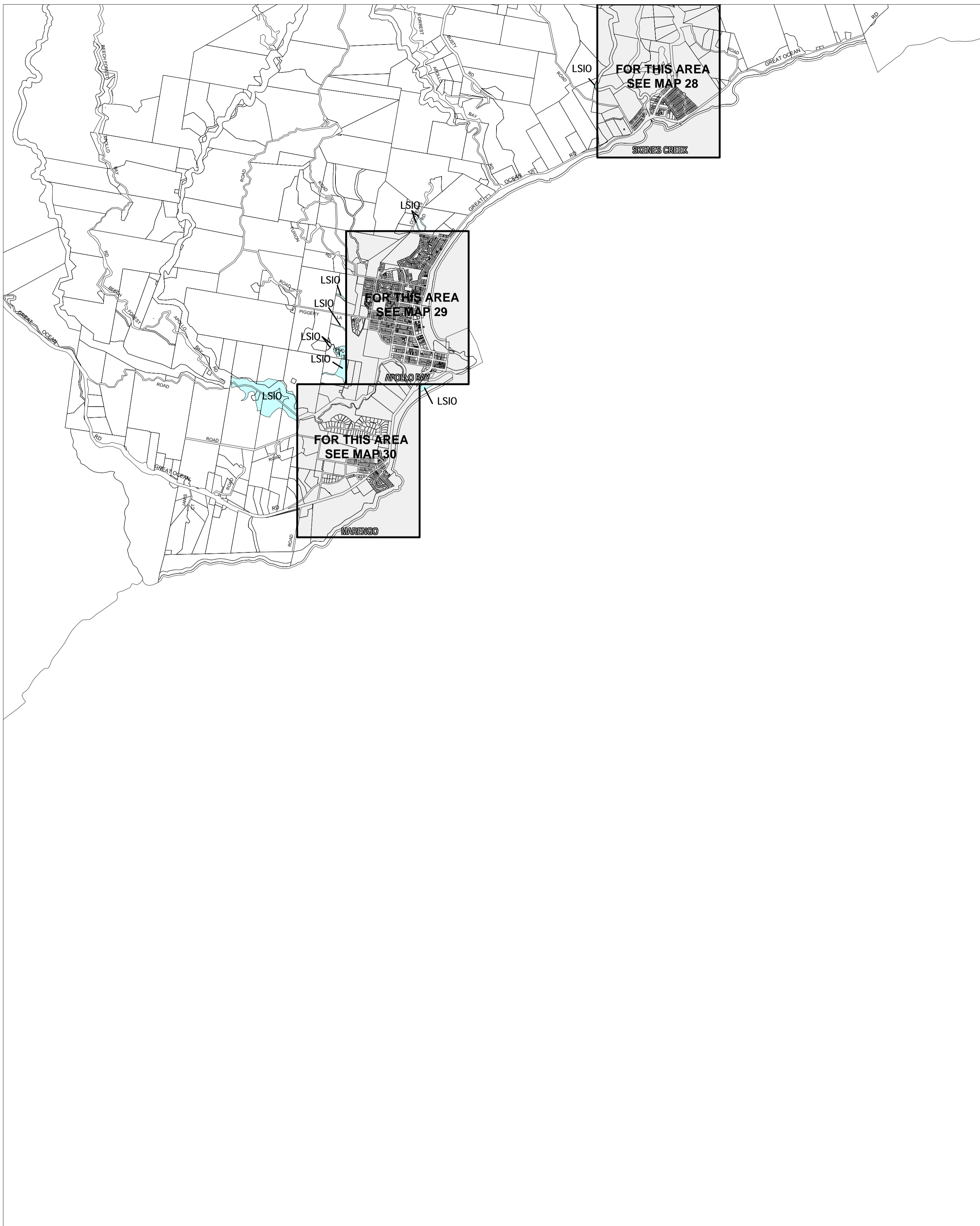


INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| | 5 | 6 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 26 |
| 25 | 26 | 27 | |


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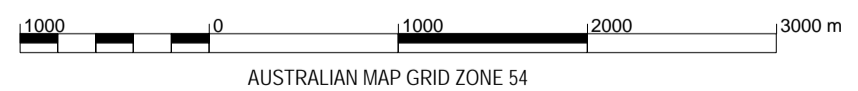
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Overlays

 Land Subject to Inundation Overlay



INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| | 5 | 9 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 5/5/2008

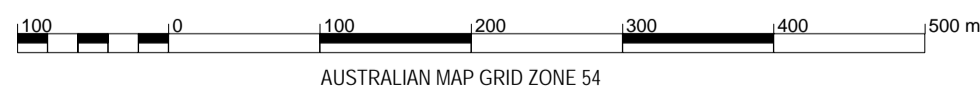
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Overlays

LSIO Land Subject to Inundation Overlay

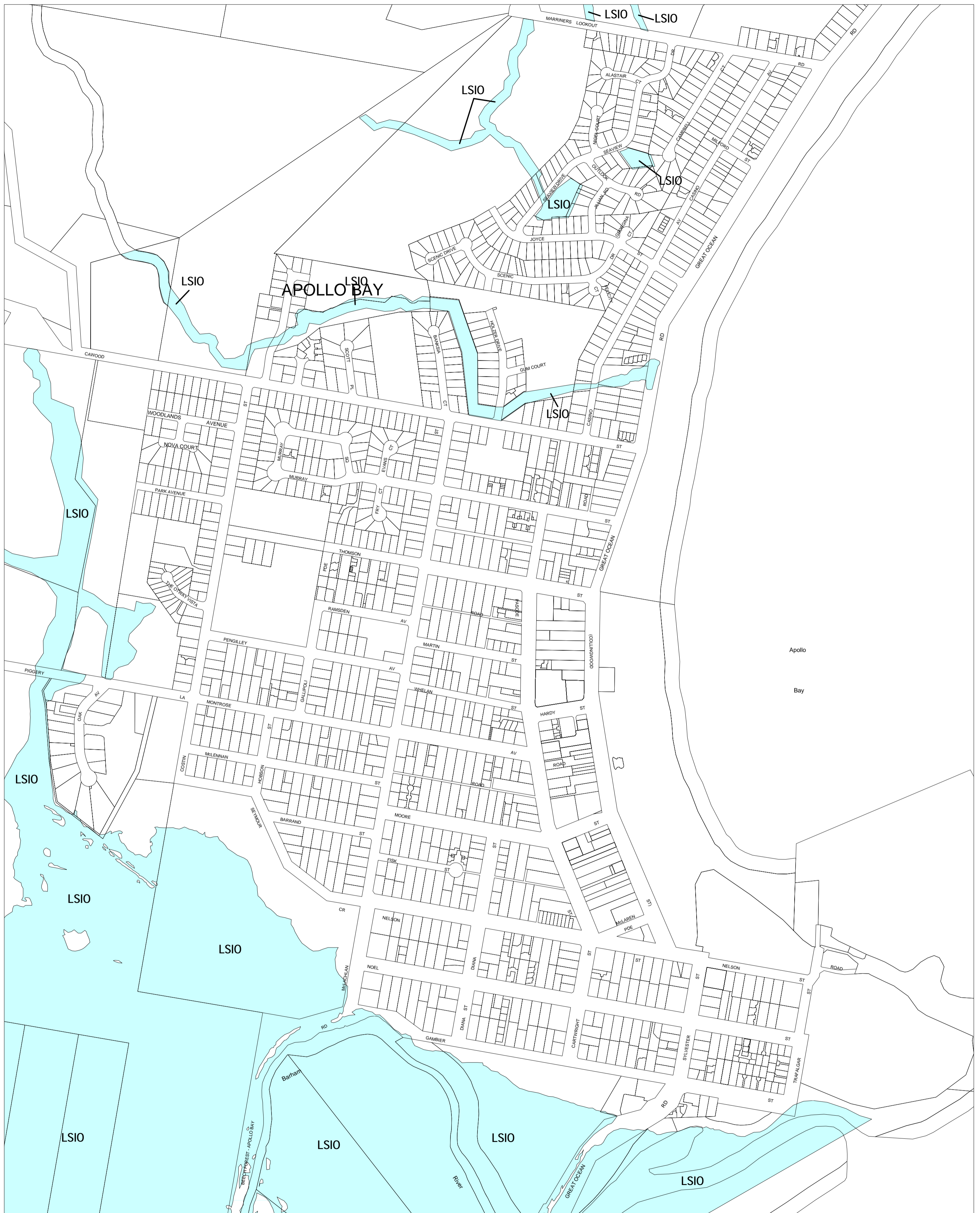


INDEX TO ADJOINING METRIC SERIES MAP

| | | | |
|----|----|----|----|
| | 1 | 2 | 4 |
| | 5g | 9 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 26 |
| 25 | 26 | 27 | |

Printed: 5/5/2008

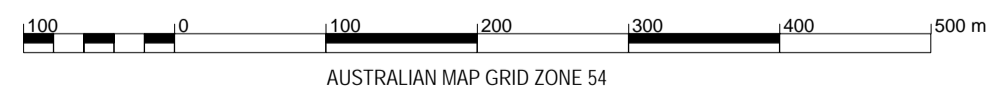
AMENDMENT C12



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Overlays

LSIO Land Subject to Inundation Overlay



AUSTRALIAN MAP GRID ZONE 54

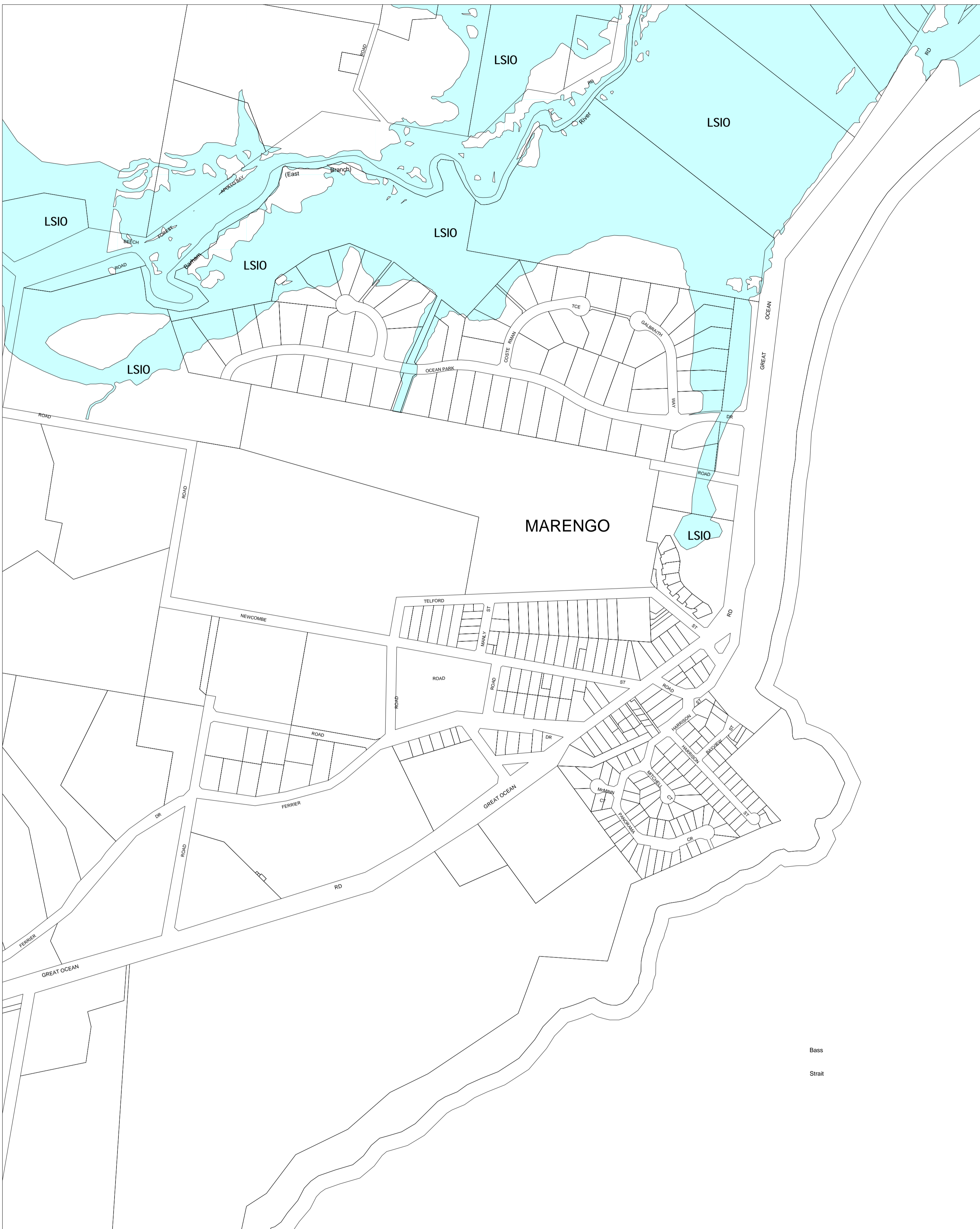


INDEX TO ADJOINING METRIC SERIES MAP

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Printed: 5/5/2008

AMENDMENT C12

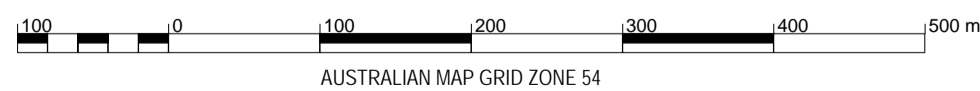


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Overlays

LSIO Land Subject To Inundation Overlay



INDEX TO ADJOINING METRIC SERIES MAP

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|----|----|----|----|
| | 1 | 2 | 4 |
| | 5 | 9 | 12 |
| 14 | 15 | 16 | 18 |
| 19 | 20 | 21 | 22 |
| 25 | 26 | | |

Printed: 5/5/2008

AMENDMENT C12

OM092204-15 COUNCIL SUBMISSION TO THE NEW RESIDENTIAL ZONES CONSULTATION DRAFT

| | | | |
|-------------|--------------------------------------|-----------|------------------|
| AUTHOR: | Paul Marsden | ENDORSED: | Doug McNeill |
| DEPARTMENT: | Sustainable Planning and Development | FILE REF: | GEN00451 General |

Purpose

To seek Council endorsement of the attached submission on the 'New Residential Zones for Victoria: Consultation Draft' for submission to Department of Planning and Community Development.

Background

The Department of Planning and Community Development (DPCD) released its *New Residential Zones for Victoria: Consultation Draft* in February 2009 and is currently accepting submissions. The review follows on from a commitment detailed in the DPCD's 2007 report; *Making Local Policy Stronger* which suggested local planning provisions would be more effective if implemented through locally responsive zones and overlays. In response to this recommendation the DPCD drafted three new residential zones to '...assist Councils in planning for housing growth and to give communities greater certainty about the type of development they can expect in their neighbourhoods.'

The Consultation Draft proposes the introduction of the three new residential zones to replace the existing Residential 1, Residential 2 and Residential 3 Zones. The proposed new zones are known as the Substantial Change Zone, Incremental Change Zone and Limited Change Zone. In addition to this, the Draft proposes the introduction of local schedules that will allow Councils to specify preferred neighbourhood character and design outcomes. The intent and scope of each of the proposed new zones is discussed in more detail below:

Substantial Change Zone

The Substantial Change Zone will provide for housing growth by a mix of housing types that includes medium to higher density housing and is designed to:

- Deliver housing at higher densities in locations that offer good access to services and public transport.
- Enable preferred neighbourhood character and design objectives to be specified.
- Allow for increased provision of small-scale offices and home businesses.
- Retain third party notice, objection and review provisions. Councils can set reduced requirements in consultation with the community and DPCD.
- Allow key residential siting and design requirements to be varied for different neighbourhoods.
- Set a maximum building height limit of 13.5 metres (4 storeys) unless varied higher by the council.
- Require a planning permit for one dwelling on a lot of less than 300 square metres in area.

Incremental Change Zone

The Incremental Change Zone will allow medium density housing that respects the character of the neighbourhood and is designed to:

- Provide for housing at a range of densities that respects the neighbourhood character of Victoria's towns and suburbs.
- Enable preferred neighbourhood character and design objectives to be specified.
- Allow for a range of appropriate non-residential uses.

- Retain third party notice, objection and review provisions. Councils can set reduced requirements in consultation with the community and DPCD.
- Allow key residential siting and design requirements to be varied for different neighbourhoods.
- Set a maximum building height limit of 9 metres (3 storeys) unless varied higher or lower by the council.
- Allow a planning permit to be required for one dwelling on a lot of between 300–500 square metres in area.

Limited Change Zone

The Limited Change Zone will enable specific characteristics of the neighbourhood to be protected through greater control over housing and is designed to:

- Ensure the existing neighbourhood character is protected by providing limited opportunities for new housing.
- Enable preferred neighbourhood character and design objectives to be specified.
- Constrain a wider range of non-residential uses to main road locations.
- Retain third party notice, objection and review provisions. Councils can set reduced requirements in consultation with the community and DPCD.
- Allow key residential siting and design requirements to be varied for different neighbourhoods.
- Set a maximum building height limit of 9 metres (3 storeys) unless varied lower by the council.
- Allow a planning permit to be required for one dwelling on a lot between 300–500 square metres.
- Allow the number of dwellings permissible on a lot to be specified (provided it is not less than two dwellings).
- Allow a minimum subdivision lot size to be specified.
- Provide new application requirements for non-residential use and development of land.
- Provide new decision guidelines for non-residential use and development of land.

If implemented, the new zones will result in considerable changes to the planning controls currently applicable to land zoned for residential purposes. The table below identifies the main differences between the existing controls contained within the Residential 1, 2 and 3 Zones and those contained within the proposed Limited, Incremental and Substantial Change Zones:

| Existing Residential Zones: | Proposed New Residential Zones: |
|--|---|
| Do not make the intended housing outcomes clear. There are no distinctions between development requirements for different neighbourhoods covered by the same residential zone. | Allow the inclusion of a schedule to each of the new Residential Zones which permits councils to apply different housing development requirements to different neighbourhoods within the same residential zone. |
| Do not have the capacity to specify preferred neighbourhood character and design outcomes. | Allow Council to specify preferred neighbourhood character and design outcomes via the proposed new schedules. |
| Only provide for a mandatory maximum building height limit control in the Residential 3 Zone. | Provide for a maximum building height limit control in all three zones and allow councils to vary the default height limit to reflect their own housing strategies. |
| Set provisions apply for third party notice, objection and appeals. | Councils can set reduced third party notice, objection and appeal requirements in consultation |

| | |
|--|---|
| | with the community and DPCD. |
| Do not allow councils to apply different housing development requirements to reflect the characteristics of different neighbourhoods and local housing strategies. | <p>Provide additional development controls in the Limited Change Zone including the ability to specify size and the maximum number of dwellings on a lot.</p> <p>Allow councils to use a schedule to apply different housing development requirements to different neighbourhoods within the same Zone.</p> |

The DPCD is currently accepting submissions on the form and content of the proposed new zones. All submissions will be referred to an independent Advisory Committee that will make recommendations to the Minister for Planning on the final form of the new residential zones. Once adopted by the Minister it is envisaged that councils will be required to apply the new zones to all existing residentially zoned land.

Council Plan/Other Strategies/Policy

The outcomes of the New Residential Zones for Victoria: Consultation Draft are considered relevant to the following strategies:

- Colac Structure Plan 2007
- Apollo Bay Structure Plan 2007

In addition to the above, the Colac Otway Shire Council Plan 2005-2009 identifies the need '*...to ensure that community and infrastructure servicing, open space, industrial and commercial facilities are provided in a staged and efficient manner.*' It is considered that the key outcomes contained within the New Residential Zones: Consultation Draft are also relevant to the achievement of this priority.

Issues/Options

The following issues/options are considered relevant to Council's consideration of the New Residential Zones Consultation Draft:

- DPCD will consider submissions to the draft paper on the Residential Zones and make recommendations to the Minister for Planning on the final form and content of the new Residential Zones. Once the new zones have been finalised, Council in conjunction with DPCD will replace the existing residential zone with the most appropriate replacement residential zone/s.
- The review has a metropolitan focus and seeks to consolidate on the existing residential policy advocated by *Melbourne 2030*. Accordingly, it is considered unlikely that the anticipated outcomes will have a significant impact on Colac Otway Shire.
- The public consultation phase of the Review provides an opportunity for Council to submit its views and concerns regarding the content of the Consultation Draft. Whilst Council Officers are generally supportive of the recommendations contained within the Review, a number of issues have been identified which warrant further consideration. It is therefore recommended that Council lodge a submission with the DPCD.
- Colac and Apollo Bay are the only centres in the Shire that include areas of Residential 1 Zone land. As such the outcomes considered relevant to COS will primarily impact on these two townships. It is worth noting that the Review does not consider, nor recommend, any changes to the Township Zone covering smaller centres such as Birregurra, Forrest and Lavers Hill.

The outcomes of the Consultation Draft are broadly supported by Council Officers. However, some concerns have been identified relating to the limited scope of the review, its metropolitan focus and the fact that it does not include a comprehensive assessment of the Township Zone.

The following is an overview of the three main concerns raised within the proposed submission:

1. Changes to existing third party notice, review and objection provisions are unlikely to be supported by the wider community.

Council Officers are supportive of any attempt to streamline the planning permit process to reduce administrative timeframes, particularly given the lengthy delays and protracted disputes stemming from third party appeals. However, there remains some concern over the proposed changes to existing third party notice, review and objection provisions.

Under the proposed new residential zones the planning decision making process will largely maintain its discretionary nature. Whilst the Schedules to the new zones can be used by Council to vary the requirements of Clause 54, the broader intent and discretionary characteristics of many of its standards will remain. Council does not consider it appropriate to remove third party appeal rights in instances where the statutory controls are open to interpretation.

It is likely that the local community would not support a decision to restrict appeal rights in particular areas or for particular types of development. It is probable that such actions would generate a level of community suspicion in Council activities that would undermine the benefits associated with streamlining the process. Given current levels of community dissatisfaction with the planning system it is considered unrealistic to assume that Councils could simply remove third party review rights without encountering significant community backlash.

2. The Consultation Draft does not review nor recommend any changes to the existing Township Zone.

Residential development outside of Colac and Apollo Bay is largely contained within smaller regional and coastal centres such as Birregurra, Forrest and Lavers Hill. It is not practical or necessary to apply a suite of Residential, Industrial and Business zonings within these smaller centres given their limited size and development potential. Rather, Council has generally found that the existing Township Zone is the most appropriate tool with which to guide residential, commercial and industrial development in these areas.

It is therefore of some concern that the Consultation Draft does not undertake a review of all statutory controls relevant to state and local level residential policy, *including* those contained within the Township Zone.

Whilst the broader intent of the new Residential Zones is supported by Council, the Consultation Draft contains no reference to the effectiveness of existing residential controls contained within the Township Zone. Nor does it offer any insight into the relevance of the new Residential Zones in the context of existing regional centres covered by the Township Zone.

Many of the regional and coastal towns within the Shire that are currently covered by the Township Zone are also subject to a range of overlay controls. For example, the Coastal towns of Wye River, Kennett River and Separation Creek are presently covered by Design and Development Overlays, Neighbourhood Character Overlays and a Significant Landscape Overlay.

The application of each of these overlays is strategically justified. However, it is considered that many of the existing overlay controls could be consolidated via the introduction of a Schedule to the Township Zone similar to that proposed under the new residential zones. The application of three separate overlays often serves to increase community confusion regarding planning permit requirements and contributes to the already significant administrative burden experienced by council planners.

In light of the above, Council Officers consider it appropriate for the DPCD to undertake a review of the existing Township Zone. It is recommended that any such review consider the introduction of area specific schedules similar to those proposed under the new residential zones. This investigation could be undertaken as part of the current residential review or as a separate study on the effectiveness of residential controls in regional areas.

3. The new Residential Zones have a metropolitan focus that is not easily applied in a regional context.

Development within smaller regional centres is often hampered by a lack of servicing in the form of water and sewerage, proximity to environmentally significant landscapes and the need to preserve rural character. These unique challenges serve to highlight some of the difficulties faced by rural Councils in applying Residential Zones that appear to have been designed for application in a metropolitan setting.

It is unlikely that the Substantial Change Zone would be applied anywhere in the Colac Otway Shire as its focus is to encourage and support medium to higher density residential development with a maximum height limit of 13.5 metres or 4 storeys, unless varied higher by the Council. The Substantial Change Zone is more likely to be applied to areas that are close to public transport and activity centres in metropolitan Melbourne.

The Incremental Change Zone and the Limited Change Zone are more consistent with the existing Residential 1 Zone. They provide the scope to direct the density of residential development while protecting neighbourhood character in line with some of the Design and Development Overlays proposed by Amendment C55 for various locations in Apollo Bay. Further strategic work may be required once the final format of the residential zones is known to ensure that they are strategically applied to achieve the preferred use and development outcome.

Council considers that further analysis of the residential development issues facing regional centres would assist in the creation of more relevant and user friendly planning controls.

Proposal

It is proposed that the attached submission (**Attachment 1**) be endorsed by Council as its submission to the New Residential Zones for Victoria: Consultation Draft for submission to the Department of Planning and Community Development.

Financial and other Resource Implications

Following Ministerial approval of the final format of the residential zones, Council Officers will need to work with State Government to determine how they will be applied. It is possible this may require further strategic work to be undertaken to most effectively take advantage of the new provisions.

Risk Management & Compliance Issues

Not applicable.

Environmental Considerations

Not applicable.

Communication Strategy/Consultation

The DPCD conducted a number of consultation strategies to assist in the development of the new residential zones. In February 2008, a discussion paper outlining proposals for the three new residential zones was released for comment. The issues and challenges identified through this consultation process helped inform development of the final Consultation Draft.

The DPCD is currently accepting submissions from interested parties regarding the final Consultation Draft. In addition to Council's submission (Attachment 1), members of the public are also able to make their own submissions to the DPCD.

Implementation

Once adopted by the Minister it is envisaged that council will be required to apply the new zones to all existing Residential 1 zoned land in Colac and Apollo Bay.

A formal Implementation Program is to be developed by the DPCD once the new zones have been finalised. This will identify the processes Council must undertake in order to apply the new zones to land currently zoned Residential 1. It is anticipated that this will most likely involve a formal Amendment to the Colac Otway Planning Scheme.

In addition to this, an Advisory Committee is to be set up by the DPCD to provide councils with advice as to the appropriate application of the new residential zones.

Conclusion

The DPCD released its Consultation Draft for Victoria's new residential zones in February 2009 and is currently accepting submissions from stakeholders and the general public.

The Consultation Draft proposes the introduction of three new residential zones to replace the existing Residential 1, Residential 2 and Residential 3 Zones. The proposed new zones are known as the Substantial Change Zone, Incremental Change Zone and Limited Change Zone. The new zones will provide councils with the ability to tailor development controls within each zone via the inclusion of a Schedule. In this way it will be possible to introduce individual Schedules with height limits and design guidelines relevant to specific residential areas.

Officers have reviewed the document and a submission has been prepared for Council's consideration and endorsement. Whilst the intent and form of the proposed new residential zones is broadly supported, Council's submission identifies a number of issues that warrant further consideration.

Attachments

Attachment 1: Council submission

Recommendation(s)

That Council endorse the attached submission in relation to the Department of Planning and Community Development's 'New Residential Zones for Victoria: Consultation Draft' and submit this to the Department of Planning & Community Development.

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**PROPOSED NEW RESIDENTIAL ZONES – COLAC OTWAY SHIRE SUBMISSION**

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In general, Council is supportive of the recommendations contained within the Consultation Draft and the work undertaken by the DPCD to date. Council, in its submission, has identified a number of issues that warrant further consideration.

The key issues that need to be addressed include:

**1. Changes to existing third party notice, review and objection provisions are unlikely to be supported by the wider community.**

Council Officers are supportive of any attempt to streamline the planning permit process to reduce administrative timeframes, particularly given the lengthy delays and protracted disputes stemming from third party appeals. However, there remains some concern over the proposed changes to existing third party notice, review and objection provisions.

Under the proposed new residential zones the planning decision making process will largely maintain its discretionary nature. Whilst the Schedules to the new zones can be used by Council to vary the requirements of Clause 54, the broader intent and discretionary characteristics of many of its standards will remain. Council does not consider it appropriate to remove third party appeal rights in instances where the statutory controls are open to interpretation.

It is likely that the local community would not support a decision to restrict appeal rights in particular areas or for particular types of development. It is probable that such actions would generate a level of community suspicion in Council activities that would undermine the benefits associated with streamlining the process. Given current levels of community dissatisfaction with the planning system it is considered unrealistic to assume that Councils could simply remove third party review rights without encountering significant community backlash.

**2. The Consultation Draft does not review nor recommend any changes to the existing Township Zone.**

Residential development outside of Colac and Apollo Bay is largely contained within smaller regional and coastal centres such as Birregurra, Forrest and Lavers Hill. It is not practical or necessary to apply a suite of Residential, Industrial and Business zonings within these smaller centres given their limited size and development potential. Rather, Council has generally found that the existing Township Zone is the most appropriate tool with which to guide residential, commercial and industrial development in these areas. It is therefore of some concern that the Consultation Draft does not undertake a review of all statutory controls relevant to state and local level residential policy, *including* those contained within the Township Zone.

Whilst the broader intent of the new Residential Zones is supported by Council, the Consultation Draft contains no reference to the effectiveness of existing residential controls contained within the Township Zone. Nor does it offer any insight into the relevance of the new Residential Zones in the context of existing regional centres covered by the Township Zone.

Many of the regional and coastal towns within the Shire that are currently covered by the Township Zone are also subject to a range of overlay controls. For example, the Coastal towns of Wye River, Kennett River and Separation Creek are presently covered by Design and Development Overlays, Neighbourhood Character Overlays and a Significant Landscape Overlay.

The application of each of these overlays is strategically justified. However, it is considered that many of the existing overlay controls could be consolidated via the introduction of a Schedule to the Township Zone similar to that proposed under the new residential zones. The application of three separate overlays often serves to increase community confusion regarding planning permit requirements and contributes to the already significant administrative burden experienced by council planners.

In light of the above, Council Officers consider it appropriate for the DPCD to undertake a review of the existing Township Zone. It is recommended that any such review consider the introduction of area specific schedules similar to those proposed under the new residential zones. This investigation could be undertaken as part of the current residential review or as a separate study on the effectiveness of residential controls in regional areas.

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Development within smaller regional centres is often hampered by a lack of servicing in the form of water and sewerage, proximity to environmentally significant landscapes and the need to preserve rural character. These unique challenges serve to highlight some of the difficulties faced by rural Councils in applying Residential Zones that appear to have been designed for application in a metropolitan setting.

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The Incremental Change Zone and the Limited Change Zone are more consistent with the existing Residential 1 Zone. They provide the scope to direct the density of residential development while protecting neighbourhood character in line with some of the Design and Development Overlays proposed by Amendment C55 for various locations in Apollo Bay. Further strategic work may be required once the final format of the residential zones is known to ensure that they are strategically applied to achieve the preferred use and development outcome.

Council considers that further analysis of the residential development issues facing regional centres would assist in the creation of more relevant and user friendly planning controls.



**OM092204-16 GENERAL BUSINESS****OM092204-16.1      *Item for Signing & Sealing - Section 173 Agreement, 1 Nizam Quay, Apollo Bay***

The applicant agreed to enter into a Section 173 Agreement as per Condition 1 of Planning Permit PP79/07 that allowed for a 2 Lot Subdivision.

Condition 1 reads:

1. Prior to the issue of a Statement of Compliance the Cawood Street, Apollo Bay guidelines endorsed on 22 September 2005 must be registered via a Section 173 Agreement on the title for the lot abutting Seeberg Court.

Locality plan and copy of permit attached for reference.

**Recommendation**

***That Council sign and seal the Section 173 Agreement between Colac Otway Shire and WJ Price covenanting Certificate of Title Volume 10527 Folio 203 that :***

- ***Any further development of lot 2 PS622011C must be carried out in accordance with the Cawood street Apollo Bay Design Guidelines as endorsed by the Colac Otway Shire and issued on the 22 September 2005.***

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CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>NOTICES OF MOTION</u></p> <p><u>OM092204-17.1 NOTICE OF MOTION NO. 147- 08/09 - BARWON DOWNS GROUND WATER PUMPING (CR STUART HART)</u></p> <p><u>Recommendation</u> <i>That Council consider the contents of this Notice of Motion.</i></p>		
<p><u>OM092204-17.2 NOTICE OF MOTION NO. 148-08/09 - RECORDINGS OF COUNCIL MEETINGS (CR STEPHEN HART)</u></p> <p><u>Recommendation</u> <i>That Council consider the contents of this Notice of Motion.</i></p>		
<p><u>OM092204-17.3 NOTICE OF MOTION NO. 149-08/09 - C55 AND C29 PLANNING AMENDMENTS (CR STEPHEN HART)</u></p> <p><u>Recommendation</u> <i>That Council consider the contents of this Notice of Motion.</i></p>		
<p><u>OM092204-17.4 NOTICE OF MOTION NO. 150-08/09 - JOINT USE LIBRARY (CR STEPHEN HART)</u></p> <p><u>Recommendation</u> <i>That Council consider the contents of this Notice of Motion.</i></p>		
<p><u>OM092204-17.5 NOTICE OF MOTION NO. 151-08/09 - JOINT USE LIBRARY PAYMENT SCHEDULE (CR STEPHEN HART)</u></p> <p><u>Recommendation</u> <i>That Council consider the contents of this Notice of Motion.</i></p>		

Recommendation

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

MOVED

SECONDED

OM092204-17 NOTICES OF MOTION**OM092204-17.1 NOTICE OF MOTION NO. 147- 08/09 - BARWON DOWNS GROUND WATER PUMPING (CR STUART HART)**

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on Wednesday, 22 April 2009:

“Council is concerned that the current ground water pumping at the Barwon Downs bore field may be adversely affecting the environment including stream flows. That Council resolves to call a Councillor workshop with a view to:

- 1. Engaging the service of an appropriate hydrologist to investigate and report to council the effects of ground water pumping at the Barwon Downs bore-field.*
- 2. It is intended that the hydrological assessment study includes the Barwon Downs Bore-field catchments and also the Kwarren-Gellibrand catchments area known as the Newlingrook aquifer.*
- 3. It is intended that the hydrological assessment study will focus on acid sulphate soils and the potential for future exposure of acid sulphate as a result of continued ground water removal. The drying up of more river and creeks stream flows within these catchments mentioned above in particular the Newlingrook aquifer.*

Recommendation

That Council consider the contents of this Notice of Motion.

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OM092204-17.2 NOTICE OF MOTION NO. 148-08/09 - RECORDINGS OF COUNCIL MEETINGS (CR STEPHEN HART)

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on Wednesday, 22 April 2009:

“Council notes that the recordings of public Council meetings are currently destroyed within about a month of the date that the Minutes are confirmed.

This unnecessarily restricts the availability of the recordings.

Council resolves:

- 1. The Acting Chief Executive Officer is instructed to ensure that all recordings of Council meetings are retained for a minimum of twelve months from the date of the Council meeting”.*

Recommendation

That Council consider the contents of this Notice of Motion.

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OM092204-17.3 NOTICE OF MOTION NO. 149-08/09 - C55 AND C29 PLANNING AMENDMENTS (CR STEPHEN HART)

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on Wednesday, 22 April 2009:

“Council notes that the C55 Planning Scheme amendment includes the Apollo Bay Structure Plan with the flood prone land in the Great Ocean Green proposal identified as a possible area for residential housing. Council is concerned about the appropriateness of this development in light of the latest information on climate change and the potential for floods to be exacerbated by tidal surges.

- 1. Council resolves to write to the Planning Minister to request a meeting between Councillors, the Minister, and his departmental representatives. The purpose of the meeting is to discuss how this matter may be resolved and to explore options to update the C55 amendment”.*

Recommendation

That Council consider the contents of this Notice of Motion.

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**OM092204-17.4      NOTICE OF MOTION NO. 150-08/09 - JOINT USE LIBRARY  
(CR STEPHEN HART)**

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on Wednesday, 22 April 2009:

*“Council notes that the Department of Education and Early Childhood Development (DEECD) advised Council in a letter dated 11 March 2009 that the contract to build the joint use library has or will be awarded.*

1. *Council instructs the Acting Chief Executive Officer to write to DEECD by close of business 24 April 2009 to request a copy of the building contract including full details of the costs, specifications and construction schedule”.*

**Recommendation**

***That Council consider the contents of this Notice of Motion.***

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**OM092204-17.5 NOTICE OF MOTION NO. 151-08/09 - JOINT USE LIBRARY
PAYMENT SCHEDULE (CR STEPHEN HART)**

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on Wednesday, 22 April 2009:

- “1. Council notes that in a letter dated 18/2/09 the Council raised various concerns, primarily in point 4 of the letter, regarding the Joint Use Library Project.*
- 2. Council notes that in a letter from the Department of Education and Early Childhood Development (DEECD) advised Council in a letter dated 27 February 2009 that the Department “would be happy, however, to arrange a meeting to discuss the matters in point 4 of your letter.”*
- 3. Council notes that in a letter from DEECD dated 11 March 2009 the Department refused to meet to discuss the matters despite their commitment on 27 February 2009.*
- 4. Council notes that the construction of the joint use library facility is approximately three months behind the original planned schedule.*
- 5. With these facts in mind, Council instructs the Chief Executive to contact DEECD to request a delay to the payment claimed to be due on 1 May 2009. If agreement is not forthcoming, the Acting Chief Executive Officer is to make suitable alternative arrangements such as paying the money into a “quarantine trust”.*
- 6. In the event that payments are made by the Colac Otway Shire Council, the Chief Executive Officer is to inform DEECD in writing that the payments are made “under protest” due to the outstanding matters summarized in points 1 to 4 above. This is to reserve and protect Council’s rights. This is to be done every time a payment is made in relation to the joint use library project until outstanding matters are resolved”.*

Recommendation

That Council consider the contents of this Notice of Motion.

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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>Confidential Items for Consideration – Memo Financing Key Projects</i></b>                  | <b><i>Contractual Matter<br/>Legal Matter<br/>May prejudice Council or any person</i></b> | <b><i>Section 89(2)(d)<br/>Section 89(2)(f)<br/>Section 89(2)(h)</i></b> |
| <b><i>Confidential Items for Consideration – Memo Issues from Audit Committee</i></b>             | <b><i>Contractual Matter<br/>May prejudice Council or any person</i></b>                  | <b><i>Section 89(2)(d)<br/>Section 89(2)(h)</i></b>                      |
| <b><i>Confidential Items for Consideration – Memo Draft Budget 2009-10</i></b>                    | <b><i>Personnel<br/>Contractual Matters<br/>May prejudice Council or any person</i></b>   | <b><i>Section 89(2)(a)<br/>Section 89(2)(d)<br/>Section 89(2)(h)</i></b> |
| <b><i>Reports from Other delegates – Unconfirmed Minutes of March Audit Committee Meeting</i></b> | <b><i>Personnel<br/>Contractual Matters<br/>May prejudice Council or any person</i></b>   | <b><i>Section 89(2)(a)<br/>Section 89(2)(d)<br/>Section 89(2)(h)</i></b> |