



Colac Otway
SHIRE

AGENDA

ORDINARY COUNCIL MEETING
OF THE
COLAC-OTWAYS HIRE
COUNCIL

28 OCTOBER 2009

at 3:00 PM

COPACC Meeting Room

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-OTWAYS HIRE COUNCIL MEETING

28 OCTOBER 2009

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NOTICE is hereby given that the next *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAYS HIRE COUNCIL* will be held in COPACC Meeting Room on 28 October 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 to Council either verbally at the meeting or in writing.

Questions made in writing will be addressed if received within two days of the Council meeting. Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

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

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

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

5. QUESTION TIME

6. DECLARATION OF INTEREST

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 23/09/09.**

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Chief Executive Officer

OM092810-1 STATUTORY MEETING - 2009
OM092810-2 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM092810-3 AUSTRALIA DAY 2010
OM092810-4 REVIEW OF COUNCIL POLICIES
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OM092810-13 BEEAC WINDMILL PARK AND HISTORY WALK FUNDING AGREEMENT
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OM092810-15 ITEMS FOR SIGNING & SEALING - 112 -118 JENNINGS STREET,
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OM092810-17 BRINGING THE COUNCIL CLOSER TO THE COMMUNITY

Rob Small
Chief Executive Officer

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM092810-1 STATUTORY MEETING - 2009</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council confirm that the Statutory Meeting of the Colac Otway Shire Council be held on Wednesday, 9 December 2009 at 4.00 pm in the Colac Otway Performing Arts & Culture Centre.</i></p>		
<p><u>OM092810-2 CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receives the CEO's Progress Report for information.</i></p>		

Recommendation

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

MOVED

SECONDED

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OM092810-1 STATUTORY MEETING - 2009

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	GEN001700

Purpose

To confirm the date for the 2009 Statutory Meeting for the election of Mayor of the Colac Otway Shire and the appointment of Councillors to various committees.

Declaration of Interests

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

Background

The election of a Mayor for the Colac Otway Shire in recent years has been held annually in December during a Statutory Meeting. This meeting also seeks to appoint Councillors to act as Council representatives on various committees.

Council Plan / Other Strategies / Policy

Not applicable

Issues / Options

Not applicable

Proposal

It is proposed that Council hold its Statutory Meeting for 2009 on Wednesday, 9 December 2009 at 4pm. The meeting will be held in the Colac Otway Performing Arts & Culture Centre.

Financial and Other Resource Implications

Not applicable

Risk Management & Compliance Issues

Not applicable

Environmental and Climate Change Considerations

Not applicable

Communication Strategy / Consultation

Appropriate publicity will be carried out prior to the proposed meeting.

Implementation

That the Statutory Meeting of the Colac Otway Shire Council will be held on Wednesday, 9 December 2009 at 4.00 pm.

Conclusion

That Council confirm that the Statutory Meeting of the Colac Otway Shire Council be held on Wednesday, 9 December 2009 at 4.00 pm in the Colac Otway Performing Arts & Culture Centre.

Attachments

Nil

Recommendation(s)

That Council confirm that the Statutory Meeting of the Colac Otway Shire Council be held on Wednesday, 9 December 2009 at 4.00 pm in the Colac Otway Performing Arts & Culture Centre.

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**OM092810-2****CEO'S PROGRESS REPORT TO COUNCIL**

|             |           |           |           |
|-------------|-----------|-----------|-----------|
| AUTHOR:     | Rob Small | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive | FILE REF: | GEN00460  |

**EXECUTIVE****Meetings with local politicians**

The Mayor and CEO have held meetings with local politicians over recent weeks. These meetings have been initiated by the Colac Otway Shire to discuss issues including:

- Beechy Precinct Development
- Telstra Coverage
- Apollo Bay Harbour
- Princes Highway West
- Lake Colac
- Access to Post Secondary Education
- Groundwater – Aquifers
- Public Transport

**Municipal Association of Victoria (MAV) CEO Forum**

The MAV CEO Forum of 17 September 2009 included discussion on the VCEC inquiry into streamlining Local Government regulation and OHS amendments.

**Great South Coast Management Group (GSCMG) Meeting**

The Great South Coast Regional Strategic Plan (GSCRSP) Project Control Group meeting was held on the 18 September in Warrnambool to progress the development of the GSCRSP in particular, a workplan, priority setting and planning processes. The Regional Mapping Project and the State Blueprint Process were also discussed.

**G21 Board Meeting**

The G21 September Board Meeting was held in Geelong on the 25 September 2009. Agenda items included the G21 Priority Project presentation to the State Government Inter-Departmental Committee; the Annual Financial Report; priority projects; and approved membership applications. It is pleasing to see local businesses seeking membership of this important alliance which is aimed at securing a bright and sustainable future for the region.

**2010/2011 Colac Otway Shire Budget**

Preparation is underway for the 2010/2011 Colac Otway Shire budget with Councillors and staff attending briefings given by the CEO aimed at identifying issues and opportunities for the Shire and our vision for the future.

**CEO Leave**

The CEO was on leave from the 6 October to the 19 October 2009. Thanks to General Manager Sustainable Planning & Development, Jack Green, for assuming the responsibilities of Acting CEO during this time.

## **CORPORATE & COMMUNITY SERVICES**

### **Aged & Disability Services**

#### **Seniors Week:**

Seniors week was held from the 5th October to 16th October 2009. The popular bus trips were booked out. Unfortunately 3 trips that offered new adventures were not taken up with great numbers. With this in mind, the Seniors Festival Week will revert to one week of activities in 2010.

The Country Concert with Frankie J Holden at COPACC attracted some 200 people from across the Shire and neighbouring Shires.

The Apollo Bay Lunch at the RSL attracted some 60 people from across the Shire, including a high number from the northern part of the Shire.

#### **Active Service Model:**

The Active Service Model to assist people to actively share the maintenance of their own home began this month. Statewide training dates for all Community Care Workers have been set by Home & Community Care Training Advisory Committee. Part 1 of the Active Service Model has been introduced to the Assessment Team with the Flinders Model to be completed over a five week period.

#### **Community Aged Care Packages Application:**

The 2009-2010 joint application for Community Aged Care Packages with the City of Greater Geelong, Surfcoast Shire, Queenscliffe Borough and Colac Otway Shire will be submitted in the last week of November.

#### **Current Projects: Ongoing:**

The Aged & Disability Services Unit in partnership with Colac Area Health has four current projects:

- Knock out the Risks for the elderly. The assessment protocols have now been completed and is to be introduced to other services.
- Falls Prevention Program
- HACC meeting with CAH Allied Professionals, Home Nursing, Rehabilitation, Acute Care. The working committee is continuing to investigate the process for admission and discharge.
- CAH and COS have applied for funding through G21 to review the Service Coordination Process between both agencies. The focus will be on CAH systems as COS has all electronic referral systems in place.

### **Environmental Health**

#### **Immunisation**

The Immunisation Schedule has extended the limited Boostrix vaccine program for protection against whooping cough for new parents until the end of 2009.

#### **Food Safety**

Council's Environmental Health Unit processed over 60 applications for food stalls at the Birregurra Festival with the Council's Food Safety Officer in attendance to oversee activities.

#### **Swine Flu Vaccinations**

Swine Flu vaccinations are being offered to interested staff, particularly Community Care Workers and HACC Assessment staff to ensure that they and clients are protected as best as possible. Session details are yet to be finalised.

## **Community & Social Development**

### **Public Health & Wellbeing**

The new Public Health & Wellbeing Act is to be introduced in full next year. A report will be provided to Council in the near future advising of changes and new directions.

### **Heatwave Planning**

A draft Heatwave Plan for Colac Otway Shire is nearing completion and will be forwarded to agencies for consultation in the near future. It is proposed that this will be presented to Council at its November meeting.

## **RECREATION**

### **Beechy Precinct**

Two Beechy Precinct Draft Logos are currently out for community vote. These are being displayed on Council's web and at a range of community venues.

The Enhanced Library Services Project has been completed. It is expected that a draft paper will be received prior to Christmas 2009.

Notification has been received regarding the Federal Government funding program for community infrastructure with program guidelines and application details. This program closes early January 2010 and Council Officers are working towards a funding submission for the redevelopment of the Bluewater Fitness Centre Stadium Redevelopment.

### **Birregurra Skate Park**

Independent Concrete Constructions, the successful contractor to build the skate park has advised Council that they are unable to commence works until January 2010 due to inclement weather and the consequent backlog in their existing works program.

### **Sale of Land**

The former Warrion Tennis Club Inc. site at 25 Glenn Street Warrion is listed for sale with local real estate agent Charles Stewart. To date, no interest in the site has been forthcoming.

### **Colac Hockey Association**

The Recreation Unit is currently working in conjunction with Hockey Victoria and local primary and secondary schools regarding the potential re-invigoration of a hockey club/association in Colac to complement the recently redeveloped hockey fields. Hockey Victoria have offered to visit local primary and secondary schools and provide hockey clinics in Term 1 of 2010 which will establish a good pathway for hockey participation in the region.

### **Eastern Reserve Netball Courts Project**

Work continues to gather information regarding project elements required to compile the tender specifications. Due to the difficult nature of the site of the courts (built on landfill); additional structural engineering information is required for the design of footings for the new light poles. The Colac Summer Netball Association has agreed to conclude their season in December to allow for construction to commence in the New Year.

### **Lake Colac Oval redevelopment**

This project has been delayed due to heavy spring rains which have prevented completion of the drainage component of the project. Further work on the redevelopment of the ground will therefore be postponed for several weeks until the ground has sufficiently dried out to accommodate heavy trucks and machinery for drainage installation. It is anticipated that the turf will be installed by 19 November 2009. The Colac Cricket Club is aware that these

delays will prevent them from using the oval this season. Works were originally proposed to commence mid September 2009.

### **Events - Make them your Business Project**

Two highly successful and well attended Forums were conducted in Apollo Bay and Colac in September as part of the "Events – Make them your Business!" project. Thirty one individuals representing businesses, service clubs and event organisers attended the Colac Forum and 16 attendees participated at Apollo Bay.

The Forums provided an opportunity for attendees to learn more about the best way to get the most of out of events through attending a free networking Forum. The Forums were the final component of the project which comprised Toolkits for businesses, service clubs and event organisers, as well as an advertorial in the Colac Herald and the Forums. Toolkits are now available for those who were unable to attend the Forums.

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.

### **Birregurra Playground**

A public meeting will be held in November inviting members from the Birregurra community to provide input into the development of the proposed playground at the Birregurra Park. Members of the community will be invited to form a Working Group to provide direct input into the style and design of the playground.

### **People Places and Partnerships Conference**

Members of the recreation Unit recently attended the People Places and Partnership – the future of community sport and recreation conference. This conference aimed to bring together government, industry bodies, academics and community sport to hear and debate first-hand the future directions of the sector. The conference provided an opportunity for Officers to learn from others and best practice approaches to dealing with the challenges facing sport and recreation over coming years.

## **EVENTS**

### **FReeZA**

The FReeZA Regional Final was held at COPACC on Saturday 3rd October 2009. Colac and district teenagers rocked out as the region's best young bands displayed their talents. Geelong band 'The Houses' took out the event. *The Push's* Andrew Kitchen, one of the night's three judges, said he was impressed with the south-west Victoria's music offerings, demonstrating great talent and a multitude of genres. 'The Houses' will now compete in March's Push Over music festival in Melbourne.

Colac secondary students and FReeZA members Haylee Evans and Laura Monaco have new roles as roving reporters with web-based media group Youthcentral. Youthcentral is the Victorian Government's web-based initiative for young people aged 12-25, filled with information and articles on topics from how to find a job, further education and training, what's on in different localities, latest release movies and games. Haylee and Laura have a shared passion for writing and are excited at the prospect of their new roles. As roving reporters Haylee and Laura will be submitting information on events happening within the Colac Otway Shire.

### **Birregurra Weekend Festival (9 - 11 October 2009)**

Thousands of people attended the 10th annual Birregurra Weekend Festival. Food stalls, farm machinery exhibitions, cooking master classes, arts and crafts, children's activities and

performances treated the festival's crowds with feature standouts, the pig racing and woodchop. Festival goers enjoyed the chance to talk with the producers responsible for the culinary delights the region is renowned for. Olives, preserves, organic meat and produce, wines and beers featured.

### **Herald Sun Tour (13 - 14 October 2009)**

Some of the world's top cyclists rode through Colac and district in mid October. The Tour, which started in Ballarat, featured a Stage 2 start in Colac and a Stage 3 finish in Apollo Bay. Local school children in Apollo Bay welcomed Australia's newly crowned junior world cycling champion Jack Bobridge.

### **Upcoming Events**

Events which will be held throughout the Colac Otway Shire in November include the Walking Home (Salvation Army 18th Nov), the Rainforest Ride on 28th November and the Kona 24 hour race on 27th to 29th November.

### **Calendar of Events Project**

Advertising for entries into the 2009/2010 Summer Calendar of Events was completed in the last week of September and the selection process of events that qualified to go in the calendar was completed in the second week of October. In mid to late November 2009 advertising will feature in local papers and on posters throughout the Shire and 2500 complimentary Summer Calendar of Events Flyers will be distributed across the Shire.

### **2010 Australia Day Celebrations – Birregurra**

The Australia Day Committee (Victoria) has confirmed that Musician/Songwriter and 3AW presenter, Mr Mike Brady, will be our Australia Day Ambassador at Birregurra on Tuesday 26 January. Mr Brady's profile can be accessed at [www.australiaday.vic.gov.au](http://www.australiaday.vic.gov.au)

The COS Australia Day Awards Program opened in mid September and nominations are currently being taken in the following four categories; Citizen of the Year, Young Citizen of the Year, Community Service Award and Sporting Service Award. Nominations close Friday 13 November 2009. Nomination forms are available from COS Customer Service Centres and the Shire web site.

With the successful completion of the Birregurra Weekend Festival, involvement with the Birregurra Australia Day Sub Committee will increase over the next few weeks. A proposed Australiana theme for the day is emerging including a shearing competition, sheep dog trials and whip cracking.

### **COPACC**

#### **Grimstones**

The Grimstones, an old-world meets new Gothic fairytale marionette performance, in the September school holidays was a double sell-out. The performance drew people from as far away as Ballarat, Geelong and along the Great Ocean Road. This show was made possible by Council's recent investment in the Civic Hall. COPACC's new capability to stage and professionally light the hall now gives COPACC the option to programme children's theatre during the school holidays.

#### **Melbourne Cup**

COPACC hosted the Melbourne Cup during its tour of Australia on September 30. There was a free viewing open to the public in the foyer, followed by a ticketed function in the Civic Hall that evening.

**Outreach Program**

As part of its Outreach Program COPACC is touring the Yarra Trio to Apollo Bay and Lavers Hill schools on October 16. The classical trio will play their Proms for Preps program to more than 160 primary school children. The trio will also conduct a master class for young music students at COPACC on Saturday morning, prior to their Saturday evening performance.

**Nightcafe**

Nightcafe, a contemporary dance performance backed by a five piece Gypsy band, presented cabaret style in the Civic Hall sold-out on October 8.

**International Art Textiles Exhibition**

COPACC is hosting an international art textiles exhibition from October 30-November 1. There will be 90 art quilts on show from artists in New Zealand, South Africa and Australia. This will be one of only three Australian showings of the exhibition before it heads to France. Gellibrand textile artist Dijanne Cevaal will lead a two day master-class in connection with the exhibition.

**The Sentimental Bloke**

The classic Australian work The Sentimental Bloke, by CJ Dennis, will be staged at COPACC on October 30 at 2pm and 8pm.

**YOUTH COUNCIL****Painting Day**

Youth Councillors participated in the Painting Day at the Colac Skate Park on Saturday 17 October 2009. This was well advertised within the community encouraging interested youth to participate.

**Skate Park**

Final plans are underway for the Open Day on Saturday 31 October 2009 to showcase the new look Colac Skate Park to the community. There will be skating and BMX lessons and demonstrations. Also a DJ and Kate's Dance House will perform, refreshments will be on sale and there will be a Street Surfer Trailer with Xbox, Playstation and Wii.

**BLUE WATER FITNESS CENTRE**

There has been an increase in Centre membership in September with over 100 new members signing up during this period an increase of 5 percent compared to last year. This increase is attributed to increased programs on offer to our members.

The Stadium Improvements project is 70 percent complete providing a fresh new vibe internally and externally; Centre members have provided positive feedback to these current works.

BWFC will be presenting John Jacoby at the centre on the 29th of October 2009. John is the managing director of Rapid Ascent and course designer for adventure race's around Australia. This is part of our community information program conducted every month. Next presenter will be Jess Douglas the world Champion Mountain Bike champion and current Australian 24 hour Mountain Bike champion.

Bluewater in conjunction with Colac Area Health are delivering a new survey put out by Deakin University the brain child of Professor Richard Osborne this survey will be a great tool for Bluewater Fitness centre to assist us in further programming and better still it is free this year.

Crank classes have been cranked up a notch with the arrival of 5 new bikes, bookings are no longer being taken and a first to class system is being used. We have put in 2 new classes one on Monday Morning at 6.30am and one on a Saturday Morning at 8.15.

Two activity days were held over the September 2009 school holidays in the stadium. Activities such as badminton, table tennis, basketball, volley ball and soccer were made available for children aged between 6 – 14years. Patronage was moderate with some children coming to all sessions.

Futsal Soccer has just had two very successful come and try days in the stadium and are about to start a casual play on Sunday afternoons with hopefully a plan to start playing regular games in the new year.

Basketball commenced on 5 October with the Stadium being used for games Mon – Fri 4.00pm – 9.30pm with over 2,000 registered participants The start to another very successful season.

## **INFRASTRUCTURE & SERVICES**

### **GENERAL**

The Infrastructure and Services Unit has been busy with undertaking works identified in the Council Budget and Plan.

The review of internal policies and procedures is continuing to ensure that the department is working in line with best practice. This will continue as part of an ongoing internal review in line with the outcomes of the Best Value Review process recently undertaken.

Officers have also commenced the review of Capital Works and major projects in the lead up to the budget process.

### **CAPITAL WORKS DEPARTMENT**

The Unit has been busy in preparing job specifications for works to be carried out as part of the current budget. This has included developing specifications for pavement investigation and analysis and scheduling works programs. Officers have completed the majority of scheduling programs for this year's program and are now in the process of implementing works.

#### **Special Charge Scheme Update**

##### **Sinclair Street South, Elliminyt *Road Construction***

At its September meeting, Council resolved to give public notice of its Intention to Declare a Scheme in accordance with Section 163 of the Local Government Act. The notices were sent to relevant property owners on 9 October 2009. An advertisement was placed in the Colac Herald on Wednesday 14 October 2009.

#### **Capital Works**

##### **Apollo Bay Footpath Construction**

Works have reached practical completion. There are some minor landscaping works to be completed which have been deferred until the weather improves. New, 1.5m wide, plain concrete footpaths have been constructed in Costin Street (east side between Pengilly and

Montrose) and Montrose Avenue (south side between Costin and McLachlan). New, 1.5m wide, exposed aggregate concrete (to match the streetscape theme) footpaths have been laid in Pascoe Street (between Hardy and Moore Streets and part way between Moore and McLaren Streets).

### **Project Planning – 2009/10 Capital Works Program**

Detailed project planning for 2009/10 is continuing, which involves liaison with a number of project managers across Council. Project referrals are proceeding. Consultant(s) to undertake the design of the Apollo Bay Carpark project will be selected from Council's panel of engineering consultants. It is anticipated that the consultants will begin works within the next month.

### **Capital Works Reporting**

The tool to assist management with reporting and monitoring of Capital Works project expenditure, progress and key timelines has now been developed with input from a number of areas across Council. The management reporting is now operational, with monthly reporting to Executive commenced. Improvements will continue to occur as officers refine the tool over the coming months and increase the detail and level of reporting.

This will ensure that project review is centralised and executive will be better able to see progress of works in a snapshot.

### **Works in Progress**

#### **Carpendeit-Bungador Road Construction**

The scope of works for this project has been reviewed. Culvert works under Speedway Road are anticipated to be completed by Cosworks prior to Christmas – dependent upon weather conditions. The scope of works associated with drainage improvements at the intersection of Speedway Road and Carpendeit-Bungador Road are being reviewed.

Works associated with drainage improvements at this intersection will be carried out as part of Council's Capital Works Program in this financial year.

#### **Pound Road Construction**

Works have reached practical completion. The scheme finalisation (issue of the Second Notice) is completed and will be issued shortly. Pound Road was sealed with a light primer seal to hold the surface once the road was constructed. The road still needs to be completed and requires a final rubber seal which has been scheduled as part of the current Capital Works Program.

#### **Elliminyt Stormwater Study**

A meeting was held with the consultant (GHD) on the 2 September 2009. The original study had commenced in March 2009 and is based on investigations to reduce flooding in the Elliminyt catchment and downstream properties. A final report is expected by the end of October 2009.

#### **Pavement testing for pavement rehabilitation works**

Pavement testing is being carried out by Chadwick P/L prior to works on several road rehabilitation projects so that appropriate treatments can be finalised. Roads include Swan Marsh Rd, Irrewillipe Rd, Cawood St, Richmond St, Deans Ck Rd, Pascoe St car park and Colac Lorne Rd. Works are to be completed by the end of November.

#### **Corangamite Pedestrian Crossing**

Greencon Pty Ltd has been engaged to undertake the rehabilitation works associated with the improved access to the Pedestrian Crossing on Corangamite Street. The works will



ensure the access ramps to the crossing are compliant with disability requirements. The contractor expects to commence works by the end of October, with works expected to be take 4 weeks.

Traffic management around the site will be required, with interruption to traffic flow expected. Public notices will be placed in the Colac Herald to advise residents of the likely traffic impacts around the vicinity of the works.

## **ASSETS DEPARTMENT**

### **Better Roads Victoria Program**

The *Better Roads Victoria Program* provides a limited amount of financial assistance to Councils for rural local timber roads affected by the cartage of significant quantities of timber from forests or plantations.

Council officers have submitted an application for funding from this program on 9 October 2009 to upgrade Old Beech Forest Road and Pipeline Road at Irrewillipe.

It has been identified that each of the local roads nominated will be affected by the cartage of significant volumes of timber in the short to medium term. These cartage routes require differing levels of upgrade to support the safe and efficient transport of timber and to minimise ongoing maintenance requirements.

The need for the upgrade of the two (2) roads has been established through working closely with Midway, AKD, and HVP Plantations.

### **Local Roads to Markets Program**

The Victorian Government has committed funding from the Regional Infrastructure Development Fund (RIDF) towards the Local Roads to Markets Program. This funding program is being administered by Regional Development Victoria (RDV).

This funding is available to local councils on a 50/50 basis to improve strategic local routes to markets and processing facilities for B-Double access. The upgrade of local roads in dairy farming areas is a key focus under this program.

Council officers are presently preparing an application for funding from this program for the rehabilitation of Larpent Road between Lineens Road and Browns Lane. These works may also include the upgrade of the existing intersection of Larpent Road and Lineens road to improve turning movements and overall safety.

### **Colac and District Historical Society Storage Shed**

Council has recently been approached by the Colac & District Historical Society requesting that it examine possible sites for the installation of a storage shed to accommodate the Society's various items and materials.

A number of locations were identified as possibly meeting the needs of the Historical Society and from investigation was suggested that the vacant land adjacent to the existing Colac Players building in Wilson Street, Colac is the most suitable site.

Officers have since worked closely with representatives of both the Colac Players and Colac and District Historical Society to determine any concerns or other issues which need to be resolved prior to proceeding further. Both organisations are supportive of the proposal and have identified mutual opportunities in the development of this site in the future.

It is intended that further reporting be provided to Council with respect to this issue.

**Essential Safety Measures in Council Buildings**

An audit of all relevant facilities has recently been completed by Council's Building Surveyor to determine the level of compliance in terms of existing and required essential safety measures. The Building Maintenance Services area is at present programming works on a priority basis to address any areas of concern detected through these audits.

The Regulations require Council to maintain all safety fittings, equipment and safety features as well as those items listed as essential safety measures so that they operate satisfactorily.

An ongoing monitoring program will also need to be applied to satisfy all reporting requirements. This may have significant resource implications in terms of both funding and ongoing management.

Works will include the following:

- Air conditioning systems;
- Exit doors;
- Exit signs;
- Fire extinguishers;
- Fire hydrants;
- Fire rated materials;
- Passage ramps;
- Path of travel to exits; and
- Smoke alarms.

**COSWORKS DEPARTMENT**

Cosworks has continued maintenance activities in a number of its programs subject to weather and ground conditions as follows:

**Road Regrading**

Maintenance grading is being undertaken and completed in all areas as weather permits. Grading is dependent on weather conditions with most grading being undertaken where the road does not have excessive water. Work has included reshaping of the shoulders to shed water where appropriate. This will lead to longer term road improvements and maintenance work will decrease.

**Road Pavement Minor Patching**

The recent rain has placed increased pressure on the Council road network with a large number of roads experiencing deterioration due to surface failure. Crews have been heavily involved in repairing the sealed surfaces with minor patching ongoing in all areas, dependent on weather and availability of materials. Patching is aimed at ensuring that the road maintenance complies with the Council's Road Management Plan intervention levels.

**Major Patching**

The wet weather has placed pressure on the need to undertake major patching in a number of areas through the municipality. The most significant major patching has been carried out on Moore Street, Apollo Bay.

**Shoulder maintenance**

Works have been carried out on Lake Corangamite Road.

**Gravel Road Re-sheeting**

Undertaken on Bullens, Griffins, McDonnells, Illets, Kerrs, Morrissys, Corunnun, Pearlys, McCorkells, Murrays, Bungador School, Yeodene – Birregurra, Crabbes/Irrewillipe, Wild Dog, and Tiger Lane.

**Routine Drainage completed on**

Ongoing program in all the areas.

**Footpath Replacement Works**

Footpath replacement works have been undertaken on Johnstone Crescent and Lawrence Court.

**Tree Maintenance**

Street tree clearances under power lines in Colac are ongoing.

**Township Mowing**

This has been undertaken in all townships as required.

**Weed Spraying**

This has begun around Bridges and roadside furniture, subject to weather conditions.

**Bridge Maintenance**

Maintenance works have been undertaken on Rollings, Howells, Clancys and Glenaire bridges.

**Gardens**

General maintenance and tree trimming has been carried out subject to weather conditions. Increased activity is expected over the next month as the weather improves and grass growth increases.

**Playground Maintenance**

Inspection and repair of identified defects has been continued in accordance with the Playground Maintenance Program.

**Old Beechy Line Rail Trail**

Removal of storm damaged trees and general maintenance/repairs carried out throughout a number of sections of the rail line trail.

**Storm Damage**

The cleanup of extensive damaged trees from recent storm damage has been undertaken mainly in the Otway areas. The storms placed significant pressure on staff with large numbers of trees down in the storms. Of particular concern were areas where logging had been completed and isolated trees were exposed against the road. These trees were particularly vulnerable in the storms and fell blocking roads. Works involved hiring heavy equipment to remove the trees due to their size and number. This matter will be taken up with the Timber Industry in the future.

**Township programs**

Maintenance works have been carried out on the Birregurra playground equipment, vegetation maintenance & drainage works.

**MAJOR CONTRACTS/WASTE DEPARTMENT****Waste Management Contract**

A tender briefing session was held at COPACC on 6 October 2009 for the contractors interested in submitting their Waste Services Tender. A presentation was made for the attendees providing information on tender documentation details, various schedules, tender program, evaluation process, evaluation panel and probity arrangements. A copy of the presentation and minutes of the Briefing Session has been forwarded to all the contractors who have obtained a copy of the tender document. The tender closes at 4.00pm on Wednesday 11 November 2009.

**Boating Facilities Funding Application**

An application has been lodged with Marine Safety Victoria (MSV) seeking funds for the design of Apollo Bay Harbour boat ramp carpark. The existing carpark is unsealed, uneven and without any defined parking arrangements. The intention is to seek funding through MSV for preparing design and tender documentation in readiness for actual construction in the near future as a Capital Works project fully funded by MSV.

The works will entail construction of pavement base, drainage, sealing, line-marking and necessary signage. The design will be prepared taking into account Apollo Bay Harbour Master Plan. An amount of \$120,000 has been sought as design funds with \$20,000 being Council's in-kind support in conjunction with the Port Manager's contribution utilising Apollo Bay Harbour DSE funds.

As Apollo Bay Harbour Boat Ramp has been recognised in Western Victoria Boating Coastal Action Plan (BCAP) as an important regional facility, it is expected that the funding application will be considered favourably.

**Tenders**

Since the last reporting period no contracts were awarded.

The following tenders were opened:

0915 Provision of Building Maintenance Services  
0913 Alvie Recreation Reserve Development

Current tenders advertised are:

|                                                                        |                    |
|------------------------------------------------------------------------|--------------------|
| 0912 Waste Management Services                                         | Closes 11 November |
| 0916 Supply of Crushed Rock, Sealing<br>Aggregate & Pavement Materials | Closed 21 October  |
| 0917 Bituminous Sealing Works                                          | Closed 21 October  |
| 0918 Natural Gas (to be tendered by Strategic Purchasing)              | Closed 21 October  |

**Subdivision Works**

The following table shows the current status of various subdivisional works which will be handed over to Council when completion is approved:-

| <b>Subdivision</b>                             | <b>Status</b>                                                                                                                                                                                                                                |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Apollo Bay Industrial Estate Stage 1<br>9 lots | Work is continuing in Montrose Avenue with construction of full width of the concrete road to Arthur Court and over the existing culverts. It is anticipated that the road will be completed to a stage that will allow works to commence on |

|                                                     |                                                                                                              |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
|                                                     | the Transfer Station site in mid November.                                                                   |
| Rossmoyne Road Industrial Estate Stage 2<br>23 lots | Work has been suspended until November due to wet weather                                                    |
| Seeberg Estate Stage 2<br>24 lots and reserve       | Plans have been approved to commence construction of Stage 2 of the Seeberg Estate subdivision in Apollo Bay |



**Works on Montrose Avenue –  
Apollo bay Industrial Subdivision**

## **SUSTAINABLE PLANNING & DEVELOPMENT**

### **Amendment C55 – Community Information Sessions**

Community information sessions were held in the towns of Forrest and Apollo Bay on 22 September 2009, and at Beeac and Colac on 29 September. Officers explained the implications of the recently approved Planning Scheme Amendment C55 as well as discussing the range of current planning projects/initiatives being carried out by the Shire.

### **Rural Living Study and Birregurra/Forrest Structure Plans**

An inception meeting was held late in September for both the Rural Living Study and Birregurra/Forrest Structure Plans. The consultant firm CPG is currently undertaking background research and is identifying issues and options for both projects. Officers and the consultants attended an informal marquee in the Main Street of both Birregurra and Forrest over two weekends in October to explain the scope and purpose of the Structure Plans for those towns, and to ascertain some of the key issues.

Formal public workshops are proposed to be held concurrently for both projects in November. The times and dates for these workshops will be advertised shortly and a project bulletin, including details of consultation dates and venues, will be mailed to affected landowners and residents in coming weeks.

Members of the rural community who have an interest in the growth and development of small towns in the Shire, potential areas for rural living zoning, policy for rural housing and subdivision, or the future development of Birregurra or Forrest specifically, are invited to attend these sessions and identify the key issues that should be considered in the projects. Extended sessions will be held in Birregurra and Forrest specifically to discuss the Structure Plans, separate to discussion on the Rural Living Study.

### **Colac and Apollo Bay Car Parking Study**

Consultant firm AECOM has finalised an Issues and Options Paper for the Colac and Apollo Bay Car Parking Study which has been considered by the Project Steering Committee in September. A workshop will be held with Councillors in November to brief them on the

project, prior to a report being considered at the November meeting. It is anticipated that public exhibition of the Issues and Options Paper will occur after Christmas.

#### **Amendment C12 – Changes to flood provisions**

Council referred public submissions to Planning Scheme Amendment C12 to an independent Panel in June 2009. Officers have since been liaising with the Corangamite Catchment Management Authority (CCMA) to revise details of the overlay schedules and boundaries in relation to the extent of coverage of the flood overlays, in accordance with Council's resolution. A two member Panel has been appointed, and a Directions Hearing was held on 5 October 2009. The formal Panel hearing has now been scheduled to occur at 10.00am at COPACC in Rae Street, Colac on 13 November to enable verbal presentations by submitters.

#### **Future Coasts Briefing**

A workshop with Councillors had been scheduled in October for a presentation by the 'Future Coasts' project team in relation to progress with State Government modelling of projected sea level rise. However the workshop was deferred after DSE officers indicated they were unable to attend. The workshop has now been re-scheduled to December.

#### **Amendment C58 – Implementation of the Kennett River, Wye River and Separation Creek Structure Plan**

Authorisation was recently received from the State Planning Minister for preparation and exhibition of a planning scheme amendment to the Structure Plan adopted in 2008 for the towns of Kennett River, Wye River and Separation Creek. The authorisation advised Council to ensure compliance of the amendment with the State Practice Note relating to establishment of coastal settlement boundaries. It also denied consent to allow exhibition of a structure plan map indicating any potential for expansion of the town to the rear of the caravan park over land owned by the Don Levy Fitzpatrick Estate. A small part of that land had been flagged in the final adopted Structure Plan as having potential for limited development subject to investigation after receipt of a submission on the issue. Officers will finalise the amendment documents over coming weeks and exhibit the amendment early in 2010 after the Christmas Period.

#### **Visitor Information Centres**

Both the Colac and Apollo Bay visitor centres experienced busy school holidays, with family attractions such as the Otway Fly and the Cape Otway Light Station proving popular amongst visitors. The waterfalls and rainforest walks were also popular.

#### **Federal Government Funding**

Council has been advised that it has been unsuccessful in three applications submitted to the Jobs Fund. Council auspiced an application for Colac Community Hub Inc., for the development of a Business and Home Environmental Auditing Team. An application for the Apollo Bay Transfer Station was submitted as well as a project to construct a concrete pathway from CRF to the Bird Reserve along the Lake Colac foreshore. Only 170 applications from the 2,500 submitted Australia wide were successful.

The Federal Government has called for formal applications for the economic stimulus allocation of \$206,000 under the Regional and Local Infrastructure Program (RLCIP) and has the opportunity to apply for further funds under the Strategic RLCIP.

In response, Council has requested allocation of funds for projects relating to the Apollo Bay Mechanics Hall, Colac Visitor Information Centre upgrade, water tanks at the Botanic Gardens, Bluewater Fitness Centre and Central Reserve, and the Old Beechy Rail Trail. A major application to support the Blue Water Fitness Centre redevelopment will also be submitted to the competitive Strategic RLCIP fund.

**Small Towns Improvement Program**

The Cressy community came together on Monday 12 October, along with several Councillors, for a tour of the town and a sausage sizzle. This was followed by a community meeting to discuss reviewing the Township Master Plan Priorities. The process is now underway and will result in a new list of priority actions for the community.

The process has commenced for the production of the Skenes Creek Township Master Plan. This project will involve extensive community and stakeholder consultation and will set the direction for infrastructure development in Skenes Creek for the next 5 – 10 years.

**Colac Otway Shire Melbourne Cup Tour**

Over 50 people attended the Melbourne Cup Tour of Colac Otway Shire at the function held at COPACC. This event was organised by Otways Tourism, Colac Turf Club and the Shire's Economic Development Unit. The touring party and the Ambassador, Des Gleeson, were extremely happy with the commitment shown by the Colac Otway Shire to the Melbourne Cup Tour and support shown by the public for the Colac Turf Club.

**Trade Training Centre**

The Colac Otway Vocational Education Cluster (COVEC), which includes the Principals of Colac Secondary College, Trinity College, Colac Specialist School, and Lorne, Apollo Bay and Lavers Hill p-12 Colleges, met with representatives from the Gordon TAFE, Colac Otway Shire, and the Colac Otway Shire Industry Advisory Committee (IAC) in mid September to receive advice on local skills shortages.

COVEC members have signed a Memorandum of Understanding (MoU) to ensure a commitment and close working relationship in the development of the proposed Trade Training Centre (TTC). A further MoU is planned to be signed with the Gordon Institute of TAFE.

**Apollo Bay Harbour**

Council Officers are in discussion with the State Government regarding possible staged funding of public infrastructure works, and funds to support a Planning Scheme amendment process, that implement a Master Plan adopted for the Harbour in October 2008.

To support the infrastructure proposal, Council Officers have engaged consultant GHD, to provide an up to date Quantity Survey on the sections of the proposed harbour redevelopment related to the works yard and slipway area of the port.

**Integrated Fire Management Planning**

In the lead up to the fire danger period that starts on 1 November, Council officers are working with other key Government Agencies to prepare the community for what is expected to be one of the worst fire seasons on record.

The CFA is developing eight Township Protection Plans in the Colac Otway Shire region. Council organised a meeting with Councillors, CFA Brigade Captains and members of the local community to comment on the draft plans on 7 October. A large amount of feedback was provided to the CFA that was taken on board and incorporated into the documents. On 9 October a meeting of the Municipal Emergency Management Planning Committee and the Municipal Fire Management Planning Committee endorsed the eight plans subject to agreed changes and the outcomes of an assessment of potential Neighbourhood Safer Places by a team comprising CFA, Victoria Police and Shire Representatives. The outcomes of the

assessment relating to potential Neighbourhood Safer Places was not known at the time of writing the report.

Council has sent over 9,000 letters to land owners in the Colac Otway region prior to the start of the fire danger period explaining what responsibilities they have to make their property less likely to be the source of a fire and to be more defensible during a fire. The works people are required to do on their property are focused on creating a fuel reduction zone of 20m around any buildings and structures by cutting and removing all grass and undergrowth to a height not exceeding 100mm and removing all green garden waste, general rubbish and fine fuels such as leaves and twigs to reduce the risk of the spread of fire. On non bona fide farms (e.g. hobby farms and rural residential properties) a 10 metre short grass fuel reduction zone should also be prepared and maintained on all external property boundaries to a height not exceeding 100mm. Officers will commence an inspection process on 1 November and will issue notices and infringements to people who refuse to comply with these requirements.

### **Standpipe Management**

The following is a summary of the key points associated with standpipe management:

- There are currently 12 standpipes in the Shire which are managed by Council on behalf of Barwon Water;
- The standpipes are for ratepayers without mains water who due to exceptional circumstance need water for domestic and stock usage or commercial contractors undertaking works for Council.
- The standpipe network allows for contingency use in the event of unserviceable infrastructure or wild fire events.

At a Council workshop in June 2009 five standpipes were identified as having significant costs associated with being upgraded to comply with the Water and Plumbing Regulation and Act and to make them safe for users. After discussion with the CFA and a number of registered users prior to the June workshop, it was felt that if these five standpipes were closed very few people would be affected and none would be significantly inconvenienced because other standpipes are located within a reasonable distance. Hydrants are also located very close by which could be used by brigades in the event of a fire.

In line with discussions at the workshop a media release was issued to inform the community of the impending closures, and of the alternative sites nearby. In July 2009 after residents expressed concern about the closures, a letter was sent out to CFA Brigades and current users explaining the rationale for the proposed closures, as well as the location of the nearest alternative standpipe. The letter sought comment on the proposed closures and included a Standpipe Usage Survey form which could be completed and returned to Council.

A summary of the community responses and their key points is provided below:

- Council received nine pieces of correspondence opposing the proposed closure of the Pirron Yallock, Alvie and Yeo standpipes and also two opposing the closure of the Barpinba standpipe.
- Four of the pieces of correspondence were from CFA brigades and all requested that the standpipes remain open because of their importance in fire fighting situations.
- Four others were from users who disputed the low levels of usage and safety issues associated with their standpipes. They also indicated that the standpipes were critical for usage in fire fighting.
- One of the pieces of correspondence was signed by 40 residents opposing the closure of the Pirron Yallock standpipe due to its importance as a source of water in fire emergencies.



Council has written to Barwon Water asking for advice in relation to the Barpinba standpipe's usability during a fire event. Council will consider the issues raised by the community at a workshop to be held in November and make a decision on how to proceed.

### **Engaging with Colac Project**

Council's Social Justice and Environment Officer has been working with Year 9 students from Colac College on a project focused on the people and places that make a difference in the Colac community.

All members of the group worked with members of the Colac Lions Club on the maintenance of gardens at the Lions Club Village by weeding and mulching, creating new garden beds and mowing lawns. An opportunity was provided to see how the Saleyards operate, to observe occupational health and safety requirements, employment opportunities and to learn a little about the history of the Colac Saleyards.

Other experiences included trips to some of Colac's icons including Red Rock, Meredith Park, the Birregurra heritage walk, Forrest and Melba Gully. A visit to the Beeac and Birregurra cemetery provided some perspective for students in terms of the loss of young life over a century ago due to illnesses that are preventable today, and the early deaths of local young men who fought for their country during World War I and II. Some of the early pioneers of Colac were discussed and their contribution to the growth and development of the town was acknowledged.

This project provided students with a variety of learning experiences by engaging with their community on a number of levels. The students who participated are to be congratulated for their enthusiasm, for acting responsibly and for demonstrating excellent team skills.

### **ECO BUY 2008/2009 REPORT**

ECO-Buy Limited is a not for profit **Centre of Excellence in Environmental Purchasing**, established to encourage the purchasing of environmentally preferable (green) products and services. Colac Otway Shire Council has been a member of ECO Buy since 2004.

Green purchasing is based on the simple premise that every purchase impacts on the environment in some way and is about choosing to buy products and services that are less damaging to our environment and human health than competing products and services that serve the same purpose. The green purchasing carried out by Council in 2007/2008 amounted to \$437,456. This increased to \$628,505 in 2008/2009.

The significant increase is mainly due to vehicle purchases now qualifying as green purchases. This is the result of Council's Fuel Efficient Vehicle/Fleet Policy being implemented. In 2008-09 17 vehicles were considered green purchases due to downsizing (no. of cylinders), better fuel efficiency (engine size and capacity) and better/cleaner fuel choice, namely LPG. In 2007-08 only 6 vehicles were included in the EcoBuy Report that met the green vehicle purchasing criteria but since the new policy this number has nearly tripled.

### **Attachments**

Nil

### **Recommendation(s)**

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

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CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM | D | W |
|---|---|---|
| <p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM092810-3 AUSTRALIA DAY 2010</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p><i>1. Endorses the recommendation by the Australia Day Advisory Committee to hold the Australia Day community event in Birregurra on 26 January 2010.</i></p> | | |
| <p><u>OM092810-4 REVIEW OF COUNCIL POLICIES</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p><i>1. Revoke the following policies:</i></p> <p><i>Policy No 18.1 Governance Policy</i>
 <i>Policy No 18.7 Mayoral Awards Policy</i></p> <p><i>2. Adopt the following new and revised policies:</i></p> <p><i>Policy No 18.9 Gifts, Benefits and Hospitality Policy</i>
 <i>Policy No 2.4 Confidential Information Policy</i>
 <i>Policy No 4.3 Sale and Exchange of Council Land Policy</i>
 <i>Policy No 11.3 Special Rate and Special Charges Policy</i>
 <i>Policy No 15.1 Committees of Management of Drainage Systems Policy</i>
 <i>Policy No 15.2 Section 86 Committees of Management Policy</i>
 <i>Policy No 16.1 Internal Audit Policy</i>
 <i>Policy No 16.2 Fraud Prevention/Control Policy</i>
 <i>Policy No 18.4 Pre-election Caretaker Policy</i></p> | | |

| | | |
|---|--|--|
| <p><i>Policy No 18.8 Council Committees Policy
Policy No 19.1 Municipal Building Control –
Intervention Filter Criteria Guidelines Policy</i></p> <p>3. Approves Council's Existing Policy 3.1 Tendering and Contracts Policy as the interim Procurement Policy under S186A of the Local Government Act.</p> | | |
| <p><u>OM092810-5 REVIEW OF MEETING PROCEDURES
LOCAL LAW 4</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Pursuant to sections 119 and 223 of the Local Government Act gives notice in the Government Gazette and local media of its intention to make "Local Law No 4 – 2009 Council Meeting Procedures and Common Seal". 2. In accordance with section 223 of the Local Government Act invites written submissions in regards to the draft Local Law No 4 – 2009 until 11 December 2009. 3. Considers any submissions received in relation to the draft Local Law No 4 at the Council meeting to be held on Wednesday, 16 December 2009 at 3.00 pm. 4. Considers adoption of the draft Local Law No 4 at the Ordinary Council meeting to be held in January 2010. | | |
| <p><u>OM092810-6 BARWON SOUTH WEST REGIONAL
TRAILS MASTER PLAN PROJECT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Receive and endorse the Barwon South West Regional Trails Master Plan acknowledging that any | | |

| | | |
|---|--|--|
| <p><i>future trail proposals within the Colac Otway Shire that have financial or strategic implications will be presented to Council for further consideration.</i></p> | | |
| <p><u>OM092810-7 UPDATE INSTRUMENT OF DELEGATION - COUNCIL TO COUNCIL STAFF</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, Colac Otway Shire Council (Council) resolves that -</i></p> <ol style="list-style-type: none"> <i>1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.</i> <i>2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.</i> <i>3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.</i> <i>4. The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.</i> | | |

| | | |
|--|--|--|
| <p><u>OM092810-8 ANNUAL REPORT 2008-2009</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>Notes the completion of the 2008/2009 Annual Report document and process.</i> 1. <i>Notes the Auditor's unqualified reports on the Financial Statements, Standard Statements and Performance Statement.</i> 2. <i>Notes the Annual Report was submitted to the Minister for Local Government by 30 September 2009, as required.</i> 3. <i>Consider and receive the 2008/09 Annual Report as presented to this meeting in accordance with Sections 131 and 134 of the Local Government Act 1989.</i> | | |
| <p><u>OM092810-9 FIRST QUARTER PERFORMANCE REPORT TO COUNCIL 2009-2010</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i>
 <i>Receive for information the first quarter Performance Report for the three months ending 30 September 2009.</i></p> | | |

Recommendation

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

MOVED

SECONDED

OM092810-3**AUSTRALIA DAY 2010**

| | | | |
|-------------|--------------------------------|-----------|-----------------------------|
| AUTHOR: | Hege Eier | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN00338 Australia Day 2010 |

Purpose

This report aims to seek Council's endorsement of the decision by the Australia Day Advisory Committee to nominate Birregurra as the proposed location for the Colac Otway Shire 26 January 2010 Australia Day event.

Declaration of Interests

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

Background

Australia Day Activities in Victoria are coordinated by the Australia Day Committee (Victoria) in conjunction with local and regional Australia Day committees. Australia Day (Victoria) is coordinated by the Department of Premier and Cabinet and is supported by the Government of Victoria. Australia Day on the 26 January is observed as a public holiday in all states and territories.

Each year the Colac Otway Shire Council Australia Day Committee has supported a local Australia Day celebration. Until 2009, two separate but similar events were held in the Colac Otway Shire, one in Apollo Bay and one in Colac. In 2008 the Colac Otway Shire Australia Day Advisory Committee recommended to Council that one event be held within the municipality rather than the two events held previously. This recommendation was supported by Council and in 2009 Australia Day celebrations were held in the township of Forrest.

The Colac Otway Shire Council Australia Day events comprise a formal component which includes:

- Flag raising ceremony
- National Anthem Performance
- Mayor's speech
- Local Member of Parliament speeches
- Australia Day Ambassador address
- Citizenship Ceremony
- Presentation of Australia Day Awards

Australia Day Awards are presented to community members in the following categories:

- Citizen of the Year
- Young Citizen of the Year
- Community Service
- Sporting Service

Previous Colac Otway Shire Australia Day events have provided the local communities with a variety of entertainment in the form of musical performance, cultural dance, children's entertainment, community barbeque and activities.

A meeting of the Colac Otway Shire Australia Day Advisory Committee comprising the Mayor Brian Crook, Cr Chris Smith and Cr Frank Buchanan was held on Thursday 9 April 2009. The Shire's Recreation and Events Coordinator, Jodie Fincham, and Events Officer, Hege Eier also attended the meeting.

At the meeting there was a short debrief of the 2009 Australia Day celebrations at Forrest in which a discussion followed in regards to having one Australia day event versus two. A number of issues were recognised in holding two separate events, logistics being a main issue for both event organisers and Australia Day Award recipients.

Following the debrief of last year's event the Committee agreed that there should be one Australia Day event within the Shire in 2010. Birregurra, Beeac and Gellibrand were suggested as possible locations for the 2010 Australia Day celebrations. Birregurra was identified on the basis of its accessibility for people from all parts of the Shire.

Council Plan / Other Strategies / Policy

The report directly relates to the Council's vision "Council will work together with our community to create a sustainable, vibrant future".

Issues / Options

Due to the timelines involved, the Birregurra community has been advised that it is intended to hold the 2010 event in Birregurra. The Birregurra Community Group has agreed to hold the event and has been fully supportive.

Proposal

It is proposed that Council supports the recommendation of the Australia Day Advisory Committee to hold one Australia Day community event on Monday 26 January 2010 in the township of Birregurra. The Australia Day Advisory Committee hopes to encourage other small towns to participate in hosting this event in the future.

It is seen as important that the Australia Day Event is held on the actual day. In the past there have been some years where events have been held on two different days. This is not seen as consistent with the objectives of the Australia Day Committee.

Hosting events in two different townships does create some logistical issues relating to resources, hiring of equipment and availability of Australia Day Award recipients.

Financial and Other Resource Implications

The Colac Otway Shire Australia Day Event has received dedicated project funds allocated through the annual budget process. The sum of \$10,000 has been allocated for the 2010 event.

Risk Management & Compliance Issues

The Australia Day event is required to complete Council's Events Approval process which specifically addresses risk management and compliance issues specific to the event.

Environmental and Climate Change Considerations

There are no environmental considerations.

Communication Strategy / Consultation

There has been ongoing consultation with the Australia Day Committee Victoria regarding initiatives for the 2010 Australia Day celebration.

There have been initial discussions with the Birregurra Community Group. Further discussions will need to take place with the Birregurra community. The Colac Otway Shire Australia Day Committee or Council will need to meet to review nominations for the Australia Day Awards in mid December. This information will be incorporated into the December 2009 Council Report.

Council's Public Relations Coordinator will be involved in all media releases, publicity and marketing of the event to ensure public awareness of the event.

Implementation

Following the acceptance by the Birregurra Community Group to host the 2010 Australia Day Event, it is proposed that a subcommittee will be formed for the event. This subcommittee will work closely with Council in planning and executing the event.

Conclusion

The Australia Day Advisory Committee recommends holding the Australia Day event for 2010 in Birregurra.

Input will be sought from the local Birregurra community regarding entertainment and activities. A local event such as this provides the community with an opportunity to showcase local venues, artists and performers.

Attachments

Nil

Recommendation(s)

That Council:

- 1. Endorses the recommendation by the Australia Day Advisory Committee to hold the Australia Day community event in Birregurra on 26 January 2010.***

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**OM092810-4 REVIEW OF COUNCIL POLICIES**

|             |                                |           |                   |
|-------------|--------------------------------|-----------|-------------------|
| AUTHOR:     | Colin Hayman                   | ENDORSED: | Rob Small         |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN01688 Policies |

**Purpose**

The purpose of this report is to present for Council's consideration a number of Council policies that have been revised and/or reviewed, three policies to be revoked and a new policy.

**Declaration of Interests**

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

**Background**

A Council Policy Manual has been in place for a number of years. A review of a number of policies has been undertaken.

The first stage of the process to review the policies was to forward to staff and managers copies of policies for them to make comment and make changes where appropriate.

The current review has meant changes to all policies except the Cattle Grids policy which has recently been adopted by Council.

In a number of policies this relates to the change of wording with respect to the Council Plan 2009/2013.

The policies have been categorised into the following categories:

- (a) New/Revised Policies
- (b) Policies to be Revoked
- (c) Changes to Policies
- (d) Policies yet to be Reviewed/Finalised

**Council Plan / Other Strategies / Policy**

This report is consistent with the Council Plan 2009/2013.

The Council Plan 2009/2013 under the key result area of Leadership and Governance has the following objective.

"Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations."

In the Plan there is also a key action "Review of Council's Policies".

## Issues / Options

### Previous Reviews

#### (a) May 2006

As part of the Governance Review undertaken in 2006 a review of all Council policies took place.

As part of the review, policies were categorised as follows:

- A. Policies with no changes
- B. Policies to be revoked
- C. Policies that have been redrafted
- D. New Draft Policy
- E. Policies yet to be reviewed

#### (b) March 2007

A number of policies were changed with respect to position titles as per the revised Organisation Structure.

#### (c) Legislation

Policies have been reviewed where there has been a change to Legislation or further information has been provided eg.

- Sale and Exchange of Council Land      Reviewed May 2008
- Pre-Election Caretaker                      Reviewed August 2008
- Councillor Support                              Reviewed February 2009

### Policy Manual

The Policy Manual currently contains 45 policies which are broken up into 16 categories.

For example:

- Communication/Information
- Rating
- Recreation and Culture
- Traffic/Road Management
- Governance

### Current Review

As indicated above the current review has been categorised into the following categories:

- (a) New Policy
- (b) Policies to be Revoked
- (c) Changes to Policies
- (d) Policies yet to be Reviewed

All of the policies have been provided to Councillors and reviewed in a workshop.

(a) New Policy

**Policy No 18.9 - Gifts, Benefits and Hospitality Policy**

In response to the Ombudsman's report 'Conflict of Interest in Local Government' a new Gifts, Benefits and Hospitality' policy has been developed.

The policy is designed to:

- Ensure compliance with legislation;
- Ensure Council activities are conducted professionally without influence or favour;
- Provide clear guidelines to ensure that Councillors, staff and Council contractors are not compromised in the performance of their duties;
- Provide a transparent and accountable process for gift acceptance that promotes public confidence.

The policy has been reviewed by management, the Staff Consultative Committee and Councillors.

(b) Policies to be Revoked

As part of the review it is recommended that the following policies are revoked:

|                |                                        |
|----------------|----------------------------------------|
| Policy No 18.1 | Governance Policy – no longer required |
| Policy No 18.7 | Mayoral Awards Policy                  |

(c) Changes to Policies

It is intended to review the policies in groups. The first group relate to policies where there have been changes to legislation.

**Policy No 2.4 - Confidential Information Policy**

Summary of changes:

- Council Plan reference
- Legislative changes re. *Local Government Act*
- Other minor changes

**Policy No 4.3 - Sale and Exchange of Council Land Policy**

Summary of changes:

- Council Plan reference
- Legislative changes re. *Local Government Act*
- Additional changes re. transfer of land for no consideration and sale of contaminated land
- Other minor changes

The policy is based on the 'Best Practice Guideline for the Sale and Exchange of Land'. The general principles and best practice guideline is based on the "Policy and instructions for the purchase, compulsory acquisition and sale of land" which must be used by all State Government agencies and authorities.

A review of the guideline was recently undertaken by Local Government Victoria with the Government Land Monitor.

Councils are urged to review their existing policies and practices for the sale, transfer and exchange of land in the context of the revised guideline to ensure that best practice is followed.

The revised policy reflects the changes in the guideline.

Comments from Council's solicitors – *“The policy is unexceptionable. Would be prudent to revise the policy to take into account the contents of the current guideline.”*

**Policy No 11.3 - Special Rate and Special Charges Policy**

Summary of changes:

- Council Plan reference
- Legislative changes re. *Local Government Act*
- Incorporation of previous guidelines into policy
- Other minor changes

**Policy No 15.1 - Committees of Management of Drainage System Policy**

Summary of changes:

- Council Plan reference
- Legislative changes

**Policy No 15.2 – Section 86 Special Committees**

Summary of changes:

- Council Plan reference
- Legislative changes re. *Local Government Act*
- Other minor changes

**Policy No 16.1 – Internal Audit Policy**

Summary of changes:

- Council Plan reference
- Legislative changes re. *Local Government Act*
- Other minor changes

In March 2009 the Audit Committee resolved:

*“That the Audit Committee recommends to Council that the Internal Audit Policy and Audit Committee Charter be approved with the addition of point 3.2.13 in the Charter and that the Policy and Charter be further reviewed when the Best Practice Guide becomes available.”*

**Policy No 16.2 – Fraud Prevention/Control Policy**

Summary of changes:

- Council Plan reference
- Changes to roles and responsibilities
- Addition of overall responsibility as per recommendation from Internal Audit report
- Changes to section 5.6 Reporting of Fraud

At the September 2009 Audit Committee meeting the committee resolved:

*“That the Audit Committee receive the report on the Fraud Prevention/Control Policy and recommend to Council that the revised policy be adopted.”*

**Policy No 18.4 – Pre-Election Caretaker Policy**

Summary of changes:

- Council Plan reference
- Legislative changes re. *Local Government Act*

Changes have also been made to clauses 1, 4 and 5 as the draft contained references to the old Councillor's Code of Conduct.

**Policy No 18.8 – Council Committees Policy**

Summary of changes:

- Council Plan reference
- Legislative changes re. *Local Government Act*
- Other minor changes

**Policy No 19.1 – Municipal Building Control – Intervention Filter Criteria Guideline Policy**

Summary of changes:

- Legislative changes
- Other minor changes

(d) Policies Yet to be Reviewed

**Policy No 3.1 Tendering and Contracts Policy**

Under S186A of the *Local Government Act* 1989 Council must prepare and approve a procurement policy by 19 November 2009.

A draft Procurement Policy and a draft Tendering and Contracts Operations Policy and Procedures are in the process of being developed.

The policy is being developed based on the template policy provided by the Municipal Association of Victoria.

Once finalised it is intended that the Procurement Policy will replace Policy No 3.1 – Tendering and Contracts Policy.

It is intended that the new Procurement Policy be presented to Council at a future meeting.

In the interim it is recommended that the existing Policy No 3.1 Tendering and Contracts Policy be approved as Council's Procurement Policy under S186A of the *Local Government Act*.

**Proposal**

It is proposed that Council:

- (a) Revokes the following policies:
  - Policy No 18.1 Governance Policy
  - Policy No 18.7 Mayoral Awards Policy
- (b) Adopts the following new and revised policies:
  - Policy No 18.9 Gifts, Benefits and Hospitality Policy
  - Policy No 2.4 Confidential Information Policy
  - Policy No 4.3 Sale and Exchange of Council Land Policy
  - Policy No 11.3 Special Rate and Special Charges Policy
  - Policy No 15.1 Committees of Management of Drainage Systems Policy
  - Policy No 15.2 Section 86 Committees of Management Policy
  - Policy No 16.1 Internal Audit Policy
  - Policy No 16.2 Fraud Prevention/Control Policy
  - Policy No 18.4 Pre-election Caretaker Policy

Policy No 18.8 Council Committees Policy

Policy No 19.1 Municipal Building Control – Intervention Filter Criteria Guidelines Policy

(c) Notes the process re. the development of a new Procurement Policy.

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

There are no direct financial implications in relation to the adoption of the review of the Council policies.

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

The policies have been reviewed based on new sections in the *Local Government Act* and new guidelines with respect to the Sale of Council Land.

### **Environmental and Climate Change Considerations**

No environmental considerations are applicable.

### **Communication Strategy / Consultation**

All of the policies have been through a comprehensive consultation process in their development.

All of the policies have been reviewed internally by Councillors and Executive. The new policy was forwarded to all managers for comment.

The Gifts, Benefits and Hospitality Policy was considered by the Staff Consultative Committee. The Policy is for councillors and staff.

The Internal Audit Policy and the Fraud Prevention/Control Policy were presented to the Audit Committee for review, discussion and endorsement.

As all of the policies are governance related, they are not required to go out for external consultation.

### **Implementation**

Once the policies are endorsed the policy manual will be revised. The various policies will also be available to the public via Council's website.

### **Conclusion**

A comprehensive review of Council policies has commenced. A new policy has been developed in line with recommendations from an Ombudsman review.

### **Attachments**

1. New Policy - 18.9 Gifts, Benefits and Hospitality Policy
2. 2.4 - Confidential Information Policy
3. 4.3 Sale & Exchange of Council Land Policy
4. 11.3 - Special Rates & Special Charges Policy
5. 15.1 - Committees of Management of Drainage Systems Policy
6. 15.2 - Section 86 Special Committees Policy
7. 16.1 - Internal Audit Policy
8. 16.2 - Fraud Prevention/Control Policy
9. 18.4 - Pre-Election Caretaker Policy
10. 18.8 - Council Committees Policy
11. 19.1 - Municipal Building Control Intervention Filter Criteria Guideline Policy



**Recommendation(s)*****That Council:******1. Revoke the following policies:***

***Policy No 18.1 Governance Policy***  
***Policy No 18.7 Mayoral Awards Policy***

***2. Adopt the following new and revised policies:***

***Policy No 18.9 Gifts, Benefits and Hospitality Policy***  
***Policy No 2.4 Confidential Information Policy***  
***Policy No 4.3 Sale and Exchange of Council Land Policy***  
***Policy No 11.3 Special Rate and Special Charges Policy***  
***Policy No 15.1 Committees of Management of Drainage Systems Policy***  
***Policy No 15.2 Section 86 Committees of Management Policy***  
***Policy No 16.1 Internal Audit Policy***  
***Policy No 16.2 Fraud Prevention/Control Policy***  
***Policy No 18.4 Pre-election Caretaker Policy***  
***Policy No 18.8 Council Committees Policy***  
***Policy No 19.1 Municipal Building Control – Intervention Filter Criteria Guidelines Policy***

***3. Approves Council's Existing Policy 3.1 Tendering and Contracts Policy as the interim Procurement Policy under S186A of the Local Government Act.***

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GIFTS, BENEFITS AND HOSPITALITY POLICY

Policy No: 18.9

Date Adopted:

File No: GEN01688

Revised:

1. INTRODUCTION

In the Ombudsman Victoria Report "Conflict of Interest in Local Government" March 2008, it was recommended that "Councils have clear rules on accepting gifts and hospitality".

It was also recommended in the report that Councils should regularly review their policies on gifts and hospitality to ensure that they remain up to date and relevant.

This policy aims to provide guidance to Councillors and staff regarding the issue of receiving or being offered gifts or benefits and to ensure that in dealing with any gifts, benefits or the offer of gifts or benefits, Councillors and staff are not influenced in the performance of their duties and that there is no perception of undue influence due to these offers.

2. RELATIONSHIP TO COUNCIL PLAN

Under the Key Result Area of Leadership and Governance the objective is:

"Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is : fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

3. PURPOSE

Individuals and companies who deal with Colac Otway Shire sometimes wish to express appreciation for service or assistance by the giving of some form of gift, benefit or hospitality to a Councillor or a member of staff.

The *Local Government Act* 1989 (Section 95) stipulates that Council staff in the course of their employment must act impartially; act with integrity including avoiding real or apparent conflicts of interest; and accept accountability for results.

It is also a primary principle of Councillor conduct (Section 76B) for any Councillor in the performance of that role to act with integrity; to impartially exercise his or her responsibilities in the interests of the local community; and not improperly seek to confer an advantage (or disadvantage) on any person.

The purpose of this policy is –

- To ensure that Council activities are conducted professionally and not influenced, or perceived to be influenced by the receipt or prospect of some form of gift, benefit or hospitality;
- To provide clear guidelines to ensure that Councillors, staff and Council contractors are not compromised in the performance of their duties by accepting gifts or benefits which may result in a sense of obligation or could be construed as an attempt to influence;
- To regulate and monitor patterns of behaviour; and
- To provide a transparent and accountable process for gift acceptance that promotes public confidence.

4. DEFINITIONS

Gifts

Gifts are unsolicited and meant to convey a feeling of goodwill on behalf of the giver and where there is not expectation of repayment.

Gifts and benefits that have more than a nominal value will include tickets to major sporting events, corporate hospitality at a corporate facility or at a sporting venue, discounted products for personal use, use of holiday homes, free or discounted travel, free training excursions, gift vouchers and major prizes at conferences and events.

Benefits

The term "Benefit" is used to refer to something which is believed to be of value to the receiver, such as a service for which there is no expectation of repayments.

Examples include:

- Hospitality
- Travel

Tokens

A token is a "gift" (other than money) of a nominal value (ie less than \$50).

Such tokens do not create a sense of obligation in the received that will influence, or appear to influence, the exercise of their official duties.

Generally speaking, token gifts and moderate acts of hospitality could include:

- Gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (eg address at meeting).
- Free or subsidised meals, of a modest nature, and/or beverages provided infrequently that have been arranged primarily for, or in connection with, the discussion of official business.
- Free meals of a modest nature, and/or beverages provided to Council officials who formally represent their Council at work related events.
- Souvenirs and mementos of a modest nature eg. ties, scarves, coasters, tie pins, pens, diaries, notepads, keyrings, chocolates, flowers and small amounts of beverages.
- Invitations to appropriate out of hours "cocktail parties" or social functions organised by groups, such as community organisations or peer groups/associations.
- Door prizes at conferences, tradeshows, etc.
- Gift vouchers.

Bribe

Means money, reward or service offered to procure action, decision or preferential treatment in favour of the giver or another person.

Gestures which are not considered gifts

- A token gift received from a person or company as a result of attending a seminar or conference held, conducted or sponsored by them, for which an appropriate fee was paid to attend.
- Non-alcoholic refreshments offered by a customer, consultant, contractor or developer whilst attending their place of business to discuss, conduct or undertake current Council business.

Conflict of Interest

Means any private or personal interest, which could prejudicially influence, or be perceived to influence, a person in the performance of his or her public or professional duties.

Such interest could relate to kinship, friendship, membership of an association, board, club or involvement in an activity.

5. POLICY

The Colac Otway Shire is committed to being open and transparent in its operations to ensure that it minimises the risk of being placed in a compromising position that may have an adverse affect on its public endeavours and the promotion of trust within the community.

Councillors and Council staff must:

- a) At all times be ethical, fair and honest in the conduct of official duties.
- b) Be aware that fraudulently receiving a "Gift" or "Benefit" is an offence under both common law and the *Local Government Act 1989*.
- c) Be fully accountable and responsible for their actions and are to ensure that the methods and processes they use to arrive at decisions are beyond reproach and can withstand audit processes and proper scrutiny.
- d) Not seek, solicit, or use their position with Council to obtain gifts or benefits from external organisations or individuals.
- e) Ensure that a person, company or organisation is not placed in a position in which they feel obliged to offer gifts or hospitality to secure or retain Council business.
- f) Report any incidences where a bribe and/or cash is offered.

5.1 Acceptance of Gifts

Councillors and staff must not solicit gifts or benefits or accept gifts or benefits of more than token value. Offers of money in any form must not be accepted.

The following principles apply to Councillors and staff in relation to the acceptance of Gifts or Benefits:

- "Tokens" that are of an infrequent nature may be accepted.
- Other than "Tokens" a Gift or Benefit should be politely declined.
- If a Gift or Benefit cannot be declined or returned, or if refusal has the potential to damage Council's relationship, then it may be received, but must be reported immediately. In the case of a Councillor it should be reported to the Executive Assistant to Councillors. Council staff must report to their Manager.
- Details shall be provided on the appropriate form to the responsible General Manager (or to the Mayor in respect of Councillors) to determine the most appropriate treatment method for the Gift or Benefit.

Acceptance of any gift of value (gift of \$50.00 or more) is subject to authorisation as follows:

- A gift offered to and/or taken by a member of staff must be approved by their General Manager;
- A gift offered to and/or taken by a Council contractor must be approved by the Council Contract Supervisor;
- A gift offered to and/or taken by a General Manager must be approved by the Chief Executive Officer;
- A gift offered to and/or taken by a Councillor is to be disclosed in writing to the Chief Executive Officer of the day;
- A gift offered to and/or taken by the Chief Executive Officer is to be approved by the Mayor of the day.

In the event that the designated officer considers either the gift and/or the circumstances in which it is given to be inappropriate, and for some reason the gift cannot be returned, the Chief Executive Officer must decide on whether to retain the item as corporate property or a suitable method for its disposal. The decision of the Chief Executive Officer is to be recorded on the relevant Gift Disclosure form.

5.2 Hospitality

Councillors and Council staff, in the normal course of their duties will from time to time receive invitations of hospitality to attend various functions and events.

Where such hospitality is only modest in nature and provides an opportunity to network or undertake business of a common purpose, it may be appropriate to accept such invitations.

If, however, acceptance of the hospitality is likely to create the impression that an attempt is being made to compromise the impartiality of the Councillor or staff member, or could be perceived as a Conflict of Interest, then the offer of hospitality should be politely declined.

The Councillor or staff member should retain a record of all accepted invitations of hospitality that may be subject to audit.

Any hospitality estimated to be in excess of \$50 must be reported in the same manner as a Gift.

In situations where a Councillor accepts an invitation of hospitality, the Executive Assistance to Councillors will be responsible for reporting the details to the Organisational Support and Development Unit.

5.3 Bequests

Any bequests to Councillors and staff as a direct result of their position with Council must not be accepted. Arrangements may be made to donate the bequest to a charitable institution in the name of the person or returned to the immediate family.

5.4 Conflict of Interest

A Token, Gift or an offer of Hospitality must not be accepted where it could lead to controversy or there is an apparent or possible Conflict of Interest with past, present or future relationships between the recipient, Council and the donor.

5.5 Reporting

- Completed forms are to be conveyed to the Organisational Support and Development Manager (OS&D) who is responsible for recording the details in the Register of Gifts and Benefits.
- The 'Register – Gifts to Council' will be maintained by the unit and reported to the Chief Executive Officer every six months.
- The 'Register – Gifts to Council' will be made available for public inspection and contain the following information:
 - Date
 - Description of the Gift or Benefit
 - Estimated Value
 - Recipient
 - Provider Name
 - Provider Organisation, Agency or Company
 - Treatment

6. AWARENESS OF POLICY

All Councillors will be made aware of and are required to be familiar with their obligations under this policy.

All staff will be made aware of and are required to be familiar with their obligations under this policy.

7. COMPLIANCE

Where a Councillor fails to comply with this policy, the issue shall be dealt with in the same manner as disputes arising under the Councillor Code of Conduct.

Where an employee fails to comply with this policy, the issue shall be dealt with in accordance with Council's Discipline Procedures.

8. RELATED LEGISLATION

- Councillor Code of Conduct
- Council Policy 16.2 Fraud Prevention Control
- Staff Code of Conduct
- *Local Government Act 1989* – Sections 77, 78 and 95

9. IMPLEMENTATION AND REVIEW

This policy will be implemented by Council and is subject to periodic review.

10. ATTACHMENT

Gifts, Benefits and Hospitality Register.

ATTACHMENT

**COLAC OTWAY SHIRE COUNCIL
GIFTS, BENEFITS AND HOSPITALITY REGISTER**

Declaration

| | |
|--|---|
| Name of Councillor/ Council officer making this declaration | |
| Position / Title | |
| Offered to or received by? | |
| Date of offer or date of receipt of gift/benefit | |
| Who made the offer? (name, position and organisation) | |
| Description of gift or benefit | |
| Estimated retail value | \$ |
| Decision made | Accept <input type="checkbox"/> Refuse <input type="checkbox"/> |
| Reason for above decision | |
| Management required for gift or benefit (eg distribute amongst staff, auction for charity) | |

I have reviewed the Gifts, Benefits and Hospitality Policy and agree that the above action is in accordance with the policy. I understand that any action contrary to this policy may result in disciplinary proceedings in accordance with the Code of Conduct.

I have completed this form within 2 weeks of the offer of the gift or benefit or prior to an offer of attendance of an event.

Declaration made by:

| | | |
|------------|-----------|------|
| | | |
| Name/Title | Signature | Date |

Authorised by Manager/General Manager/Chief Executive Officer/Mayor

| | | |
|------------|-----------|------|
| | | |
| Name/Title | Signature | Date |

Noted by Organisational Support and Development Manager

| | | |
|------------|-----------|------|
| | | |
| Name/Title | Signature | Date |



CONFIDENTIAL INFORMATION POLICY

Policy No: 2.4

Date Adopted: 24/5/06

File No: GEN01688

Revised:

1. INTRODUCTION

Section 77 of the *Local Government Act* 1989 makes it an offence for a person who is, or has been a Councillor or member of a Special Committee to release information that the person knows, or should reasonably know is confidential information.

This policy provides guidance to Councillors, members of Special Committees and Officers in complying with Sections 76B, 77 and 89 of the *Local Government Act* relative to the use of the information which is available to the Council on a confidential basis and to assist Council in determining which matters may be considered in closed session pursuant to Section 89 of the *Local Government Act*.

This policy applies to information to be considered at “closed” meetings of Council, Special Committees and Advisory Committees or is provided to Councillors or Officers on a confidential basis.

2. RELATIONSHIP WITH COUNCIL PLAN

The Council Plan has as part of its mission to work in partnership with our community and other organisations to provide effective leadership, governance and financial accountability. This policy aids in verifying what issues may be discussed with ratepayers and the community.

3. DEFINITIONS

3.1 “Information” includes letters, reports, documents, facsimiles, attachments, tapes or electronic media and/or other forms of information including verbal.

3.2 Section 89.2 of the Act specifies that a Council or Special Committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following –

- (a) Personal matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

3.3 Section 77(2) of the Act specifies that information is to be considered “confidential” if any of the following circumstances exist:

(2) For the purposes of this section, information is “confidential information” if –

- (a) The information was provided to the Council or a special committee in relation to a matter considered by the council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or
- (b) The information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or
- (c) Subject to sub-section (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.

- (3) Confidential information referred to in sub-section (2)(c) ceases to be confidential at the expiry of the period of 50 days after the designation is made unless sub-section (2)(a) or (2)(b) applies to the information.

3.4 Information designated “confidential information” under any of the above circumstances, ceases to be confidential if Council resolves that the information is not confidential.

3.5 Confidential information may be derived from:

- (a) Reports presented to Council or a Committee of Council;
- (b) Outside the Council including commercial in confidence, information provided by a third party, contractors or tenderers, joint venture partners and wholly owned subsidiaries of Council;
- (c) Government Departments or Ministers;
- (d) Financial and legal analysis.

4. POLICY

4.1 Council operates in an environment of public accountability and scrutiny in which it seeks to inform the public of issues under consideration and the nature of decisions made by Council and its Committees.

4.2 Whilst endeavouring to minimise the number of matters which are to be considered in confidential session, Council acknowledges that certain matters ought properly be considered in closed meetings.

4.3 A Councillor’s right and duty to be informed and to inform and consult with constituents about the business before Council needs to be balanced with the interest the Council has in preventing the disclosure or premature disclosure of confidential information.

4.4 This policy does not override an individual Councillor’s statutory obligations in respect of the use of information and the necessity of disclosing any direct or indirect pecuniary interest in a matter under consideration by Council or a Committee in accordance with Sections 77 and 79 of the Local Government Act.

4.5 This policy does not override the Council’s obligations under the Local Government Act or any other legislation or subordinate legislation to disclose or publish information required by law to be disclosed or published. Confidential information shall not be disclosed to any third party without Council’s consent or in accordance with any statement or embargo contained within the subject document.

4.6 The status of confidentiality shall be set out in each Council report or on the front page of each document which is categorised as confidential.

4.7 At each Council-In-Committee meeting a standing item of business be included, which lists all documents that have been described as confidential by the Chief Executive Officer since the last report to Council In-Committee as per 3.3.

4.8 Prior to consideration of any confidential information, Council or a Special Committee must resolve to close the meeting to members of the public.

4.9 Confidential information shall not be incorporated in an agenda or minutes of any Council or Council Committee meetings except by reference unless in the agenda or minutes of a closed meeting of the Council or Committee pursuant to Section 89 of the Local Government Act.

- 4.10 A confidential minute book shall be maintained for any matters considered by Council or a Council committee in accordance with Section 89 of the Local Government Act.
- 4.11 Unless otherwise endorsed, information contained within the confidential sessions of Council or a Council committee shall remain confidential indefinitely.
- 4.12 Care must be exercised where the disclosure of information, not specifically identified as confidential, may prejudice the Council or other parties..
- 4.13 Councillors shall not make improper use of information or breach confidentiality in relation to documents to which they have access. Section 77 of the Local Government Act 1989 makes it unlawful for a Councillor or a former Councillor to release information that the person knows or should reasonably know, is confidential information.

5. IMPLEMENTATION AND REVIEW

This policy will be implemented by Councillors and staff of the Colac Otway Shire and is subject to periodic review.

6. REFERENCES

- Colac Otway Shire Council Code of Conduct
- Local Government Act 1989
- Freedom of Information Act 1982
- Information Privacy Act 2000



SALE AND EXCHANGE OF COUNCIL LAND POLICY

Policy No: 4.3

Date Adopted: 27/5/2008

File No: GEN01688

Revised:

1. INTRODUCTION

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

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

2. RELATIONSHIP WITH COUNCIL PLAN

The Council Plan indicates that part of the mission of the Colac Otway Shire is to provide effective leadership, governance and financial accountability.

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

3. OBJECTIVES

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

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

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

4. GUIDELINES

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

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

4.1 Legislative Requirements: Sale of Land

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

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

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

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

It should be noted that under section 189(4) of the LG Act, the sale or exchange of land that formed part of a road that has been discontinued as the result of a Council exercising its

powers under clause 3 of Schedule 10 of the LG Act is not subject to section 189(3) of the LG Act.

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

Public Notice

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

Purpose of Public Notice

The purposes of giving this notice are twofold:

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

It is therefore important that Council's are genuinely receptive to all offers and do not see compliance with the public notice requirement as a mere 'procedural technicality'.

Content of Public Notice

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

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

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

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

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

Right to Make Submissions

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

In this context, the council must:

- publish a public notice stating that submissions in respect of the proposed sale or exchange of land will be considered in accordance with section 223 of the LG Act;

- consider any written submission received within 28 days of publication of the public notice;
- hear any person who requests to be heard in support of their written submission;
- where a person who has made a written submission has requested to be heard in person, fix the day, time and place of the meeting, and give reasonable notice of the meeting to every person who has made a separate submission (in the case of a submission being made on behalf of a number of persons, notice is to be given to the person specified in the submission as the person to give notice to);
- consider all submissions made under this section; and
- after making a decision, give written notification to all people who have made a submission under this section, stating the decision and the reasons for the decision (where submissions are made on behalf of more than one person, notification in writing needs to be given to one of these people).

Requirement for a Current Valuation of Land

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

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

Under section 13DA(1A) of the VL Act, Council can only appoint a valuer who holds the experience or qualifications specified from time to time by the Minister by notice published in the Government Gazette.

Sale of Land – Discontinued Roads

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

Sale of Land – Public Open Space

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

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

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

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

Legal Requirements: Transfer/Exchange of Land without Consideration

Section 191

Section 191 provides a specific power enabling Councils to transfer, exchange or lease land for no consideration without having to comply with section 189. In effect, transactions effected under section 191 are not subject to the requirements of section 189 as provided under section 191(3).

However section 191(1) limits the parties with whom/which transactions may be effected to:

- the Crown; or
- a Minister; or
- any public body; or
- the trustees appointed under any Act to be held on trust for public or municipal purposes; or
- a public hospital within the meaning of the *Health Services Act* 1988 or other hospital carried on by an association or society otherwise than for profit or gain to the members of the association or society.

Further section 191(2) provides that any transfer, exchange or lease made under section 191 is valid in law and equity. Section 191(2) makes it clear that Councils, acting under the provisions of section 191(1) have the power to create and transfer both legal and equitable interests.

Section 191 does not limit Councils ability to transfer/exchange or lease land for no consideration to parties other than those listed under section 191(1). However any such transactions with these other parties will be subject to the provisions of section 189.

This means that before transferring/exchanging land for no consideration to a party not listed under section 191(1), a Council must comply with the provisions of section 189 and:

- consult ratepayers and residents on the proposal to exchange/transfer land for no consideration;
- give ratepayers and residents an opportunity to have their views heard; and
- have a current valuation for the land that is proposed for exchange/transfer.

Effect of a Breach of the Legislation

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

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

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

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

4.2 General

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

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

4.3 Preliminary Report to Council to Sell Land

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

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

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

4.4 General Principles

1. All sales, exchanges and transfers of land must comply with the provisions of the LG Act.
2. Sales should be conducted through a public process (i.e. public auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale, for example the sale or exchange of land by private treaty. Council should explain to its community the circumstances which led to its decision to use an alternative method of sale in the interests of probity, public accountability and transparency.
3. Sales, exchanges and transfers of land should be in the best interests of the community and provide the best result, both financial and non-financial, for the Council and the community.
4. Generally, all sales and exchanges of land should occur at not less than the market value assessed by a valuer engaged by the council. However, in the event that land is sold for less than the market value, Council should explain the circumstances, reasons or factors which led to the decision to accept a sale price that is less than market value or land on exchange with a lower value.
5. Prior to being offered for sale, property should be appropriately zoned. This will ensure that the ultimate use of the land is determined by that zone and the highest possible sale price is achieved.

4.5 Procedures for the Sale of Land

Preparation of Land for Sale

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

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

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

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

Appointment of Consultants and Real Estate Agents

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

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

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

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

Instructions for Valuers

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

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

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

Instructions for Real Estate Agents

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

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

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

Method of Sale

Sale by Public Auction

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

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

- After the selection and appointment of a real estate agent, the date of auction should be set, allowing approximately four to six weeks for an advertising campaign. The period may need to be varied depending on the type of land. The agent should be required to submit a summary to the council of the marketing campaign, enquiry rate and anticipated result approximately two weeks before the auction.
- The advertising campaign should be conducted in a manner that adequately exposes the land to the market.
- The valuer(s) should provide valuations to Council at least two to three weeks before the auction date. This will allow sufficient time to arrange a conference of valuers, or to confer with the valuer(s) if there is any concern about or disagreement over the valuations provided.
- When the valuation(s) and the selling agent's report have been received, Council should determine a reserve price. The reserve price should be not less than the market value. The reserve price must be set before the auction and must remain confidential at all times.
- Security must be maintained over documentation relating to the reserve price. Documents such as valuations, agent's reports and related correspondence must be provided on a confidential basis and only to the council representatives responsible for the transaction.

- The reserve price or valuation advice must not be disclosed, particularly to the selling agent, before the auction.
- If the land fails to sell at auction, it is to be passed in for negotiation with the highest bidder and offered for sale to that person at not less than the reserve price.
- If the land remains unsold following negotiations after auction, it should be left on the market for private sale at not less than the reserve price for an appropriate or reasonable period of time as determined by the council.
- If an offer is received which is lower than the valuation and Council is considering acceptance of the offer, it should be submitted in writing to the valuer for consideration. Having considered the valuer's opinion and all other relevant factors, and Council having formed an opinion that the offer is reasonable, the land may be sold. Council should disclose the reasons for its decision to sell the land for a price lower than valuation.

Sale by Public Tender

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

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

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

- Tender documents must be prepared which outline the process for the sale and all relevant timelines. The documents should also outline the broad objectives Council wishes to achieve through the sale, how tenders will be received and assessed, and how any post tender negotiations will be conducted.
- Council should consider the appointment of a probity auditor to oversee the entirety of the sale process.
- The reserve price must be set before the close of tenders and must remain confidential to ensure the integrity of the sale process. Tenders must not be opened until the reserve price is set (i.e. if a reserve price had not been set before the close of tenders).
- Tenders must be lodged with the council or its legal representative. Tenders must not be lodged with the selling agent. Tenders lodged with the selling agent should not be accepted. Tenders submitted by facsimile or by e-mail should also not be accepted.
- Late tenders must not be accepted.
- Tenders should only be opened by a formally appointed panel comprising representatives of the council and may include its legal representative and, if appointed, the probity auditor.
- The highest conforming tender at or above the reserve price should be accepted. If no conforming tenders are received at or above the reserve price, Council may commence post tender negotiations in accordance with its pre-determined strategy. This may involve negotiations with the highest tenderer or may involve inviting tenderers to consider increasing their offers for the property. Post tender negotiations should only be conducted for the duration allowed in the tender documentation. If the land remains unsold, it should be formally passed in and all tenderers must be advised. The land should continue to be marketed for an appropriate or reasonable period of time as determined by Council.
- If an offer is received which is lower than the valuation adopted as the reserve price and Council is considering acceptance of the offer, it must be submitted in writing to the valuer for consideration. Having considered the valuer's opinion and all other relevant factors, and Council having formed an opinion that the offer is reasonable, the land may be sold. Council should disclose the reasons for its decision to sell the land for a price lower than valuation.

Sale by Public Registration or Expression of Interest

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

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

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

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

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

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

Sale/Exchange by Private Treaty

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

Generally, it will be:

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

The nature/type of land may include:

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

Prospective purchasers of this type of land may include:

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

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

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

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

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

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

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

Exchange of Land of Equivalent Value

When proposing to exchange land by private treaty with a government agency or the private sector, the land should be exchanged at market value and where necessary, monetary adjustments should be made to establish equality of exchange. Where a Council has decided to accept land on exchange with a lower value, it (the Council) should disclose the reasons for its decision to do so.

4.6 Contaminated Land

When the sale, exchange or transfer of land is being considered, Councils should be aware, if the land is contaminated, of the implications that this may have for it (the Council).

Responsibility for Contaminated Land

Under section 62A of the *Environment Protection Act 1970*, if land is found to be polluted (or contaminated in a way likely to cause a health or environmental impact), the Environment Protection Authority (EPA) may serve a notice requiring the land to be cleaned up to a specified standard.

A clean-up notice may be served on:

- the current occupier of the site.

This could involve a Council which may be required to clean up any contaminants in the soil or groundwater on the site regardless of whether or not it has caused or contributed to that contamination. It would then be the responsibility of the Council to consider action against the party it believes caused the contamination in order to recover the cost of the clean-up, however this may not always be possible.

- any person or body who has caused, permitted or contributed to the contamination on the site during its occupation.

Again this could involve a Council, despite the fact that it no longer occupies or owns the land.

General Procedures

It is the responsibility of the Council to make sufficient enquiry about the nature of present and past users to which the land may have been put and to initiate the following actions:

1. An historical review and site inspection should be carried out. This may be effected by referene to title searches, local Council planning, engineering and rating records and other historical data sources including the EPA Priority Sites Register (Landata). The review may be limited in nature or more detailed, depending on the land in question. For example, it may be necessary for a site contamination assessment, incorporating soil sampling and laboratory analysis, to be carried out by an expert where:
 - the result of the historic data review reveals that the site has been used, or is currently used, for any of the purposes listed in the section '*Types of potentially contaminated land*' below;
 - the site inspection reveals visible contamination or odour which may indicate contamination; or
 - there is evidence of the presence of underground fuel tanks or potentially contaminated fill material.

The assessment should evaluate whether any contamination present on the land may prevent the continuation of existing or intended uses of the land. Environmental consultants should be engaged to undertake site assessments. Consultants must be appropriately qualified, experienced, accredited and have professional indemnity insurance.

2. If the initial contamination assessment report does not reveal contamination, the transaction may proceed without further assessment of the site. If, however, contamination is found, a more detailed site assessment may be required in order to identify the extent and nature of the contamination.
3. Any contamination assessment reports and Certificates or Statements of Environmental Audit prepared before the sale of land must be made available to prospective purchasers.

Options if a Site is Contaminated

If a Council is selling land that is contaminated, it will need to make a decision on whether to clean up the site or sell it in its contaminated condition.

The decision will be influenced by a range of commercial and legal considerations. Major factors will be the intended or likely use of the land following its sale. The degree of acceptable contamination will depend upon the intended use of the site and, possibly, even the layout of any proposed development. Uses which are more likely to give rise to prolonged human exposure to contaminants, particularly where young children are involved, will require more stringent clean-up standards than, for example, industrial uses.

Accordingly, without exposing the community or the environment to adverse effects from the contamination, a decision needs to be made with regard to the objectives of:

- maximising the return from the sale (bearing in mind both sale price and clean-up cost); and
- minimising potential exposure to legal liability for the clean-up (or further clean-up_ of the site in the future and other possible claims (for example, personal injury, economic loss, etc).

Within these constraints, there is a wide range of options open to the Council as the vendor of land. These include:

- fully cleaning up the site before sale and obtaining a Certificate of Environmental Audit that the land is suitable for all purposes; or

- conducting a limited clean-up and obtaining a Statement of Environmental Audit that the land is suitable for certain specified uses (for example, industrial);
- conducting a site contamination assessment with or without site clean-up and without a certificate or statement of environmental audit; or
- selling without undertaking any clean-up.

Dealing with Contaminated Land – a Summary

There can be no general rule as to which approach is the best. Each has positive and negative aspects and must be considered in the context of the proposed transaction, including a careful consideration of the contractual conditions in the sale and legislative requirements.

The following special conditions may be included in the contract of sale:

- a limitation on the vendor’s liability;
- the granting of warranties and indemnities absolutely or conditional upon certain matters occurring or not occurring, or certain circumstances continuing;
- clauses dealing with possible changes in the law, planning controls, or the use of the site; and
- clauses allocating liability for potential clean-up and other costs among the parties involved.

Naturally, the approach adopted and the terms and conditions negotiated will be reflected in the sale price. It should be noted that, in some cases, it is mandatory to undertake an Environmental Audit. For example, if a clean-up notice requiring an Environmental Audit has been issued by the EPA, or if it intended to remove the site from the EPA’s Priority Sites Register.

The environmental state of the property must be included in the instructions to the valuer(s), as any contamination present on the land may affect its market value.

Types of Potentially Contaminated Land

Land that is being used or has ever been used for any of the following activities is likely to be contaminated. These uses may therefore give rise to potentially significant liabilities and caution should be exercised whenever dealing with such land. Obviously, the list is not an exhaustive review of uses which present contamination risks.

| | |
|---|--|
| <ul style="list-style-type: none"> • Acid/alkali plant and formulation • Agricultural fertiliser manufacture • Airports • Asbestos production or manufacture and disposal • Battery manufacture or recycling • Chemical manufacture or formulation • Storage of hazardous chemicals (being chemicals designated as dangerous goods under the Australian Code for the Transport of Dangerous Goods by Road and Rail) • Commercial waste storage or treatment • Lime-burners • Metal foundries • Metal sprayers • Metal treaters and picklers • Mining and extractive industries • Paint manufacture or formulation • Pest control works (that is, areas | <ul style="list-style-type: none"> • Defence establishments and training areas • Drum recondition works • Dry-cleaning establishments • Electrical manufacturing plants • Electroplating and heat treatment premises • Explosives production or storage • Fuel depots and storage areas • Galvanisers • Gasworks • Gun, pistol or rifle clubs • Landfill sites • Industrial Cleaners • Pharmaceutical manufacture or formulation • Plastics and pigment manufacture • Powerstations • Printers • Railways yards |
|---|--|

| | |
|---|---|
| <p>where pest control chemicals are stored or vehicles and tanks used in connection with pest control are washed)</p> <ul style="list-style-type: none"> • Pesticide and herbicide manufacture or formulation • Petroleum or petrochemical industries | <ul style="list-style-type: none"> • Sanitary landfill sites • Scrap yards • Service stations • Sheep and cattle dips • Smelting and refining • Tannery, fellmongery and hide-curing works • Waste disposal, storage and treatment • Wood treatment/preservation site |
|---|---|

4.7 Other Sales

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

4.8 Contracts of Sale

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

4.9 Reimbursement of Costs

The costs of sale (excluding valuation costs) are to be factored into the purchase price of the property.

4.10 Authorisation

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

4.11 Annual Report

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

4.12 Expiration of Sale Offer

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

4.13 Responsibility

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

- Identify potential parcels.
- Refer property to other departments for comments and advice.
- Obtain toxic or environmental reports.
- Apply for relevant planning requirements.
- Prepare Council papers and reports.
- Request valuations.

- Place statutory and other advertisements in newspapers.
- Engage a real estate agent.
- Authorise preparation of vendor statements, contracts and documents.

4.14 Use of Proceeds

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

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

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

Local Government Act 1989, Sections 189, 191 and 223

Planning and Environment Act (1987) and Subdivision Act (1988).

Council Tendering Policies

Local Government Best Practice Guideline for the Sale and Exchange of Land – March 2008

6. Implementation and Review

This policy will be implemented by staff at the Colac Otway Shire and will be reviewed on an periodic basis.

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

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SPECIAL RATE AND SPECIAL CHARGES POLICY

Policy No: 11.3

Date Adopted: 24/5/2006

File No: GEN01688

Revised: 24/5/06

1. PURPOSE

This policy has been developed to ensure the procedures for the creation and implementation of contributory projects in providing works and services authorised under the Local Government Act 1989 are consistent and equitable, and as a guide for the fair and reasonable distribution of costs for those persons obtaining a special benefit.

2. INTRODUCTION

As part of the Council Plan, this policy assists Council with implementing its strategic objectives to narrow the infrastructure funding renewal gap and develop, maintain and manage the road network and other infrastructure assets to meet community needs.

3. DEFINITIONS

See Attachment 1 "Guidelines – Special Rate and Special Charges".

4. POLICY

4.1. APPLICATION

This policy shall apply to the following special rates and charges schemes:

(i) **Works Schemes** that involve construction of an item or items of infrastructure, and includes but is not limited to the following:

- a) urban street construction,
- b) easement drainage,
- c) local area traffic management,
- d) footpath construction,
- e) kerb and channel construction; and
- f) carpark construction.

Subject to Council's Road Maintenance Policy projects involving the reinstatement of infrastructure to its previously constructed condition, (ie. reconstruction and maintenance projects,) will not be subject to full cost recovery

(ii) **Service Schemes** that provide a particular service or bundle of related services; and

(iii) **Special Purpose Fund Schemes**, where monies raised by the special rate or charge go into a fund for a specified purpose and may include a mixture of works and/or services. In these schemes, the precise services and/or works are not fully specified in advance and a process is therefore established to allocate the funds raised. (e.g. Shopping Centre promotion fund, Tirrengower Drainage Scheme)

4.2. PROJECT INITIATION & PRELIMINARY REPORT

A special rate or special charge process may be initiated by any individual, group or combination of, ratepayer, Councillor or council officer.

Upon receipt of an initiating document, the relevant General Manager shall prepare a preliminary report.

This preliminary report is to generate a decision as to whether or not to proceed with a process of preliminary consultation. The decision to proceed or not to proceed further will be the responsibility of the relevant General Manager as delegated by Council.

The preliminary report will address the following background information:

- a) the scope of the works;
- b) any previous proposal which may have been abandoned or was unsuccessful;
- c) confirmation that the works are within the policy of application of special rates or special charges and function of Council;

- d) whether the works will be of special benefit to the persons required to pay the special rate or charge;
- e) the need for the project taking into account matters of health, safety and amenity;
- f) identification of the likely beneficiaries of the project;
- g) options for the scope, staging and funding of the project; and
- h) a preliminary cost which provides a broad indication of costs per affected property and options for distribution of costs.
-

4.3. PRELIMINARY CONSULTATION

Following a decision to proceed with preliminary consultation, the relevant General Manager shall invite persons considered to receive a special benefit from the proposal to attend an initial meeting to discuss the options, concept plans, costing, procedures and timing of the proposal. The General Manager will also undertake a survey to determine the level of support for the project.

The meeting and survey is to seek the following information:

- a) whether there is broad support for the scope of the works,
- b) the preference as to the type of design and construction if there are options,
- c) whether there is agreement for the project considering health, safety and amenity,
- d) comments on the preliminary costs including what would be incurred per affected property,
- e) comments on the options for distribution of costs payments that are available and preferred preference of payment; and
- f) nominations for establishment of a "Community Reference Panel"

4.4. INITIAL REPORT TO COUNCIL

The relevant General Manager shall present an initial report to Council..

The report shall address the following items:

- a) outcome of the public consultation and results of survey,
- b) expansion of the preliminary report taking into account the following matters where relevant:
 - (i) the function of Council infrastructure.
 - (ii) health, safety and amenity.
 - (iii) technical matters such as topography of the area, design speeds for local roads, impact in respect to drainage works, road networks traffic volumes etc.
 - (iv) environmental impact e.g. removal of vegetation
 - (v) cost to the community regarding options that include no action (i.e.continuing to maintain the existing facility).
- c) proposed Council contribution to the project, if any;
- d) advice from the Community Reference Panel; and
- e) the need to or not to proceed considering the following matters :

The initial report should include a recommendation that Council either abandon or proceed with the preparation of a Special Rate or Special Charge report.

The Council in determining whether to proceed to a special rates and/or charges report shall have regard to the contents and recommendations of the initial report and:

- The convenience and standard of access to properties by occupiers, servicing authorities and emergency services.
- Motorist and pedestrian safety (includes cyclists and motorised scooters and wheel chairs).
- Problems in providing for stormwater drainage of the adjoining properties and the roadway and the lack of legal points of discharge (if any).
- The importance of the street in the overall traffic system.
- The level of demand for maintenance or improvement works.
- The economics of Council providing maintenance works at the cost to the ratepayer over the long term.
- Such other matters as the Council deems relevant.

4.5. DETAILED PROJECT PREPARATION

If Council decides to proceed with a special rate report then the project detailed design, estimates and apportionment are to be prepared. This should be prepared in consultation with owners through the "Community Reference Panel".

4.6. SPECIAL RATE OR SPECIAL CHARGE REPORT

A detailed report is to be presented to Council. This report is to include the following:

- a) Objectives of the Proposal
including special benefit, special rate or special charge,
- b) Detailed Design Plans
defining the scope of the project and to include sufficient information to determine the beneficiaries of the special charge.
- c) Detailed Estimate of Cost
to include administration costs and a separate estimate of Council's contribution where appropriate,
- d) The Criteria
to include the special benefit and the degree of special benefit to beneficiaries.(refer Attachment 1 & 2).
- e) Apportionment of Costs
a detailed apportionment of the estimated cost to each beneficiary including detailed description of the method of distribution of cost amongst beneficiaries. This must include "total cost", 'special benefit' 'total special benefit', 'community benefit and, 'maximum total levy'. (refer Attachment 2).
- f) Recommendation for Special Rate or Special Charge

The report is to include a recommendation to notify of the intention to declare a special rate or special charge or a combination of both to defray the cost of the proposed works.

The Recommendation of Council's intention to Declare a Special Rate or Charge will include:

- *the period the Special Rate or Charge remains in force;*
- *the purpose of the Special Rate or Charge;*
- *a description of the wards, groups, users or areas for which the Special Rate or Charge applies;*
- *a definition of the land in relation to which the Special Rate or charge is declared;*
- *a definition of the criteria which forms the basis of the Special Rate or Charge;*
- *a definition of the manner in which the Special rate or Charge will be assessed and levied;*
- *the amount for which the person will be liable and required to pay;*
- *the manner of payment of the Special Rate or Charge;*
- *the penalties for failing to pay;*
- *any incentives available for early payment;*
- *details of the public notice to be given of the intention to declare a Special rate or Charge; and*
- *that submissions made in accordance with Section 223 of the Local Government Act 1989 will be considered by Council, or by a special submissions committee nominated by Council for that purpose.*

4.7. NOTIFICATION TO DECLARE A SPECIAL RATE OR SPECIAL CHARGE DECLARED

Upon Council Notifying of its intention to declare a special rate or special charge the procedures detailed in Sections 163,163A, 164, 165, 166, 185 and 223 of the Local Government Act 1989 shall be followed.

The Council hereby authorises the General Manager to carry out administrative procedures necessary to enable the Council to carry out the functions under these Sections of the Local Government Act.

4.8. COUNCIL TO DECIDE WHETHER TO PROCEED

If as a result of submissions received under Section 223 of the Local Government Act, Council resolves for a substantial variation to the cost or change to the basis of distribution of costs, Council shall resolve to halt the process and return it to the stage of initial declaration in order that those parties that did not make a submission through acceptance of the initial proposal are given the opportunity to make submissions to Council in respect to the substantially modified proposal.

A guide to "substantial" projects has been determined by Council. Issues other than cost may also be determined as substantial and the discretion of Council can be applied.

Generally projects should be halted where a cost increase of greater than 10% or redistribution of costs imposing burdens on beneficiaries greater than 10%.

4.9. COUNCIL RESOLUTION

- Following consideration of written or verbal submissions in accordance with Section 223 of the Local Government Act 1989 Council shall resolve to abandon, modify or declare the special rate or charge as appropriate.

- Anyone making a submission and all parties affected by the scheme are to be advised of the Council's resolution.

4.10 LEVY THE SPECIAL RATE OR SPECIAL CHARGE

After consideration of submissions and the special rate or charge is declared with or without modification, Council may levy the special rate or charge.

Although required only to notify those parties that have made a submission in respect to the special rate or charge, all beneficiaries who are liable to pay the special rate or charge shall be notified of the decision and their rights of appeal to the Victorian Civil and Administrative Tribunal (VCAT).

4.11. NOTIFICATION OF APPEAL BY VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

If an appeal to Council's decision to levy a special rate or charge is lodged with the VCAT:

- a) Council may determine to contact and negotiate with the applicants prior to the VCAT hearing
- b) The relevant General Manager shall co-ordinate Council's case for the VCAT hearing.

4.12. NOTIFICATION OF FINAL DECISION

After notification of the VCAT's decision and Council's final decision all beneficiaries shall be notified of Council's final decision and the implications of that decision, whether Council is to proceed with the scheme, vary the scheme or discontinue.

4.13. TENDERS FOR WORKS OR SERVICE

Tenders shall be invited for the works in accordance with Council's Tendering and Contracts policy.

4.14. QUOTATION OR TENDER PRICE EXCEEDS ESTIMATE

The relevant General Manager shall proceed with the contracts if the quotation or tender price is below the estimate.

If the price exceeds the estimate by 10 percent or less and the relevant General Manager is confident that it is the best price attainable, the scheme shall proceed and the affected property owners are to be advised of the complete situation.

If the price exceeds the estimate by more than 10% the scheme shall be resubmitted to Council for reassessment. If the price is considered a 'material variation' in the amount payable, and if Council decides to continue with the Scheme, Council must treat the variation as if the variation were a declaration.

If the price exceeds the estimate, the relevant General Manager at their discretion may recall tenders.

4.15. CONSTRUCTION

Commencement:

Works are to commence within a reasonable period and as soon as practicable after the notification of a special rate or special charge and appointment of contractor. Works should begin within 12 months of levying of the special rate or special charge or as specified in the declaration.

Completion:

General contract obligations will require completion of the works within 6 months of practical completion.

4.16. FINAL REPORT TO COUNCIL

The relevant General Manager, after completion of the contract shall submit a report to Council stating the final cost, and final apportionment of costs. The report should include the reasons for any cost variation.

4.17. ADVISE THE BENEFICIARIES OF FINAL COSTS

All persons who are liable to pay the special rate or special charge must be notified of any variation and final cost.

4.18. ADMINISTRATION COSTS

Design, supervision and administration are costs that will be included to convey the "user-pay" and "cost-recovery" principles.

Design costs shall be charged at a rate of :

- (a) 10% for in-house designs, or
- (b) actual design cost where Consulting Engineers or other professionals are engaged.

Council shall add :

- (a) an administration fee for servicing the special rate project of 3% of cost of the project, and
- (b) a supervision fee of 2½% for supervising the works and administering the contract.

4.19. LEGAL COSTS

Legal costs associated with land acquisition and title information and implementing the special rate should be a charge against the scheme. Costs do not include any expenses incurred or anticipated to be incurred which relate to any proceedings or anticipated proceedings before VCAT.

4.20. PAYMENT OPTIONS

Section 167 of the *Local Government Act*:

“(3) A special rate or special charge is due and must be paid by the date specified in the notice requiring payment, which is a date not less than 28 days after the date of issue of a notice.

- (4) A person who is liable to pay a special rate or special charge must pay the special rate or special charge –
 - (a) as a lump sum; or
 - (b) if the Council has provided an instalment plan and the person has elected to pay the special rate or special charge in accordance with the instalment plan, in accordance with the instalment plan.
- (5) If the performance of the function or the exercise of the power in respect of which a

special rate or special charge is to be levied relates substantially to capital works, the Council must provide an instalment plan in accordance with subsection (6).

- (6) An instalment plan –

- (a) must provide for instalments to be paid over a period of at least 4 years;
- (b) may include in the amount of an instalment a component for reasonable interest costs the total of which must not exceed the estimated borrowing costs of the Council in respect of the performance of the function or the exercise of the power in respect of which the special rate or special charge is to be levied by more than 1%.”

4.21. INCENTIVES FOR PROMPT PAYMENT

(Section 168 Local Government Act) allows a Council to declare incentives. In general, incentives will not be offered as works are charged at cost.

4.22. APPORTIONMENT OF THE SPECIAL RATE OR SPECIAL CHARGE

The method of apportionment of the special rate or special charge is to be based on fairness, equity and betterment to each property within the scheme area.

Council will consider making a contribution where the standard of construction for any component is in excess of what is required to serve the abutting property owners by virtue of Council's infrastructure standards.

The special rate and special charges criteria - Attachments 1 and 2 relate directly to this policy.

5. POLICY IMPLEMENTATION

This policy will be implemented by Council and be subject to periodic review.

6. ATTACHMENTS

Attachment 1 “Guidelines – Special Rate & Special Charges”

Attachment 2 “Criteria and Manner of Apportionment to be adopted for Special Rates & _____ Charges.”

ATTACHMENT 1 – Guidelines Special Rate & Special Charges

DEFINITIONS :

| | |
|----------------------|---|
| Arterial Road | Principal route in road network carrying high traffic volumes and a high proportion of through traffic and declared as such by VicRoads. |
| Collector Road | Route which collects and distributes traffic from a precinct. |
| Community Benefit | Exist where there is a tangible and direct benefits to the people in the community.(Not all Schemes have Community Benefits) |
| Construction | New works providing an asset which the public has previously not had access to or over. |
| Easement Drain | Drainage usually provided at the rear of the properties located on the low side of a road constructed within an easement set aside for drainage on title. Concentrated runoff from roof and balance of property is connected to this drain. |
| G'Ment Rd/Private St | Generally as set out on parish plans of subdivisions respectively, however in the context of these guidelines there is no distinction between these two categories. |
| Local Precinct | An area characterised by its own local identity and boundaries eg., residential, commercial, industrial. |
| Local Road | Route specifically to serve a small number of residential (or commercial/industrial) properties. Predominantly used by abutting property owners. |
| Main Drain | Principal drainage route serving a catchment or part catchment into which street and easement drainage is discharged either directly or indirectly. |
| Maintenance | All works necessary to ensure that previous construction either in full or part is kept in a useable, safe condition. |
| Outfall Structure | Drainage Works at confluence of main drain with outlet eg. river, lake, bay, water course. |
| Special Benefit | Means a tangible benefit (including direct services, identifiable improvements in physical and environmental amenity, and improved safety and economic benefits), over and above that available to persons who are not the subject of the Special Charge. |
| Street Drainage | Drainage provided which is necessary to drain the street and into which adjoining properties may be connected. |
| Subdivision Road | Road established through the process of Subdivision. It may serve residential, commercial and industrial areas. |
| Street | Alternative term for road. |

NOTES :

1. Projects in the current Budget will be funded as provided for.
2. In apportioning costs, Council may use "Benefit Units" as means of ensuring equity between contributors. The basis for benefit units will generally be area or number of separate residential titles into which the land may be subdivided.
3. In instances of subdivisional development and major site development eg. Shopping Centres, Hotels/Motels, Recreation developments. Council reserves the right to depart from these guidelines and impose conditions relating to provision of infrastructure, through a Planning Permit process or by negotiation.
4. The guidelines are based on the 'User Pays' system which benefit the key criterion to be used in apportioning costs.
5. Council may amend these guidelines from time to time and in instances where they do not cover specific circumstances, Council will endeavour to apply the true intent of the guidelines to cover such instances.

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ATTACHMENT 2 – Criteria and Manner of Apportionment to be Adopted for Special Rates and Charges

| Project Description | Principal | Basis of Apportionment of Costs | Special Notes |
|--|---|--|--|
| 1. ROAD CONSTRUCTION AND ASSOCIATED WORKS (This section does not apply to any roads funded by VicRoads) | | | |
| 1.1 Arterial Road | | | |
| <i>Road Pavement</i> | Fully funded by Council where road performs an arterial function except where road provides access to abutting properties, owners may be charged to the equivalent of a 7.6 m standard road pavement. This width may vary in the case of Commercial/Industrial precincts and each case will be considered on its merit. | Accrued benefit with calculations based on property frontage, area or a combination of both or benefit unit. | Includes construction of service roads, however, Council may contribute a portion of the costs where the road receives substantial use for reasons other than property access. |
| <i>Kerb & Channel</i> | Fully funded by abutting property owners except where kerb and channel is placed solely to provide drainage or protection for an arterial road pavement. | Accrued benefit with calculations based on property frontage | |
| <i>Footpath</i> | Fully funded by abutting property owners except where it can be demonstrated that pedestrian traffic is predominantly external or is influenced by a major development eg. shopping centre. In this instance Council may fund up to 50% of the cost. | Accrued benefit with calculations based on property frontage. | Where footpath is provided wider than normal, to accommodate cyclists, Council shall meet additional costs. |
| | | | |

ATTACHMENT 2 – Criteria and Manner of Apportionment to be Adopted for Special Rates and Charges

| Project Description | Principal | Basis of Apportionment of Costs | Special Notes |
|---------------------------|---|--|--|
| 1.2 Collector Road | | | |
| <i>Road Pavement</i> | Funded by abutting property owners where road provides access to abutting properties and acts as a collector function to immediate residential precinct. Where collector function is based on larger, external area, Council shall fund the road pavement required which is greater than that of a 7m standard. This width may vary in the case of Commercial/Industrial precincts and each case will be considered on its merit. | Accrued benefit with calculations based on property frontage, area or a combination of both or benefit unit. | Includes construction of service roads, however, Council may contribute a portion of the costs where the road receives substantial use for reasons other than property access. |
| <i>KERB & CHANNEL</i> | Fully funded by abutting property owners | Accrued benefit with calculations based on property frontage | |
| <i>Footpath</i> | Fully funded by abutting property owners except where external influences affect pedestrian flow eg. shopping centre development. In this instance Council may meet up to 50% of the costs. | Accrued benefit with calculations based on property frontage | |
| 1.3 Local Roads | | | |
| <i>Road Pavement</i> | Fully funded by abutting property owners | Accrued benefit with calculations based on property frontage or area or a combination of both or benefit unit. | |
| <i>Kerb & Channel</i> | Fully funded by abutting property owners | Accrued benefit with calculations based on property frontage or area or a combination of both or benefit unit | |

ATTACHMENT 2 – Criteria and Manner of Apportionment to be Adopted for Special Rates and Charges

| Project Description | Principal | Basis of Apportionment of Costs | Special Notes |
|--------------------------------|--|--|--|
| <i>Footpath</i> | Fully funded by abutting property owners | Accrued benefit with calculations based on property frontage or area or a combination of both or benefit unit | |
| 1.4 Footpaths - General | Funded by Council, property owners or a combination | Accrued benefit to property owners or 'catchment' of property owners, balanced by benefit to overall community. Calculations based on property area, number of allotments or distance from path. | |
| 1.5. Road Maintenance | Fully funded by Council subject to Council's Road Maintenance Policy | | |
| 2. DRAINAGE | | | |
| 2.1 Easement | Fully funded by owners deemed to receive benefit | Based on equivalent contributing property area and accrued benefit. Receivers and dischargers of water to receive benefit at an equal rate. | |
| 2.2 Main | Fully funded by owners in catchment deemed to receive benefit | Based on equivalent <u>contributing property area</u> and accrued benefit | Major works such as realignment of water courses may be funded by Council <ul style="list-style-type: none"> • Major outfall structures may be funded in whole or part by Council. History of the outlet shall be taken into consideration. |

ATTACHMENT 2 – Criteria and Manner of Apportionment to be Adopted for Special Rates and Charges

| Project Description | Principal | Basis of Apportionment of Costs | Special Notes |
|----------------------------------|---|---|--|
| | | | <ul style="list-style-type: none"> • In assessing property owner's level of contributions, Council shall take into consideration any funds previously provided by such owners. eg. developer drainage levy. • Property owners responsibility will be considered to include the proper and effective disposal of stormwater to an approved outfall regardless of whether or not there is a direct pipe connection between the property and the outfall • Minimum pipe size for purpose of the policy shall be 225 mm diameter <p>Street drainage generally part of a street construction scheme with costs combined.</p> |
| 2.3 Street Drainage | Fully funded by abutting property owners deemed to receive benefit if not part of street construction | Accrued benefit with calculations based on property frontage, area, a combination of both or equivalent contributing area | |
| 2.4. Drainage Maintenance | Fully funded by Council | | |
| 3. CARPARKS | | | |
| 3.1 Reserves | Generally funded by Council however a cost shared arrangement may be determined with users or user groups to provide carparking facilities. | By negotiation with Council taking into account benefit to users and general public | |

ATTACHMENT 2 – Criteria and Manner of Apportionment to be Adopted for Special Rates and Charges

| Project Description | Principal | Basis of Apportionment of Costs | Special Notes |
|---|--|--|---------------|
| 3.2 Shopping Centres | Fully or partly funded by shop owners | Degree of direct benefit to shop owners. Calculations based on property area, nett annual value, carparking requirement for premises under Planning Scheme, distance of property from carpark or a combination of these. | |
| 4. LOCAL AREA TRAFFIC MANAGEMENT | | | |
| 4.1 Collector, arterial system or perimeter of local precinct | Fully funded by Council or other Authorities | | |
| 4.2 Local Precinct | Fully or part funded by abutting owners | Accrued benefit to abutting owners, however in determining Council contributions the following will be taken into consideration : <ul style="list-style-type: none"> a) Volume of through Traffic b) Generation of traffic by abutting developments c) Degree of residential nature of street d) Nature and extent of problem eg., noise, accident/blackspot location. | |

ATTACHMENT 2 – Criteria and Manner of Apportionment to be Adopted for Special Rates and Charges

| Project Description | Principal | Basis of Apportionment of Costs | Special Notes |
|---|--|--|---------------|
| 5. STREETSCAPES | | | |
| 5.1 Road / Street | A cost shared arrangement may be determined with property owners | By negotiation with Council taking into account potential accrued benefits to property owners | |
| 5.2 Shopping Centres & Precincts | Fully or part funded by shop owners | Degree of direct benefit to shop owners. Calculations based on property area, nett annual value, proximity of premises to site or a combination of the above | |



COMMITTEES OF MANAGEMENT OF DRAINAGE SYSTEMS (Rules & Conditions of Appointment) POLICY

Policy No: 15.1

Date Adopted: 27/6/2007

File No: GEN01688

Revised:

1. INTRODUCTION

The Committee of Management ("the Committee") is acting on behalf of the Council of the Colac Otway shire, and in the best interests of local landowners and other users of the Drainage System for which the Committee members have accepted responsibility **provided that** the Committee remains subject to the direction of the Council and to the legal constraints under which Council operates.

2. RELATIONSHIP TO COUNCIL PLAN

Our Vision

Council will work together with our community to create a sustainable, vibrant future.

Our Mission

Council will work in partnership with our community and other organisations to provide:

- Effective leadership, governance and financial responsibility;
- Affordable and effective services;
- An advocacy and engagement approach to sustainably grow our community.

3. OBJECTIVES

The objectives of this policy is to ensure that guidelines are in place to assist Council and S86 Committees of Management of Drainage Systems in the operation of the various committees and to meet legislative requirements.

4. POWERS

Any action taken by the Committee, in accordance with these Rules and Conditions of Appointment and conforming to any further restrictions, limitations, and conditions imposed by the Council, shall for all purposes be deemed to be the act of the Council itself.

5. PROTECTION

Provided that the Committee acts in accordance with the policy and delegations, it shall be covered under Council's Public Liability Insurance policy.

6. TERM OF OFFICE

Committee members are appointed for three years unless otherwise by resolution of Council.

7. NOMINATIONS

When a Committee is due for re-appointment the Chief Executive Officer shall call publicly for nominations of persons for appointment. The notice shall be advertised in the local press by Council.

8. APPOINTMENT

At the first practical opportunity the Council may appoint the persons nominated as the Committee. Where the number of nominations exceeds the number of places on the Committee, Council will hold a postal ballot of land owners in the area considered to receive special benefits from the Scheme and contributing to the special charge levy. These appointments will be recorded in the Council Meeting Minutes.

9. COMMITTEE SIZE

The Committee is to consist of no fewer than four (4) members.

10. QUORUM

At all meetings of the Committee a quorum shall be at least 50% of all members or three people, whichever is greater.

11. VOTING

A question before the Committee meeting shall be determined as follows:

- (a) Each committee member present is entitled to one vote and must vote unless otherwise prohibited;
- (b) Voting shall be by a show of hands;
- (c) The question is determined by a majority of the votes;
- (d) In the event of a tied vote the chairperson shall have a second and casting vote to determine the matter.

12. CONFLICT OF INTEREST

Note: The following only applies when the Committee is considering making a contract or financial agreement and a committee member (or someone belonging to his/her immediate family) has a direct financial involvement in the contract or agreement (i.e. stands to gain or lose financially).

If this is the case the member concerned is required to:

- (i) If present at the meeting, disclose the fact that they have a conflict of interest immediately before the matter is considered at the meeting.
- (ii) Leave the room while any discussion or any vote is taken in relation to the matter..
- (iii) Remain outside the room or other area out of view or hearing of the meeting.
- (iv) The member may return to the room after consideration and all voting on the matter.
- (v) If not intending to be at the meeting which the matter is discussed, inform the Chairperson of their conflict of interest before that meeting is held.

Having first declared his/her pecuniary interest in any contract of financial agreement being considered, the Committee member may take part in the discussion before any vote is taken. He/she may not move or second and motion relating to the matter.

13. COMMITTEE MEETINGS

- (a) The Committee shall meet at least once in every calendar year at such time and place as the Committee may determine. The Committee shall determine for itself, and observe, such usual and proper meeting procedure as is required.
- (b) The Chairperson of the Committee must provide reasonable notice to the public of each meeting. This may be done via media, local newsletters, noticeboards or other mechanisms as appropriate
- (c) Council will arrange and advertise a meeting for re-election of the Committee of Management which is to be held every three years.

14. OFFICERS OF THE COMMITTEE

At the public meeting called to nominate persons for appointment to the Committee, those present shall specify nominees for the offices of Chairperson, Secretary, Treasurer and such other office bearers as may be considered necessary.

The Offices of the Secretary and Treasurer may be combined.

A list of committee members is to be provided to Council after appointment of committee members. Changes to office bearers or other changes to committee (Schedule 1).

15. CHAIRPERSON

The Chairperson shall chair all meetings of the Committee and direct Committee meetings according to such usual meeting procedure as the Committee has determined for itself. In the Chairperson's absence the Committee shall appoint an acting Chairperson from among those Committee members present at that Committee meeting.

16. SECRETARY

The Secretary shall:

- (1) As soon as practical after the first meeting write to the Council listing the names of those persons nominated for appointment as Office Bearers.
- (2) Provide a similar notification of changes to Committee membership.
- (3) Provide Council with three month's notice that the term of the office of the Committee is due to expire.
- (4) Keep appropriate written records of the proceedings of the Committee.
- (5) Attend to any further correspondence relating to the Committee.
- (6) Notify Committee members of meetings.

17. TREASURER

The Treasurer shall keep accurate and up to date records of the financial affairs of the Committee including an audited annual statement, a copy of which shall be sent to the Chief Executive Officer before October 31 each year.

18. FINANCIAL YEAR

The Financial Year of the Committee shall run from July 1 in one year to June 30 in the following year.

19. CHEQUES

All cheques, drafts, bill of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Committee. One of the signatories shall be the Treasurer unless otherwise resolved at a Committee meeting.

20. RESIGNATION

Persons wishing to resign as Officers or members of the Committee shall give notice in writing to the Committee Secretary.

21. CASUAL VACANCIES

If, during the term of office the numbers of Committee members falls below three, the Committee shall have the power to co-opt interested persons with the required qualifications to fill any vacancy.

If an Officer's position becomes vacant, the Committee shall elect from among its number a person to fill that vacancy for the remainder of the Committee's term of office.

22. LIMITS OF POWER

1. The power to:
 - (a) approve expenditure within a Budget established by the Committee and within the limits of the Special Charge income raised by Council.
 - (b) undertake required maintenance of the drainage system.
 - (c) operate the drainage system within the limits of licences held or delegations provided by other authorities.
 - (d) employ such persons or contractors as it sees fit for the maintenance and upkeep of the system.
 - (e) Maintain the drain in line with the *Catchment and Land Protection Act 1994*.
2. Incurring the expenditure of an amount exceeding \$6,000 for any single item.
3. Any power which may in future be prescribed as for the use of the Council only (under the Regulations attached to the *Local Government Act 1989*).

Note: the rate or charge referred to above is Council's power to set a rate or charge on the land.

23. COUNCIL PREROGATIVE

Notwithstanding any of the above, Council may at any time appoint or remove members of the Committee.

24. IMPLEMENTATION AND REVIEW

This policy will be implemented by the General Manager Infrastructure and Services and is subject to periodic review.

Schedule 1



S86 COMMITTEE MEMBERSHIP REGISTER

All S86 Special Committees are elected for a term of three years (unless identified as a shorter term). Under Council Policy, Council must be informed of the date members are elected and the names of those elected members. Please provide the information needed to fulfil these requirements.

Name of Committee.....

Date committee members elected

Please list names of elected members and their positions on the committee

| 4. Name | 5. Position on Committee |
|---------|--------------------------|
| 6. | 8. |
| 7. | |
| 9. | 11. |
| 10. | |
| 12. | 14. |
| 13. | |
| 15. | 17. |
| 16. | |
| 18. | 20. |
| 19. | |
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Contact person details:

Name

Address.....

Phone

I President of this Special Committee hereby verify the information provided above is correct.

Signed

Date

The personal information requested on this form is being collected for Council records. The personal information will be used solely by Council for that primary purpose or directly related purposes. The applicant understands that the personal information provided is for the Council records re S86 Committees and that he or she may apply to Council for access to and/or amendment of the information. 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.



**SECTION 86
SPECIAL COMMITTEES
Management of Council Owned
and Controlled Properties
POLICY**

**Policy No: 15.2
Date Adopted: 27/6/07
File No: GEN01688
Revised:**

SECTION 86 SPECIAL COMMITTEES

Management of Council Owned and Controlled Properties

1. INTRODUCTION

This policy and attachments have been developed to provide guidance to S86 Committees of Management.

These voluntary Committees of Management provide a valuable service to the community and assist Council in managing and monitoring community assets.

2. RELATIONSHIP TO COUNCIL PLAN

Our Vision

Council will work together with our community to create a sustainable, vibrant future.

Our Mission

Council will work in partnership with our community and other organisations to provide:

- Effective leadership, governance and financial responsibility;
- Affordable and effective services;
- An advocacy and engagement approach to sustainably grow our community.

3. OBJECTIVES

The objectives of this policy is to ensure that guidelines are in place to assist Council and S86 Special Committees in the operation of the various committees and to meet legislative requirements.

4. INTERPRETATION

Terms and words used within this policy document.

- 4.1 **Committee** – a committee whether advisory or special committee in accordance with S86 of the Local Government Act 1989 or a committee incorporated under the Associations Incorporation Act 1981.

A Section 86 Special Committee of Council is a Special Committee of Council set up under the Local Government Act 1989 to which the Council delegates functions, duties and powers. This is how community groups directly involved in the Shire for example hall committees are covered for legalities involved in incorporation and insurance.

- 4.2 **Council Property or Property** – includes vacant land, reserves, parks, ovals, buildings, structures, private land under agreement, waters and anything attached.
- 4.3 **Operation** – the maintenance, hire, control, operation, occupancy, use, conservation and development of property.

5. APPOINTING A COMMITTEE

- 5.1 To appoint a special committee, the Council is bound by the provisions of S86 of the Local Government Act 1989.

- 5.2 To appoint a special committee for a property which is clearly used by the community, the following process will be used to appoint its membership;

- (a) Council resolution to establish a special committee and allocate a name to the committee;
- (b) determine that the committee will have a membership of no less than four (4) members and at the same time decide if any of the membership will be Council members or staff;
- (c) Council will appoint community members to the committee every three years unless identified as requiring a shorter term. A list of committee members is to be provided to Council after appointment of committee members, changes to office bearers or other changes to the committee (Schedule 2);
- (d) advertise broadly in the community –
 - the Council's decision to establish a committee;
 - outlining the purpose of the committee eg to manage and operate the XYZ facility;
 - seeking nominations, preferably in writing, either personally or by others with the nominee's consent, for appointment to the committee;
 - requiring that nominations outline the nominee's experience, interest in the matter and any expertise that might be available to the committee;
 - stating the period of appointment – up to three years but eligible for reappointment; *(NB in some cases the term may be linked to completion of the committee's specific task).*
- (e) advertise for at least four weeks, after which the Council will consider the nominations and make appointments by resolution. At this point the Council may appoint one of the members to be the committee chairperson. It will nominate a member of staff to be responsible for convening the first meeting of the committee.
- (f) notify the nominees of their appointment or that they were unsuccessful;
- (g) if there are insufficient or inappropriate nominations the Council will select as it sees fit, persons to appoint.

- 5.3 Determine the date and time of a newly appointed special committee's first meeting.

- 5.4 Determine that a committee's financial year will end on 30 June or other period as agreed.
- 5.5 Require immediate notification to be given to the Council of any committee vacancy that occurs.
- 5.6 Determine that if a vacancy occurs during the life of a committee, the Council will arrange for an appointment, either by advertising as above or making a direct appointment and that any person recommended by the committee to fill the vacancy would be considered.

6. DELEGATION

- 6.1 When appointing and delegating to a committee, the Council will:
- establish/acknowledge the purpose of the committee;
 - determine what the committee should do to meet its purposes (functions, duties and powers);
 - clearly identify the role and responsibilities of the committee and Council including liability issues;
 - be consistent in requirements for each similar property;
 - be sufficiently broad to allow the committee to operate without undue restriction or constant reference to the Council;
 - acknowledge specific differences between committees eg arts centre may need a specific power not required by a football/cricket ground committee.
- 6.2 When providing a delegation to a special committee, the Council will include provision for:
- meeting and other procedures of the committee;
 - accounting procedures;
 - reporting procedures;
 - limiting the authority of the committee.
- 6.3 The Committee has the responsibility to do everything it feels necessary and proper for the upkeep and improvement of the Reserve it manages, including any buildings or other improvements on that Reserve,

PROVIDED THAT –

the Committee remains subject to the direction of the Council and to the legal constraints under which Council operates.

A standard Instrument of Delegation and Schedule is attached as Schedule 1.

7. MEETINGS/MEETING PROCEDURES

- 7.1 The Committee will be responsible for appointing a chairperson and other office bearers.
- 7.2 The Chairperson must preside at meetings of the Committee. In the absence of the Chairperson the Deputy Chairperson must preside.
- 7.3 Each committee member is entitled to one vote and must vote unless otherwise prohibited.
- 7.4 In the event of a tied vote the Chairperson shall have a second and casting vote to determine the matter.
- 7.5 A quorum of the Committee is a majority of the number of persons who comprise the committee and who are entitled to vote.
- 7.6 The Committee shall cause minutes of all meetings to be maintained and forwarded to Council when required.
- 7.7 The Committee may appoint advisory sub-committees of members.

- 7.8 Any meeting of the Committee must be open to members of the public unless the Committee has resolved that the meeting be closed to members of the public if the meeting is discussing a confidential issue. (Schedule 3)
- 7.9 The Chairperson of the Committee must provide reasonable notice to the public of each meeting. This may be done via media, local newsletters, noticeboards or other mechanisms as appropriate
- 7.10 Council will arrange and advertise meeting for re-election of the Committee of Management which is to be held every three years.
- 7.11 In all other respects the Committee may set its own meeting procedures.

8. STATUTORY RESPONSIBILITIES OF MEMBERS

- 8.1 Committee members are bound by the Conflict of Interest provisions of the Local Government Act.
 - 8.2 Committee members must not make improper use of information acquired as a Committee member and are bound by section 77 of the Local Government Act 1989.
 - 8.3 Non-Council Committee members have been exempted by the Council from submitting primary return or an ordinary return pursuant to section 81 of the Local Government Act 1989.
- NB: Even if a committee member is exempt from submitting a return, he or she must still declare any direct or indirect interest in any contract or proposed contract as provided by S.79 of the Local Government Act 1989.*

9. INSURANCE

- 9.1 Buildings owned by Council are fully insured by Council. The premium cost is the responsibility of the committee and is billed to the committee by Council accordingly unless Council has agreed that the insurance costs of a facility will be borne by Council.
- 9.2 Contents owned by Council are fully insured by Council.
- 9.3 Contents purchased or supplied by occupiers which remain the property of the occupiers are NOT insured by Council unless requested to do so in which case the cost of premiums are billed to the occupier(s) as applicable.
- 9.4 Council does NOT insure cash kept on premises by occupiers.
- 9.5 As a Committee of Management appointed under Section 86 of the Local Government Act 1989, all members of the committee are covered by the Council's Liability and Personal Accident policies whilst carrying out activities for and on behalf of the Committee of Management whilst acting within their delegated powers.
- 9.6 Volunteers appointed or authorised by the Committee of Management are also covered by the Council's liability and personal accident policies whilst carrying out activities for and on behalf of the Committee of Management. All volunteers must be registered.
- 9.7 Hirers of facility from the Committee must have their own Public Liability Cover.
- 9.8 When a group becomes a Section 86 Special Committee of Council they set out in their schedule a list of possible activities that they propose to undertake and this goes to the Council's Insurer. Provided that the group acts lawfully and responsibly, this arrangement will provide insurance for any of the proposed activities.
- 9.9 All activity outside of their normal powers need to be approved by Council officers and separate insurance may need to be required.

10. MONITORING PERFORMANCE

- 10.1 The performance of all committees in respect of their management of Council owned or controlled property will be monitored to ensure effective management and financial controls are in place.

- 10.2 The Council will require that the committee reports to it at least every twelve months. The report should include details of maintenance issues, usage and financial details.

11. IMPLEMENTATION AND REVIEW

The General Manager Corporate and Community Services Co-ordinates the implementation of this policy and is responsible for ensuring compliance with the policy. This policy will be subject to periodic review.

Schedule 1



INSTRUMENT OF DELEGATION
SPECIAL COMMITTEE

Name of Reserve
Management Committee

Colac-Otway Shire Council ("Council") delegates to the Committee of Management established by resolution of Council passed on and known as the **Name of Reserve Management Committee** the powers and functions set out in the Schedule, and declares that:

- 1. **This Instrument of Delegation** is authorised by a resolution of Council, passed on ;
- 2. **The Delegation:**
 - a) comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - b) remains in force until Council revokes to vary or revoke it;
 - c) is subject to any conditions and limitations set out in the Schedule; and
 - d) must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
- 3 All members of the committee will have voting rights on the committee.

THE COMMON SEAL of the)
COLAC-OTWAY SHIRE COUNCIL)
was hereunto affixed in accordance)
with its Local Law No. 4)

..... Chief Executive Officer

SCHEDULE SPECIAL COMMITTEE

Name of Reserve MANAGEMENT COMMITTEE

Colac Otway Shire Council has by resolution appointed a Management Committee to manage the *Name of Reserve*. That Committee shall be known as the *Name of Reserve* Management Committee, herein after referred to as the Committee. The powers, functions and duties of the Committee are set out in this schedule.

1. The role of the Committee shall generally be to manage the operation of the *Name of Reserve* on behalf of Council in the best interests of the residents of the Colac Otway Shire Council. Therefore the Committee is required to:
 - a) oversee the day to day operation of the facility;
 - b) approve expenditure within the Budget set by the Committee;
 - c) set hiring fees or charges for use of the facility;
 - d) power to employ such person or contractors as it sees fit for the maintenance and upkeep of the facility;
 - e) act within the powers functions and duties assigned to the Committee as determined by Council; and
 - f) promote use of the facility and support its development as a community asset.
2. The Committee shall keep books of accounts and such records will form part of the accounts of Council and therefore be subject to audit to the Municipal Auditor. The Committee shall prepare an annual financial statement as part of the audit process.
3. The Committee shall not enter into contracts or incur expenditure exceeding \$6,000 or borrow money without approval of Council.
4. The Committee shall not delegate to any person or persons any of the powers delegated to them by Council.
5. The Committee shall submit any policy developed regarding use of the Reserve to Council for approval.
6. Council shall provide assistance to the Committee of:
 - a) Administration and technical advice where appropriate; and
 - b) Allocation of annual funding for undertaking high priority items of cyclical maintenance and minor capital improvements to the Reserve through grant programs.
7. The Committee shall hold an Annual General Meeting to elect from amongst its members persons to act as Chairperson, Secretary and Treasurer. Membership of the Committee, including any additions, deletions or replacements, shall be subject to approval by Council.

Schedule 2



S86 COMMITTEE MEMBERSHIP REGISTER

All S86 Special Committees are elected for a term of three years (unless identified as a shorter term). Under Council Policy, Council must be informed of the date members are elected and the names of those elected members. Please provide the information needed to fulfil these requirements.

Name of Committee.....

Date committee members elected

Please list names of elected members and their positions on the committee

| Name | Position on Committee |
|------|-----------------------|
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Contact person details:

Name

Address.....

Phone

I President of this Special Committee hereby verify the information provided above is correct.

Signed

Date

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Schedule 3



Clause 7.8

“Any meeting of the Committee must be open to members of the public unless the Committee has resolved that the meeting be closed to members of the public if the meeting is discussing a confidential issue.”

Section 89 of the *Local Government Act*:

“89 Meetings to be open to the public

- (1) *Unless subsection (2) applies, any meeting of a Council or a Special Committee must be open to members of the public.*
- (2) *A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following –*
 - (a) *Personnel matters;*
 - (b) *The personal hardship of any resident or ratepayer;*
 - (c) *Industrial matters;*
 - (d) *Contractual matters;*
 - (e) *Proposed developments;*
 - (f) *Legal advice;*
 - (g) *Matters affecting the security of Council property;*
 - (h) *Any other matter which the Council or special committee considers would prejudice the Council or any person.*
 - (i) *A resolution to close the meeting to members of the public.*
- (3) *If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting. “*



INTERNAL AUDIT POLICY

Policy No: 16.1

Date Adopted: 27/6/07

File No: GEN01688

Revised:

1. INTRODUCTION

The internal audit policy provides a framework for Council, the Audit Committee and the Chief Executive Officer to independently appraise, examine and evaluate the activities of the Council in effectively discharging their responsibilities and accountabilities to customers and constituents.

This policy provides for the implementation of the internal audit function ensuring compliance with laws and regulations that impact upon the organisation. It also provides for the development of adequate and effective controls to be given particular attention to areas of risk in establishing a quality financial, management and reporting system that complements, however does not duplicate the external audit process undertaken by the Auditor General.

2. RELATIONSHIP TO COUNCIL PLAN

Under the Key Result Area of Leadership and Governance the objective is: "Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations."

The Internal Audit policy is an important part of providing internal and external services to support the organisation meeting the communities needs.

3. OBJECTIVES/PURPOSE

The objective of the internal audit process is to provide independent advice and assurance to Council and management that the policies, operations, systems and procedures for which they are responsible:

- comply with relevant legislation and standards (compliance);
- are carried out with optimum use of resources (economy and efficiency);
- achieve the objectives specified in Council and Operational Plans (effectiveness).
- pro-active Risk Management to minimise Council's risk exposure.

Internal Audit will undertake reviews of Council's activities and furnish the Audit Committee and management with reports containing analyses, appraisals, recommendations, comments and observations.

4. POLICY

4.1 Scope of Internal Audit

The scope of internal audit is to include both compliance by Council and operational performance of Council (including any controlled entities) and may include, but is not restricted to:

- Monitoring risks to which the local government's operations are exposed;
- Preparing of audit plans to lessen the identified risks;
- Evaluating the extent of compliance with legislation, policies and procedures.

- Monitoring, evaluating and reporting on compliance and probity issues surrounding the management of tendering arrangements, including contract compliance, the annual performance statement and co-operative performance indicators;
- Reviewing policies, systems and procedures and evaluating the adequacy of controls.
- Recommending improvements to systems and procedures;
- Advising on appropriate systems of control and other operational matters.
- Assessing the accuracy and appropriateness of reports and other information provided to Councillors.
- Reviewing revenues and expenditure of Council and its controlled entities.
- Advising revenue enhancement and cost reduction.
- Reviewing Business Continuity and Fraud Control.
- Evaluating Council operations and service delivery.
- Making recommendations to achieve operational best practice.

4.2 Operating Principles

(i) Organisational Arrangements

An Internal Auditor is to be appointed by Council for a 3 year period after seeking quotations from appropriate qualified organisations and individuals.

The Internal Auditor (as appointed by Council) is responsible to Council through the Audit Committee and the Chief Executive Officer, for the effective management of an independent Internal Audit function. The independent status within Council is essential to effective internal auditing and shall be maintained at all times.

The Internal Auditor has no managerial powers, authorities, functions or duties except those relating to the Internal Audit function. Accordingly Internal Audit activities do not in any way relieve other personnel from their responsibilities.

The Internal Auditor has the right of access to Council's properties, works, all records, accounts, correspondence, minutes and other documents that may be necessary in the conduct of a review. Council personnel may be requested to provide relevant information within a specified timeframe to enable a review to be efficiently completed.

Internal Audit shall not be responsible for detailed development, implementation of, or variation to financial and administrative systems, but should be advised of any approved development or change to such systems.

The Internal Auditor will promote its image as a service function carrying out its responsibilities through constructive co-operation with Executive Management and personnel at all levels within Council.

Competence, Standards and Conduct of Audit Work

Internal Audit will maintain a high degree of professionalism through application of the following competency and standard requirements:

- Internal Audit personnel will be qualified to at least the minimum required for entry to the professional accounting bodies or other appropriate qualification that may be determined from time to time.

- Internal Audit personnel involved in audits will be appropriately experienced and skilled to independently operate as effective internal Auditors.
- An appropriate range of skills will be maintained within the function.
- Internal Audit personnel will maintain and develop competency and skills through involvement in accepted professional development programmes.
- Standards applicable to the Internal Audit function will be, as applicable, those promulgated by the Australian Professional Accounting Bodies and the institute of Internal Auditors.
- Appropriate quality assurance and performance standards shall be met with all activities undertaken by Internal Audit.

Audit Planning and Control

Internal Audit planning shall be risk based and aligned to the Council Plan and Best Value Schedule. The risk based methodology will indicate where longer term strategic or cyclic activities are involved. In addition, the internal audit plan will take cognizance of the results of the previous year, advice and requests from Council, the Audit Committee and Management.

The Internal Audit Annual Work Plan shall be approved by Council upon the recommendation of the Audit Committee.

Reporting the Results of Audit

Matters arising during audits, including matters for possible inclusion in reports will, on completion of the audit, be discussed with the Manager in charge of the area and where appropriate with the responsible General Manager.

Matters that can be promptly resolved without the need for formal reporting will be done so and if necessary followed up. Details of such matters will be retained in audit working papers.

Formal reports will be issued to Council's Audit Committee as soon as possible after the completion of the review.

Reports will include the Managers response to audit recommendations that will include recommendation acceptance, the responsible officer to undertake the corrective action and the expected date that the corrective action will be completed.

Managers are required to respond to all issues within 30 days of the formal report being issued. This is an initial response only and further work associated with particular recommendations will be negotiated with the appropriate General Manager as required.

The Audit Report including management responses and actions will be presented at the next Audit Committee meeting.

Recommendations as approved will be included as actions in the relevant Business Plans of the particular unit(s).

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Organisational Reporting of Audit Activity

The Internal Audit function is directly responsible to the Chief Executive Officer and will report the results of audit reviews via the Audit Committee. The detailed reporting process will be as determined by the Chief Executive Officer on the advice of the Audit Committee.

Relations with External Audit

A professional relationship will be maintained with Council's External Auditors. A close liaison will result in a cost effective use of audit resources ensuring the best value to Council.

Internal Audit will consult with External Audit, where necessary.

Confidentiality

All the work of internal audit will be confidential to the Council and Audit Committee and will not be disclosed to third parties, except for the external auditors unless specifically authorised by Council.

5. IMPLEMENTATION AND REVIEW

This policy will be implemented by Colac Otway Shire and will be subject to periodic review.

6. ATTACHMENT

Audit Committee Charter – March 2009



AUDIT COMMITTEE CHARTER

March 2009

1. PURPOSE

The Colac Otway Shire Audit Committee is to:

1.1 Assist the Council in its oversight responsibilities by monitoring, reviewing and advising on:

- The truth and fairness of the view given by the annual financial and performance statements of the Council.
- The Council's accounting policies and practices in accordance with current and emerging, accounting standards.
- The external auditors performance.
- The independence and performance of the internal audit function.
- Compliance with legal and regulatory requirements and policies.
- Compliance with Council policy framework.
- Internal controls, the control environment and the overall efficiency and effectiveness of financial operations.
- The Council's overall risk management policy and programs.

1.2 Provide a forum for communication between the Council, management and the internal and external auditors.

2. AUTHORITY

The Colac Otway Shire Audit Committee does not have delegated powers to make binding decisions. However Council authorises the Audit Committee, within the scope of the responsibilities to:

2.1 Perform activities within its role and responsibilities.

2.2 Require the attendance of council officers at meetings as appropriate.

2.3 Have unrestricted access to management, employees and information it considers relevant to its roles and responsibilities.

2.4 Monitor the work and assess the performance of the internal and external auditors.

3. ORGANISATION

3.1 Membership

- 3.1.1 The Committee will be comprised of two Councillors and two independent members, all of whom shall be appointed by Council.
- 3.1.2 The Council members of the Committee will be appointed annually by Council and the independent members will be appointed for a three year term.
- 3.1.3 Each Committee member should be capable of making a valuable contribution to the committee and have skills and experience appropriate to the Council's operations.

The independent members will be able to demonstrate a background in financial reporting, accounting or business management.

- 3.1.4 Independent members may be appointed for more than one three year term.
- 3.1.5 The Chairperson of the Audit Committee shall be appointed by the Committee on an annual basis. The Chairperson to be from the independent members of the Committee.
- 3.1.6 If Council proposes to remove an independent member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting.

3.2 Meetings

- 3.2.1 The Audit Committee shall meet at least four times each year and at least once in each quarter.
- 3.2.2 Meetings should be arranged to co-incide with the relevant Council reporting deadlines, including co-inciding with the finalisation of the Financial Statements and the draft Annual Report to the Minister.
- 3.2.3 Additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the Committee.
- 3.2.4 The Chief Executive Officer should attend all meetings, except where the Committee chooses to meet in camera.
- 3.2.5 A copy of the agenda and comprehensive minutes shall be distributed to the Mayor where not a member of the Committee.
- 3.2.6 Council staff may be requested to attend either regularly or from time to time at the discretion of the Committee.
- 3.2.7 Representatives of the external auditor should be invited to attend at the discretion of the Committee.
- 3.2.8 The Committee may invite any other external party to a meeting in order to carry out the duties and functions of the Committee.

- 3.2.9 A standing invitation exists for all Councillors to attend Audit Committee meetings as observers but voting rights and discussion remains with Committee members. Copies of agendas shall be provided to a Councillor where requested.
- 3.2.10 The internal auditor (as appointed by Council) should attend all meetings where internal audit reports are presented or as requested by the committee.
- 3.2.11 The number of members required to form a quorum is set at three committee members.
- 3.2.12 The chairperson of the Committee shall have a casting vote.
- 3.2.13 Committee members are bound by the Conflict of Interest provisions of the *Local Government Act*.

3.3 Remuneration Arrangements

- 3.3.1 Remuneration will be paid to any externally appointed member of the Committee. The basis of the fee may be an annual fee, a set fee per meeting, or some other basis negotiated with the Chief Executive Officer.
- 3.3.2 A Letter of Offer must be signed by externally appointed Committee members and Council. The Letter of Offer must describe any remuneration arrangements and be signed prior to appointment.
- 3.3.3 The Chief Executive Officer will review the remuneration annually in accordance with the terms of appointment.

4. DUTIES AND RESPONSIBILITIES

The following are the duties and responsibilities of the Colac Otway Shire Audit Committee in pursuing its Charter:

- 4.1 To review the scope of the internal audit plan and program and the effectiveness of the function. This review should consider whether, over a period of years the internal audit plan systematically addressed:
- Internal controls over significant areas of risk, including non-financial management control systems;
 - Internal controls over revenue, expenditure, assets and liability processes;
 - The efficiency, effectiveness and economy of significant Council programs; and
 - Compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
- 4.2 Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or Chief Executive Officer.
- 4.3 Review the level of resources allocated to internal audit and the scope of its authority.

- 4.4 Review reports of internal audit and the extent to which Council and management react to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
- 4.5 Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.
- 4.6 Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues and any other matters relevant under the Committee's terms of reference. Review management's response to, and actions taken as a result of the issues raised.
- 4.7 Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.
- 4.8 Monitor ethical standards and related party transactions by determining whether the systems of control are adequate.
- 4.9 Review Council's draft annual financial report, focusing on:
 - Account policies and practices;
 - Changes to accounting policies and practices;
 - The process used in making significant accounting estimates;
 - Significant adjustments to the financial report (if any) arising from the audit process;
 - Compliance with accounting standards and other reporting requirements;
 - Significant variances from prior years.
- 4.10 Recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the financial report is signed.
- 4.11 Discuss with the external auditor the scope of the audit and the planning of the audit.
- 4.12 Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- 4.13 Review tendering arrangements and advise Council.
- 4.14 Review the annual performance statement and recommend its adoption to Council.
- 4.15 Review issues relating to national competition policy, financial reporting by Council business units and comparative performance indicators.
- 4.16 Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the internal auditor and the Council if appropriate.

Oversee any subsequent investigation, including overseeing of the investigation of any suspected cases of fraud within the organisation.

- 4.17 Monitor the progress of any major lawsuits facing the Council.
- 4.18 Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference.

5. REPORTING

The Colac Otway Shire Audit Committee will:

- 5.1 Report to Council as soon as practicable following the conduct of each meeting in the form of minutes or otherwise.
- 5.2 Report annually to Council, summarising the activities and performance of the Committee during the previous year. The annual report to Council shall include a forward plan and retrospective overview having regard to the Charter.

6. REVIEW

The Colac Otway Shire Audit Committee will:

- 6.1 Review the Audit Committee Charter on an annual basis and any recommendations for amendments will be submitted to Council for approval.
- 6.2 Evaluate its own performance (both of individual members and collectively) on an annual basis. This will include an assessment of the extent to which the Committee has discharged its responsibilities as set out in this Charter. The results of this evaluation will be reported to Council.
- 6.3 Obtain feedback on the Committee's performance and operations from key people such as the external auditor and senior management.
- 6.4 Obtain feedback from the Council on the effectiveness of the committee.



FRAUD PREVENTION/ CONTROL POLICY

Policy No: 16.2

Date Adopted: 28/3/2007

File No: GEN01688

Revised:

1. INTRODUCTION

Colac Otway Shire is committed to the prevention, deterrence and detection of fraudulent and corrupt behaviour in the performance of the business activities of Council.

The Council is committed to ensuring a corporate culture of honesty and integrity in which staff and contractors believe that fraud, corruption, dishonest acts and conflicts of interest will be detected and investigated. Fraud in any form will not be tolerated.

“Fraud is a generic category of crime which involves an individual or group of individuals dishonestly obtaining property or some financial advantage by means of deception. Perpetrators of fraud may seek to gain money, property, time or information and the means used are as varied as are the opportunities which arise. Offenders may be individuals or employees or managers of organisations in both the public and private sectors, while their victims may be their employers as well as individual consumers of any age and gender. Put simply, fraud affects us all and is of particular concern to those who manage large government and business organisations where the potential losses are greatest.”

Australian Institute of Criminology – Best Practice in Fraud Prevention Russell G Smith

The Colac Otway Shire expects its Councillors and staff to maintain a high standard of ethical conduct in all activities, in particular with respect to resources, information and authority. The community rightly expects the Colac Otway Shire to conduct its business in a fair and honest manner.

2. RELATIONSHIP WITH COUNCIL PLAN

Part of Colac Otway’s mission is to provide effective leadership, governance and financial accountability. The Fraud Prevention/Control Policy is an important part of this process.

3. OBJECTIVES

To ensure that Councillors, members of committees and staff are aware of the importance of what constitutes appropriate ethical conduct and responsibilities in dealing with instances of potential fraudulent activities and corrupt behaviour that may come to their attention.

Management of the risk of exposure is an important area to monitor and the Council needs to be assured that appropriate and transparent procedures are in place. This document is linked to the Councillors and Employees Codes of Conduct which Councillors and employees are required to abide by.

The objectives of the policy are to:

- Protect Council’s assets and reputation;
- Ensure a sound ethical culture of the Council;
- Ensure senior management commitment to identifying risk exposures to fraud and corrupt behaviour and for establishing procedures for prevention and detection;
- Monitor and review fraud and corrupt behaviour areas and controls on an ongoing basis.
- Ensure Councillors and staff are aware of their responsibilities in relation to ethical conduct.

4. DEFINITIONS

Fraud

Fraud is determined in accordance with Clause 1.5.6 of the Australian Standards AS 8001 – 2003 corporate governance – fraud and corruption control.

“Dishonest activity causing actual or potential financial loss to any person or entity including theft of money or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.”

- This definition includes theft;
- Obtaining property, a financial advantage or any other benefit by deception;
- Causing a loss or avoiding or creating a liability by deception;
- Providing false or misleading information to the Shire or failing to provide information where there is an obligation to do so;
- Making, using or possessing forged or falsified documents;
- Bribery, corruption or abuse of office;
- Unlawful use of the Shire’s computers, vehicles, telephones and other property or services;
- Relevant bankruptcy offences; and
- Any offences of a like nature to those listed above.

(Developed from the Commonwealth Fraud Control Guidelines 2002)

Corruption

Corruption is defined in accordance with Clause 1.5.2 of the Australian Standards AS8001-2003 Corporate governance – Fraud and Corruption Control.

“Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.”

5. ELEMENTS OF THE POLICY

- 5.1 Applicability
- 5.2 Education and Awareness
- 5.3 Roles and Responsibilities
- 5.4 Employee, Customer and Community Awareness
- 5.5 Fraud Control Program
- 5.6 Whistleblowers Protection Act 2001
- 5.7 Investigation of Allegations
- 5.8 Conduct and Discipline
- 5.9 External Notifications
- 5.10 Documentation
- 5.11 Review of Policy

5.1 Applicability

This policy applies to all Councillors, members of committees, volunteers in Council services, employees, contractors and consultants of the Colac Otway Shire.

5.2 Education and Awareness

The likelihood and impact of fraudulent and/or corrupt behaviour will be minimised by promoting a sound ethical environment. This approach reduces the risk of fraud and allows greater reliance on the integrity of employees rather than only direct measures.

It’s the responsibility of all employees and Councillors to set an example through ethical and prudent use of Council assets and resources. Staff and Councillors have a duty to advise management of any concerns they have about the conduct of Council affairs or the use of Council assets and resources.

The fraud control policy will be brought to the attention of all current and new staff and will be included in the induction program and ongoing awareness programs.

Information concerning the Fraud Control Policy will be included in documentation and induction programs for volunteers with Council's services.

5.3 Roles and Responsibilities

For fraud prevention controls to be effective the ownership of the policy must not be one staff member or a group of staff members, but must include all levels of management and staff.

All staff are expected to develop, encourage, insist upon and implement sound financial, legal and ethical decision making within their responsibility levels. Measures to prevent fraud will be continually monitored, reviewed and developed.

Councillors

Councillors have a statutory responsibility to abide by the Councillor's Code of Conduct. Councillors need to keep in mind the Code of Conduct when considering reports, making decisions and scrutinising Council's activities.

Council will support all policies and measures taken to prevent, deter, detect and resolve suspected instances of fraud.

Audit

The role of Internal Audit is to assist management and Council to achieve sound managerial review and control over all Council activities. This process can aid fraud control and assist detecting corrupt behaviour.

External audit is conducted by the Victorian Auditor General's office to verify the Council's annual reported financial and performance statements. External audit also has a role in the process of achieving fraud control by review of internal policies and procedures and testing systems via specific guidelines developed in accordance with relevant Legislation, Accounting Standards and the Auditor-General's code of ethics. In addition the Auditor General may conduct special and performance reviews.

Audit Committee

The Audit Committee will receive a report at each of its meeting relating to the implementation of the policy and any matters reported to the Chief Executive Officer under this policy.

Any suspected cases or incidents of fraud concerning the Chief Executive Officer (subject to 5.6) will be reported to the Chairman of the Audit Committee. The Chairman of the Audit Committee will put in place mechanisms to promptly investigate such cases or incidents.

Chief Executive Officer

The Chief Executive Officer is responsible for maintaining an ongoing fraud control/prevention program to ensure the efficient and effective implementation of this policy.

All suspected cases or incidents of fraud will be reported to the Chief Executive Officer (subject to 5.6). The Chief Executive Officer will promptly investigate such cases or incidents.

Senior Managers, Managers and Co-ordinators

Managers and co-ordinators need to lead by example, to demonstrate integrity and fairness in decision making and an open honest relationship in their dealings with others. Specific fraud prevention strategies must be implemented that are consistent with all Colac Otway Shire strategies, which include:

1. Defining clear lines for supervisory responsibilities and accountabilities.
2. Reinforcing the need for disciplinary measures when required.
3. Adopting preventative measures to deter and detect instances of fraud – this places primary responsibility for deterrence and detection with each General Manager.

Employees/Contractors/Consultants

Employees/contractors/consultants are responsible for acting with propriety in all Council activities. They must not use their position with the Council to gain personal advantages or to confer advantage or disadvantage, on any other person.

Employees/contractors/consultants are responsible for the safeguard of Council assets against theft, mis-use or improper use. They are required to report any suspicion of fraud.

Reference to the policy should be included in all documentation provided to contractors.

Overall Responsibility

Overall responsibility for co-ordinating fraud prevention measures rests with the Corporate and Community Services department.

The Manager Finance and Customer Services:

- (a) Shall review the Fraud Control Policy at annual intervals to include:
 - Review of documentation produced;
 - Consultation with management to verify the integration of the investigations strategy with the Fraud Control Strategy.
 - Questioning to check for understanding of investigation techniques and the Fraud Control Policy.
 - Questioning to verify the ability to manage agency relationships.
- (b) Shall maintain the Fraud Control and Code of Conduct Policies.
- (c) Will advise the CEO wherever there is a prima facie evidence to support an allegation of fraud.
- (d) Has the authority to isolate the area of investigation, to prevent destruction or manipulation of evidence and to prevent further damage.
- (e) May recommend to the Chief Executive Officer that any staff be suspended from duties during investigations.
- (f) Ensure staff who report fraud are advised that their concerns have been investigated and appropriate action taken.

5.4 Employee, Customer and Community Awareness

The Council's commitment to fraud and corruption control will be met by providing appropriate staff training and utilising existing communication mediums to increase customer and community awareness. Council will also publicise and raise awareness of relevant codes of conduct to ensure employees, contractors, customers and community are aware of their responsibilities or role in combating fraud and corruption and protection of the public revenue.

5.5 Fraud Control Program

The Manager Finance and Customer Services is responsible for development and implementing Council's Fraud Control Program and monitoring its effectiveness. Trends, activities, complaints and compliments are monitored for signs of irregularity. The General Manager, Corporate and Community Services reports to the Chief Executive Officer on fraud risk issues ensuring that risks are identified and acted on.

The Fraud Control Program will look at:

- High risk areas and activities should be identified and controls put in place;
- Conduct regular reviews of compliance control systems;
- Prevention controls should be in place to ensure that all transactions are properly authorised, recoded and safeguarded and that people are accountable for their actions;
- Detection controls designed to detect fraud when it occurs through reconciliation, verification and review of monitoring processes.
- Education and awareness of new and existing Councillors/employees/contractors and consultants.
- Appropriate staff training and utilising existing communication mediums to increase customer and community awareness.
- Publicising and raising awareness of relevant Codes of Conduct to ensure employees, contractors, customers and the community are aware of their responsibilities or role in combating fraud and corruption.
- Highly visible strategies to assist staff and others to be aware of "what to do if you suspect fraud and/or corruption".

The Fraud Control Program will be incorporated into the Council's annual audit program and report to the Audit Committee.

5.6 Reporting of Fraud

All Councillors, members of committees, contractors, consultants and staff have a responsibility to report suspected fraud, corruption and potentially damaging events to the Chief Executive Officer and/or the Mayor or through the public interest disclosure procedures under the Whistleblower's Protection Act 2001. All staff are encouraged to be constantly vigilant and report in confidence, without fear of reprisal, any matter that they regard as suspicious.

All Councillors, members of committees, contractors, consultants and staff are encouraged to report anything in the workplace that they think is suspicious. However anyone who reports suspicions of fraud should not be led to believe that a person will automatically fall under suspicion or be punished.

There are various ways to report fraud. Disclosures can be made to the Manager Finance and Customer Services, General Manager of Corporate and Community Services or the Chief Executive Officer in person, by telephone, in writing or via email.

Informants will be guaranteed strict confidentiality and advised of investigation outcomes.

In some obvious cases (eg armed hold-up or breaking and entering), police presence will be required as a matter of urgency. The decision to call police will normally be made by the Manager Finance and Customer Services, General Manager Corporate and Community Services or in their absence by the most senior staff member on the site at the time of the emergency. If a senior officer calls the police they shall also notify the Chief Executive Officer and the General Manager Corporate and Community Services.

Whistleblower Procedure

The Colac Otway Shire supports and upholds the Whistleblower legislation and principles. This provides protection to people reporting “public interest information” to the appropriate authority in accordance with the *Whistleblower Protection Act 2001*.

The Colac Otway Shire will take action to protect people from victimisation and ensure that they are not subject to intimidation or discrimination in the workplace.

5.7 Investigation of Allegations

The Council’s commitment to fraud and corruption control will be met by implementing procedures to investigate allegations of fraudulent or corrupt behaviour and conflicts of interest. Where allegations are supported the Council will respond appropriately in the circumstances by either reporting to relevant authorities or initiating disciplinary action under the Codes of Conduct.

All suspected instances of fraud or corrupt conduct will be investigated.

The purpose of the fraud investigation is to:

- Determine if in fact a fraud has been committed;
- Identify the person(s) responsible for the fraud;
- Discover the extent of the fraud and determine the action to be taken;
- Provide the basis of any insurance claim;
- Identify how long the fraud has been occurring and thereby the extent of the breakdown of internal controls;
- Determine the extent to which there was a breakdown in internal controls and any remedial action in processes required.

When a fraud investigation takes place, it must be undertaken in a methodical and comprehensive manner. Management will decide how and by whom the investigation will be conducted and whether the police or any external assistance will be employed.

5.8 External Notification

The Council is committed to ensuring that **all** breaches of the Code of Conduct which are considered to be prima facie cases of fraudulent or corrupt activity are notified to the appropriate law enforcement or regulatory agency for investigation and/or prosecution. Employment ramifications of any successful prosecution of a matter will be considered on a case by case basis.

5.9 Documentation

The following documents will provide the basis of the ethical standards and conduct expected of Council staff, Councillors and Council contractors:

- Code of Conduct
- Employee Manual
- Whistleblowers Protection Act 2001 – Public Interest Disclosure Procedures
- Information Privacy Policy
- Position Description/Employment Agreement/Contract

5.10 Review of Policy

The Fraud Policy will be reviewed as part of the Council’s annual audit program. At the time of the review, additionally, a report will be prepared which will detail procedures and processes undertaken during the past year which will confirm that an appropriate program of fraud awareness and control is in place.

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PRE-ELECTION CARETAKER POLICY

Policy No: 18.4

Date Adopted: 26/08/08

File No: GEN01688

Revised:

1. INTRODUCTION

Colac Otway Shire is committed to providing good governance and to fair and democratic elections and therefore adopts and endorses the following caretaker procedures throughout a pre-election period.

The Local Government Act 1989 (“the Act”) defines the election period as commencing on the last day of nominations and ending at 6 pm on election day. This means that the Caretaker Period will apply for a period of 32 days.

The purpose of this Pre-Election Caretakers Policy is to ensure that the ordinary business of Local Government in the Colac Otway Shire continues throughout an election period in a responsible and transparent manner, and in accordance with statutory requirements and established ‘caretaker’ conventions. This policy commits Council during the caretaker period to:

- Avoid making significant new policies or decisions that could unreasonably bind a future Council; and
- Ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the elections.

2. RELATIONSHIP WITH COUNCIL PLAN

The Colac Otway Shire is committed to strong Leadership and Governance. The Pre-Election Caretaker Policy is a part of having important governance processes and policies in place.

3. SCOPE OF THE POLICY

During the pre election caretaker period, the business of Council continues and ordinary matters of administration still need to be addressed.

This policy establishes a series of ‘caretaker’ practices, which aim to ensure that actions of the current Council do not bind an incoming Council and limit its freedom of action.

The policy addresses:

- Major policy decisions (applies only in the case of a general election);
- Council resources;
- Information;
- Council communications and publicity;
- Assistance to candidates;
- Monitoring the policy.

This policy is meant to supplement rather than replace the legislative and commonsense approach to fair and equitable Council elections.

4. COUNCIL DECISION MAKING

It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. The Council therefore commits to the principle that it will make every endeavour to avoid making significant decisions that bind the incoming Council. This includes a commitment to comply with the requirements of section 93A of the Act relating to “major policy decisions”.

Major Policy Decisions

“Major Policy Decisions” are defined in the Act to be decisions:

- a) *relating to the employment or remuneration of a Chief Executive Officer under section 94 of the Act, other than a decision to appoint an acting Chief Executive Officer.*
- b) *to terminate the appointment of a Chief Executive Officer under section 94..*
- c) *to enter into a contract the total value of which exceeds whichever is the greater of –*
 - (i) *\$100,000 or such higher amount as may be fixed by Order in Council under section 186(1); or*
 - (ii) *1% of the Council’s revenue from rates and charges levied under section 158 in the preceding financial year.*
- d) *to exercise any power under section 193 of the Act if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the Council’s revenue from rates and charges levied under section 158. in the preceding financial year ..*

If the Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the Council not making a major policy decision, the Council will, by resolution, request an exemption from the Minister for Local Government, in accordance with section 93A(2) of the Act.

5. ELECTORAL MATTERS

- a) The Council commits to the principle that it will ensure that Council resources are not used inappropriately during a Council election;
- b) Council will ensure that it complies with section 55D of the Act which requires that a Council does not print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process;
- c) Council will review all publications prior to the commencement of the caretaker period and during the caretaker period prior to publication to ensure that any such publications comply with the requirements of section 55D.
- d) The following definitions from the Act are noted:

“Section 3(1) **“electoral advertisement, handbill, pamphlet or notice”** means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.

“publish” means publish by any means including by publication on the internet.

Section 3(1A) **“electoral matter”** means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.

“Section 3(1B) without limiting the generality of the definition of “electoral matter”, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

- a) *the election; or*
- b) *a candidate in the election; or*

- c) *an issue submitted to, or otherwise before, the voters in connection with the election.”*

6. COUNCIL RESOURCES

It is an established democratic principle that public resources must not be used in any way that would influence the way people vote in elections, except in regard to supporting the actual election process. The Council therefore commits to the principle that it will ensure that Council resources are not used inappropriately during an election period.

Any staff member who considers that a particular use of Council resources may influence voting in the election must obtain approval as outlined in these procedures before authorising, using or allocating the resource.

6.1 Events, Activities and Support Services

In applying this principle the following will be normal practice during election periods:

- Public events will only be organised and run by the Council administration if they are part of the normal services or operation of the council and the scheduling of the event during the election period is deemed to be appropriate.
- Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operation of the Council and such speeches will not be circulated or available for publication.
- Media services, including media releases, will not be provided for individual Councillors by the Council administration during the election period.
- Individual Councillor newsletters will not be resourced by the Council in any way during the election period.
- Council management will ensure that action on requests for service will continue to be based on established methods of setting priorities and from existing budget allocations.

6.2 Equipment, Stationery and Facilities

In accordance with current policy and practice, Council resources including office and hospitality facilities, support staff, equipment/services, merchandise and stationery are provided or made available to Councillors for normal Council business and are therefore not to be used in connection with any electoral activities.

Council logos or letterheads, Colac Otway Shire branding or Council provided photographs will not be used by Councillors in any way that relates to an election. Similarly Council funded telephones (mobile or landline) numbers and email addresses are not to be used by Councillors as contact points in their election campaign material.

Reimbursement of Councillor's out-of-pocket expenses during an election period will only apply to costs that have been incurred in the performance of official Council duties as defined and not for expenses that could be perceived as supporting or connected with a candidate's election campaign.

6.3 Information

6.3.1 Council Business

As Councillors must continue to perform their elected role during the election period, they will, as a matter of course receive all necessary information for them to fulfil that role. Information to be provided to Councillors will include:

- Information that is publicly and freely available – Council Plans, Annual Reports, strategies, policies and the like.
- Information and advice provided by Council's management as part of Council meeting agendas. This information is of course publicly and freely available.

- Briefing papers in relation to matters to be decided upon at forthcoming Council meetings. It is likely that the briefing information provided to Councillors during the election period will be of a more routine nature than normal, given the approach to decision making during the election period.

6.3.2 Requests for Information

All requests received by Council staff for information about Council projects, programs or services will be responded to in a “business as normal” manner. This means up to date responses will be provided about progress on Council projects or services to Councillors, candidates or citizens.

Council staff will be particularly careful and conscious of the need to provide accurate and complete information. However a “business as normal” approach does not include extensive research or analysis involving significant Council resources or providing a level of information which would not normally be available.

Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign will be referred to the Chief Executive Officer or their delegate for consideration.

All election related enquiries from candidates or prospective candidates will be directed to the Returning Officer.

Applications for information under Freedom of Information legislation will be dealt with in the normal manner.

7. RELATED LEGISLATION/POLICIES

- Local Government Act 1989
- Victorian Electoral Act 2002
- Council Code of Conduct – Adopted January 2006

8. IMPLEMENTATION AND REVIEW

Prior to an election period, the Chief Executive Officer will ensure that Councillors and Council staff are advised in regard to the application of the Pre-Election Caretaker Policy.

The Pre-Election Period Caretaker Policy will be published on Council’s website.

The Pre-Election Period Caretaker Policy will be reviewed and published before each Colac Otway Shire general election.

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COUNCIL COMMITTEES POLICY

Policy No: 18.8

Date Adopted: 25/11/08

File No: GEN01688

Revised:

1. PURPOSE

The purpose of this policy is to provide a consistent approach to the establishment of Council Committees on which there is Councillor representation. Council Committees are an important tool for engaging the community in Council decision making. Participation by interested parties and affected stakeholders assists Council in making decisions that incorporate the interests and concerns of affected stakeholders. This policy governs the operation of Special Committees, Advisory Committees, Specific Purpose Committees and External Committees.

Each year Council appoints Councillor and officer representation to a number of committees. Their role in relation to these committees can range from delegated authority to representation, advocacy and consultation. The policy provides support and direction in the formation of committees and distinction between the roles and responsibilities of different committees on which there is Councillor representation.

This policy governs the establishment of committees and the ongoing review of existing committees giving the Council the opportunity to monitor the performance and relevance of all committees against the Annual Plan. This structured approach clearly articulates the role of each different committee type and allows for a review of the relevance and the performance against documented Terms of Reference and annual objectives for each committee. This approach will ensure that committees do not operate in perpetuity beyond achieving their purpose.

2. RELATIONSHIP TO COUNCIL PLAN

Under the Key Result Area of Leadership and Governance the objective is:

“Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.”

3. SCOPE

This policy applies to the formation, development and sunsetting of Council endorsed committees including:

- Special Committees – comprising only Councillors
- Special Committees – other S86 committees who manage facilities on behalf of Council
- Advisory Committees
- Specific Purpose Committees
- and where detailed in the policy involvement in External Committees.

This policy applies to Councillors, public members of committees and staff members of committees.

4. REFERENCES

- Local Government Act 1989
- Processes of Municipal Government Local Law No 4
- Conflict of Interest Guidelines

5. DEFINITIONS

(a) Special Committees

Formally appointed committee under section 86-88 of the Local Government Act 1989. Council may formally delegate decision making powers and responsibilities to a Special Committee.

The first category of Special Committees are those which comprise only Councillors. Council currently has 1 special committees in this category:

- Planning Committee of Council

The second category of Special Committees are other S86 Committees who manage facilities on behalf of Council.

Current special committees in this category are:

- Barongarook Public Hall and Tennis Reserve
- Barwon Downs Hall
- Beech Forest Hall
- Beech Forest Recreation Reserve
- Birregurra Hall
- Carlisle River Recreation Reserve
- Chapple Vale Hall
- Colac Municipal Aerodrome
- Cororooke Public Hall
- Cressy Hall
- Eurack Hall and Tennis Reserve
- Irrewillipe Public Hall and Reserve
- Larpent Recreation Reserve
- Lavers Hill Public Hall
- Old Beechy Rail Trail
- Pennyroyal Hall and Tennis Reserve
- Pirron Yallock Recreation Reserve
- Stoneyford Hall
- Swan Marsh Hall and Tennis Club
- Tirrengower Drainage
- Warncoort Tennis Reserve
- Warrion Public Hall
- Yeo Recreation Reserve

How Council Assists S86 Special Committees? What are our Responsibilities?

- Recognition of the important role played by Committees of Management in the efficient operation and management of facilities.
- Delegate powers to the committee.
- Provide support and assistance to committees in matters regarding maintenance, grants, facility development etc.
- Provide guidance to committees to ensure they have adequate information to continue their operation and management of the facility.
- Maintain effective communication links between the Shire and the various groups utilising the facilities.
- Undertake information forums as required to provide information to committees and user groups of relevant changes to Council policy or provide information on issues of importance.
- Provide reminders to committees re annual returns, financial information, copies of minutes etc.

Section 86 Special Committees Policy

There is a separate Council Policy for these Section 86 Special Committees – Management of Council Owned and Controlled Properties – Policy No 15.2.

(b) Advisory Committees

The main function of an Advisory Committee is to assist Council in the consultative process and provide valuable information to support the decision making of Council and in turn the achievements of

its objectives under the Community and Council Plan. Furthermore, Advisory Committees allow Council to access independent external advice that may be available in the community. These committees would generally have a lifespan beyond one year and be focused in conjunction with a Council Plan or Strategy.

The Council has a number of Advisory Committees including the Audit Committee which is established in accordance with section 139 of the Local Government Act 1989 and will operate generally in accordance with the Act and any Ministerial guidelines.

(c) Specific Purpose Committees

Specific Purpose Committees are created for a discrete and specific purpose and their role is to review an issue or undertake a project and report back to Council. These committees sunset at the delivery of the project brief. The committee may be ongoing in that it performs an annual function.

(d) External Committees

Community and Industry based committees that operate with their own Terms of Reference or mandate where Council has been invited to participate in partnership or as a community advocate. Current examples of External Committees are:

- Barwon Regional Waste Management Committee
- Corangamite Regional Library Corporation
- Geelong Otway Tourism Board
- Great South West Municipalities Group
- Municipal Association of Victoria
- G21

(e) Committees of Management – Crown Land

Council has been appointed under the Crown Land (Reserves) Act 1978 to manage a number of reserves on behalf of the Minister and have responsibility and authority to manage, improve, maintain and control the reserve.

Appendix 1 provides a summary of “What are Council’s Responsibilities where Council is the Committee of Management?”.

6. COUNCIL POLICY

General Provisions

Although the different types of Council, Special, Advisory, Specific Purpose and External Committees have different roles within and relationships with Council, a standard Terms of Reference template must be used to create a common ground for all committees to begin from.

The Terms of Reference provides a framework within which the Committee operates. Included in the Terms of Reference is information about the purpose and objectives of the committee, appointment of members, information about meetings, minutes, voting and reporting. A template to assist with the development of a Terms of Reference document is referenced at the end of this document.

Councillors are appointed annually to the various committees.

The term of a Councillor on a committee depends on their appointment at the Statutory meeting of Council or another Council meeting. If a Councillor is not appointed to a committee or a Councillor's term ends, they would no longer be the Council representative on a committee.

The following sections specifically prescribe operating expectations for each committee type.

6.1 SPECIAL COMMITTEES

This section refers only to Special Committees which comprise only Councillors. Other S86 Committees which manage Council owned and controlled properties come under policy No. 15.2.

6.1.1 Formal Appointment

In accordance with section 86 of the Local Government Act 1989, Council may establish one or more Special Committees.

6.1.2 Membership, Period of Membership and Method of Appointment

A Special Committee may comprise solely of Councillors, Council staff or other persons or any combination thereof. The most appropriate mix of membership for each Special Committee will be determined by Council at the formation of the Special Committee.

Council may, by resolution, appoint members to a Special Committee and may at any time remove a member from a Special Committee.

Councillors are appointed annually to Special Committees.

The Mayor is, by virtue of the Office, ex-officio member of any incidental committees which may be established by Council from time to time. It is important that whilst the Mayor may not chair these meetings, appropriate recognition should be given to the presence of the Mayor if in attendance. The Mayor has no voting rights as an ex-officio member of the committee.

6.1.3 Delegated Authority and Decision Making

Council must keep a register of delegations to Special Committees.

The Council must review any delegations to a Special Committee within the period of 12 months after a general election.

Except as provided below, Council may, by Instrument of Delegation, delegate any of its functions, duties or powers under the Local Government Act or any other Act to a Special Committee:

- (a) this power of delegation
- (b) to declare a rate or a charge
- (c) to borrow money
- (d) to enter into contracts for an amount exceeding an amount previously determined by Council
- (e) to incur any expenditure exceeding an amount previously determined by Council
- (f) any prescribed power

The formal Instrument of Delegation provides a Special Committee with the delegated authority to make decisions as if it were the Council. The Instrument of Delegation will define the Special Committee's Terms of Reference/Purpose. A decision of a Special Committee which does not relate to a matter delegated to that Special Committee cannot be given effect to until formally approved by Council.

Subject to Section 93A of the Local Government Act, Council's Election Period Policy and the Code of Conduct, a Special Committee acting under a delegation given by the Council, must not make a major policy decision during the election period for a general election.

6.1.4 Notification of Meetings

(a) The Chief Executive Officer must give notice to the public of any meeting of a Council Special Committee, by placement of advice as to the date, time and place of such meeting in the local newspapers at least 7 days before the meeting in accordance with the Local Government Act

(b) If urgent or extraordinary circumstances prevent the Council from complying with the 7 days notice, the minutes must specify the urgent or extraordinary circumstances which prevented the Council from complying.

6.1.5 Meeting Procedures

Special Committee meetings shall be conducted in accordance with Processes of Municipal Government Local Law No 4 where Council has resolved that the provisions of the Local Law are to apply.

A meeting of a Special Committee must be held at a time and place determined by the Special Committee.

Meetings are open to the public unless the committee resolves to close the meeting in accordance with section 89(2) of the Local Government Act 1989.

6.1.6 Chair

The Mayor will be the chair of the Planning Committee of Council. The position of Chairperson of other Special Committees comprised solely of Councillors shall be reviewed annually immediately following Councillor appointments to committees.

6.1.7 Agendas and Minutes

Agendas and minutes must be prepared for each meeting of a Special Committee. The agenda must be provided to members of a Special Committee not less than 48 hours before the time fixed for the holding of the meeting.

Where a Special Committee has delegated powers, the Chief Executive Officer must ensure that all agendas for meetings of that committee are provided to all Councillors (whether or not they are members of the committee).

The Chairperson must arrange for minutes of each meeting of the committee to be kept.

The minutes of a meeting of a Special Committee must:

- (a) contain details of the proceedings and resolutions made;
- (b) be clearly expressed;
- (c) be self-explanatory; and
- (d) in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

The Chairperson must submit the minutes of a committee meeting to the next meeting of the committee for confirmation. If the minutes are confirmed, the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.

Agendas and minutes are available to the public excluding any confidential reports and attachments.

6.1.8 Voting

Each member of a Special Committee present at a meeting of the Special Committee who is entitled to vote is entitled to one vote.

All members of a Special Committee have equal voting rights unless otherwise stated. Council may specify in the Instrument of Delegation to the Special Committee that a member of a Special Committee who is a member of the public or of Council staff does not have voting rights.

In the event of an equality of votes the Chairperson has a second vote.

6.1.9 Conflict of Interest Provisions

Members of a Special Committee are required to comply with the Conflict of Interest provisions contained in Division 1A of the Local Government Act 1989.

Council may, by resolution, exempt a member of a Special Committee, who is not a Councillor, from being required to submit a Primary Return or an Ordinary Return.

With the above exception, all other Conflict of Interest provisions contained in Division 1A that relate to members of a Special Committee shall apply.

Where a member of a Special Committee has an interest or conflict of interest in a matter that is likely to be discussed, the member must declare that interest immediately prior to the matter being considered by the Special Committee. Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting.

- (a) Where a member has declared a conflict of interest they are to leave the room while any discussion or any vote is taken in relation to the matter.
- (b) The member is to remain outside the room or other area in view or hearing of the matter.
- (c) The member may return to the room after consideration and all votes on the matter.
- (d) If a member is not intending to be at the meeting where he/she is aware that they have a conflict of interest in an agenda item they are to inform the chairperson of their conflict of interest before that meeting is held.

6.1.10 Administrative Support

Administrative support is provided to Special Committees comprised solely of Councillors by the department whose functions are most aligned to the committee.

6.1.11 Sunset Clause

Council is required to consider the continuation of the special committee and its formal Instrument of Delegation within 12 months following a general election. Whilst this is not a legal requirement, it is considered appropriate as a good governance practice.

6.2 ADVISORY COMMITTEES

6.2.1 Terms of Reference

The Terms of Reference must be presented to Council for consideration and adoption at the inception of the committee. The Terms of Reference must include a clear statement of purpose and the committee's objectives. Objectives should be supported by measurable outcomes that will be reported to Council.

The Terms of Reference and objectives of an Advisory Committee are to be reviewed by the committee biennially and by Council within twelve (12) months after a general election. Any proposed changes to the Terms of Reference resulting from a review must be agreed on by the committee and be presented to Council for formal approval.

See Appendix 2.

6.2.2 Membership, Period of Membership and Method of Appointment

The most appropriate mix of membership will be determined by Council. The committee may comprise:

- **Councillor(s)** - appointed annually by Council
- **Community Representative(s)** – appointed by Council through a registration of interest and selection process for a period of up to (3) years. Every effort should be made to ensure a representative cross section of people from the municipality are elected to the committee, as appropriate.
- **Staff** – appointed for a time period specified by the Chief Executive Officer or relevant Director to provide administrative support and advice to the committee. Staff do not have voting rights (refer to section 6.2.7) unless specified in the Terms of Reference.

The Mayor is, by virtue of the Office, ex-officio member of any committees which may be established by Council from time to time. It is important that whilst the Mayor may not chair these meetings, appropriate recognition should be given to the presence of the Mayor if in attendance. The Mayor has no voting rights in their capacity as an ex-officio member of the committee.

6.2.3 Delegated Authority and Decision Making

Advisory Committees act in an advisory capacity only and have no delegated authority to make decisions as if they were the Council. Advisory Committees provide advice to Council and staff to assist them in their decision making.

6.2.4 Meeting Procedures

Advisory Committee meetings shall be conducted generally in accordance with Processes of Municipal Government Local Law No 4 where Council has resolved that the provisions of the Local Law are to apply.

Meetings are to be held at a time and place determined by the Advisory Committee. Advisory Committees are not required to give public notice of their meetings and meetings are not required to be open to the public.

6.2.5 Chair

The position of Chairperson shall be reviewed annually immediately following Councillor appointments to committees.

Where there is one Councillor representative on the committee that Councillor stands as chair. Where there is more than one Councillor the chair is to be agreed upon between Councillors. When this cannot be achieved, the Mayor of the day shall determine the chair.

A committee may determine, with consent of the Councillor representative/s, to appoint another member other than the Councillor representative/s as Chairperson.

If the Chairperson is not present at a meeting, any other Councillor representative shall be appointed Chairperson. In the absence of any other Councillor representative/s, the committee members shall appoint a Chairperson for the purpose of conducting the meeting.

6.2.6 Agendas and Minutes

Agendas and minutes must be prepared for each meeting of an Advisory Committee. The agenda must be provided to members of the committee not less than 48 hours before the time fixed for the holding of the meeting.

The Chairperson must arrange for minutes of each meeting of the committee to be kept.

The minutes of a meeting of an Advisory Committee must:

- (a) contain details of the proceedings and resolutions made;
- (b) be clearly expressed;
- (c) be self-explanatory; and
- (d) in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

Minutes must be approved by the chair before being published or distributed and then formally endorsed at the subsequent meeting.

The committee must determine through its Terms of Reference whether minutes are to be made available to the public. As a general rule, committees are encouraged to provide this information to the public, with the exception of reports and attachments that are confidential in nature. Where it is determined that minutes will be made available to the public, a copy should be placed on the Internet.

6.2.7 Voting

Councillor and community members have voting rights unless otherwise stated in their Terms of Reference. Staff provide support and advice to the committee and have no voting rights unless specified in the Terms of Reference.

In the event of an equality of votes the chairperson has a second vote.

6.2.8 Conduct and Interest Provisions

In performing the role of Advisory Committee member, a person must:

- act honestly;
- exercise reasonable care and diligence;
- not make improper use of their position; and
- not make improper use of information acquired because of their position.

A number of Advisory Committees established by Council come under the classification of assemblies of Councillors.

Section 80A of the Act describes procedures that must apply to Councillors at an assembly of Councillors. This has the effect of applying conflict of interest requirements to certain informal meetings, committees and briefings of Councillors and is designed to minimise the risk of a Councillor with a conflict of interest improperly influencing a matter through such meetings.

A record must be kept of an assembly of Councillors which lists the Councillors attending, the matters discussed and any disclosures of conflict of interest. Comprehensive minutes are not required

Part 4.4 describes the rules for disclosing conflicts of interest in an assembly of Councillors.

Definition

An “assembly of Councillors” is a defined term under section 76AA of the Act. It is a meeting of at least three Councillors and one member of Council staff which is a planned or scheduled meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority. This is not altered by any name or title given to a meeting.

Not all gatherings or meetings at which Councillors are present will constitute an assembly of Councillors. Assemblies of Councillors do not include change meetings of Councillors and Council staff that are not planned or scheduled. Nor do they include meetings of other organisations, such as clubs, associations, peak bodies or political parties.

Section 80A states that Councillors have to follow conflict of interest rules in any meeting classified as an “assembly of Councillors”.

A Councillor who has a conflict of interest at an assembly of Councillors must:

- Disclose to the meeting that he or she has a conflict of interest; and
- Leave the meeting while the matter is being discussed.
- Return to the room after consideration and all votes on the matter.

Disclosure

The disclosure should be made immediately before the matter is considered.

It is not necessary to disclose the type or nature of the interest at an assembly of Councillors. It is sufficient to just state that you have a conflict of interest in the matter.

As formal agendas and reports are not necessarily available prior to the meeting, there may be times when a Councillor only realises that he or she has a conflict of interest after the discussion has commenced. In this case, the Councillor should disclose that he or she has a conflict of interest immediately upon becoming aware of the conflict.

6.2.9 Reporting

As a minimum, Advisory Committees are required to prepare a formal report on an annual basis in line with their stated objectives. The report must be formally adopted by the committee and should directly reflect the objectives and the performance measures of the committee as set out in the Terms of Reference. The report will be presented to Council for noting under the relevant department heading. The committee’s Terms of Reference may stipulate more frequent reporting.

6.2.10 Administration Support

Administration support, where required, is provided to Advisory Committees where required by the department whose functions are most aligned to the committee’s objectives.

6.2.11 Review of Committee

Advisory Committees will be reviewed as part of the annual Council Statutory meeting.

6.2.12 Audit Committee

Section 139 of the Local Government Act provides details on the Audit Committee which is an advisory committee.

“139 Audit Committee

- (1) A Council must establish an audit committee.
- (2) An audit committee is an advisory committee.
- (3) An audit committee must be constituted in the prescribed manner.
- (4) An audit committee has the functions and responsibilities prescribed for the purposes of this section.
- (4A) Sections 76D and 79 apply to members of an audit committee as if they were members of a special committee of the Council.
- (5) The Minister may make guidelines for the purposes of this section.
- (6) Guidelines made under subsection (5) must be published in the Government Gazette.
- (7) A Council may pay a fee to a member of an audit committee who is not a Councillor or member of Council staff.”

6.3 SPECIFIC PURPOSE COMMITTEES

6.3.1 Terms of Reference

The Terms of Reference must be presented to Council for consideration and adoption at the inception of the committee. Clear objectives for the committee need to be included in the Terms of Reference. The Terms of Reference shall include a project outcome/deliverable and stipulate the timeframe for completion.

For committees that are ongoing in nature, Terms of Reference and objectives are to be reviewed biennially by the committee. Any proposed changes to the Terms of Reference must be presented to Council for formal approval.

6.3.2 Membership, Period of Membership and Method of Appointment

Membership of a Specific Purpose Committee is not prescribed. The most appropriate mix of membership will be determined by Council at the inception of the committee and may include any combination of the following:

- **Councillor(s)** - appointed annually by Council
- **Community Representative(s)** – appointed by Council through a registration of interest and selection process for a period of two (2) years. Every effort should be made to ensure a representative cross section of people from the municipality are elected to the committee, as appropriate.
- **Staff** – appointed for a time period specified by the Chief Executive Officer or relevant Director to provide administrative support and advice to the committee. Staff do not have voting rights (refer to section 6.3.7) unless specified in the Terms of Reference.

The Mayor is, by virtue of the Office, ex-officio member of any committees which may be established by Council from time to time. It is important that whilst the Mayor may not chair these meetings, appropriate recognition should be given to the presence of the Mayor if in attendance. The Mayor has no voting rights in their capacity as an ex-officio member of the committee.

6.3.3 Delegated Authority and Decision Making

Specific Purpose Committees have no delegated authority to make decisions as if it were the Council.

The Committee's Terms of Reference, as adopted by Council, may provide that the committee has the capacity to make a decision/s in relation to the project brief. In making decisions, the committee must comply with Council policies, procedures and guidelines, particularly in relation to Occupational Health and Safety. Decisions will be implemented by a staff member who has the appropriate delegation and level of authority.

The committee cannot make decisions outside the agreed scope detailed in its Terms of Reference.

6.3.4 Meeting Procedures

Meeting procedure of a Specific Purpose Committee is not prescribed. As a guide, committees may consider conducting their meeting generally in accordance with Processes of Municipal Government Local Law No 4.

Meetings are to be held at a time and place determined by the Specific Purpose Committee. Specific Purpose Committees are not required to give public notice of their meetings and meetings are not required to be open to the public.

6.3.5 Chair

The position of Chairperson shall be reviewed annually immediately following Councillor appointments to committees.

Where there is one Councillor representative on the committee that Councillor stands as chair. Where there is more than one Councillor the chair is to be agreed upon between Councillors. When this cannot be achieved, the Mayor of the day shall determine the chair.

A committee may determine, with consent of the Councillor representative/s, to appoint another members other than the Councillor representative/s as Chairperson.

If the chairperson is not present at a meeting, any other Councillor representative shall be appointed Chairperson. In the absence of any other Councillor representative/s the committee members shall appoint a chairperson for the purpose of conducting the meeting.

6.3.6 Agendas and Minutes

Agendas and minutes must be prepared for each meeting of an Specific Purpose Committee. The agenda must be provided to members of the committee not less than 48 hours before the time fixed for the holding of the meeting.

The Chairperson must arrange for minutes of each meeting of the committee to be kept.

The minutes of a meeting of a Specific Purpose Committee must:

- (a) contain details of the proceedings and resolutions made;
- (b) be clearly expressed;
- (c) be self-explanatory; and
- (d) in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

Minutes must be approved by the chair before being published or distributed and then formally endorsed at the subsequent meeting.

The committee must determine through its Terms of Reference whether minutes are to be made available to the public. As a general rule, committees are encouraged to provide this information to the public, with the exception of reports and attachments that are confidential in nature.

6.3.7 Voting

Councillor and community members have voting rights unless otherwise stated in their Terms of Reference. Staff provide support and advice to the committee and have no voting rights unless specified in the Terms of Reference.

In the event of an equality of votes the chairperson has a second vote.

6.3.8 Conflict and Interest Provisions

In performing the role of a Specific Purpose committee member, a person must:

- act honestly; and
- exercise reasonable care and diligence; and
- not make improper use of their position; and
- not make improper use of information acquired because of their position.

Where a member of the committee has an interest or conflict of interest in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the member must disclose the interest to the committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting.

- (a) Where a member has declared a conflict of interest they are to leave the room while any discussions or any vote is taken in relation to the matter.
- (b) The member is to remain outside the room or other area where meetings are being conducted so that they are both out of view or hearing of the matter.
- (c) The member may return to the room after consideration and all votes on the matter.
- (d) If a member is not intending to be at the meeting where he/she is aware that they have a conflict of interest in an agenda item they are to inform the chairperson of their conflict of interest before that meeting is held.

6.3.9 Reporting

Specific Purpose Committees are required to prepare a formal report on an annual basis and also at the completion of its project as stated in their Terms of Reference. The report must be formally adopted by the committee and should directly reflect the objectives and performance measures of the committee as set out in the Terms of Reference.

A report will then be presented to Council detailing the outcomes of the committee and any recommendations to Council.

6.3.10 Administration Support

Administration support where required is provided to Specific Purpose Committees by the department whose functions are most aligned to the committee's objectives.

6.3.11 Sunset Clause

All Specific Purpose Committees will sunset at the conclusion of the project they were created to undertake. If the committee considers that there is a need for its existence to be ongoing beyond the life of the project, the committee must dissolve and seek Council approval to create an appropriate Advisory Committee for the new purpose. A Specific Purpose Committee may be ongoing in that it undertakes a project on a regular basis, for example annually.

6.4 EXTERNAL COMMITTEES

Council does not have any power to enforce operating expectations on External Committees. There are however still some areas that are important to note regarding External Committees, these include:

6.4.1 Membership

Councillors are appointed to External Committees annually. Staff are appointed to External Committees at the discretion of the Chief Executive Officer or their General Manager.

6.4.2 Conflict and Interest Provisions

In performing the role of External Committee member a person must:

- act honestly; and
- exercise reasonable care and diligence; and
- not make improper use of their position; and
- not make improper use of information acquired because of their position.

Where a member of the committee has an interest or conflict of interest in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the member must disclose the interest to the committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the relevant interest and be recorded in the minutes of meeting.

7. RELATED DOCUMENTS

- Policy No 15.2 “Section 86 Special Committees - Management of Council Owned and Controlled Properties”.

8. APPENDIX

- Council’s Responsibilities where Council is the “Committee of Management” – Appendix 1.
- Terms of Reference Template – Appendix 2.
- Current Committee Listing – Appendix 3.

APPENDIX 1

WHAT ARE COUNCIL'S RESPONSIBILITIES WHERE COUNCIL IS THE "COMMITTEE OF MANAGEMENT?"

INTRODUCTION

A Crown Land Reserve is public land that has been set aside for public purposes for the enjoyment and benefit of the people of Victoria.

Council has been appointed under the Crown Land (Reserves) Act 1978 to manage a number of reserves on behalf of the Minister and have responsibility and authority to manage, improve, maintain and control the reserve.

Committees of Management can also consist of locally elected or appointed people, statutory bodies of trustees.

COMMITTEES OF MANAGEMENT RESPONSIBILITIES

The powers given under the Crown Land (Reserves) Act 1978 enable committees to:

- Manage and develop the reserve;
- Undertake financial transactions including borrowing money and entering contracts;
- Enter tenure arrangements, such as leasing and licensing, for part or all of the reserve, subject to Minister's approval;
- Employ people;
- Enforce regulations.

POWER TO MANAGE THE RESERVE

The main guiding principle in managing the reserve is that it is public land for the use and enjoyment of all.

Council must manage the reserve and its assets. May also develop and enhance them.

A Committee (Council) can:

- Set fees and charges
- Limit access
- Establish sub-committees

MANAGEMENT DOCUMENTS

Committees are strongly recommended to prepare plans, for example:

- Management plan
- Works schedule

RISK MANAGEMENT

Committees are required to:

- Undertake a formal risk assessment
- Develop a risk management plan
- Conduct an annual review

EMPLOYMENT POWER

Council can utilise five categories of people who might work on our reserves:

- Volunteers
- Contractors
- Employees
- Tenants
- Other agencies

FINANCIAL POWER

Committees of Management can enter into contracts, set fees and charges and spend revenue for the purposes of the reserves.

- Revenue received by a committee must be directed to activities associated with the reserve.

POWER TO DEVELOP THE RESERVE

All proposed new developments are subject to the same approvals process as any other building or development on private land.

- For all developments on Crown land, prior to seeking any approvals a committee will need to consult with their local DSE office (Ballarat) as landowners consent is required.
- If consent is obtained, still subject to planning and building approvals.
- The Crown, not the committee, will become the owner of any development works on the reserve.

LEASING AND LICENSING POWER

Committees can grant leases or licences for their reserve subject to Minister's consent.

- Before entering into any lease or licence negotiations, contact should be made with the local DSE office.

LEASES

- Lease proposals require the approval of the Minister before entering into negotiations.
- Leases must comply with the requirements of DSE.
- Leases can only be issued up to the maximum term of 21 years.
- Must use standard DSE lease documents.

LICENCES

- Licences are for non-exclusive use of part or all of a reserve.
- Licence proposals require the approval of the Minister and must comply with the requirements of DSE.
- A licence can be issued for up to 3 years.
- Must use standard DSE licence documents.

APPENDIX 2

TERMS OF REFERENCE

Committee Name:

| | |
|---------------------|--|
| Directorate | |
| Responsible Officer | |
| Committee Type | |

1. PURPOSE

Briefly outline the purpose of the committee.

2. OBJECTIVES

Provide a brief explanation of the objectives of the committee including performance measures.

3. MEMBERSHIP, PERIOD OF MEMBERSHIP AND METHOD OF APPOINTMENT

Membership, period of membership and method of appointment will be determined in accordance with the committee types defined in the Council Committee Policy.

4. DELEGATED AUTHORITY AND DECISION MAKING

Delegated authority and decision making will be determined in accordance with the committee types defined in the Council Committee Policy.

5. MEETING PROCEDURES

Meeting procedures will be determined in accordance with the committee types defined in the Council Committee Policy.

6. CHAIRPERSON

The Chairperson will be determined in accordance with the committee types defined in the Council Committee Policy.

7. AGENDAS AND MINUTES

Preparation, distribution and availability of minutes will be determined in accordance with the committee types defined in the Council Committee Policy.

8. VOTING

Voting rights of committee members will be determined in accordance with the committee types defined in the Council Committee Policy.

9. CONDUCT AND INTEREST PROVISIONS

Conduct and interest provisions will be determined in accordance with the committee types defined in the Council Committee Policy.

10. REPORTING

Minimum reporting requirements will be determined in accordance with the committee types defined in the Council Committee Policy.

11. ADMINISTRATION SUPPORT

Administration support is provided by the department whose functions are most aligned to the committee's objectives.

12. SUNSET CLAUSE

The committee will sunset in accordance with the committee types defined in the Council Committee Policy.

APPENDIX 3

LIST OF COUNCIL COMMITTEES (as at September 2009)

(A) SPECIAL COMMITTEES (COUNCILLORS)

- Planning Committee

(B) OTHER S86 COMMITTEES

- Barongarook Public Hall and Tennis Reserve
- Barwon Downs Hall
- Beech Forest Hall
- Beech Forest Recreation Reserve
- Birregurra Hall
- Carlisle River Recreation Reserve
- Chapple Vale Hall
- Colac Municipal Aerodrome
- Cororooke Public Hall
- Cressy Hall
- Eurack Hall and Tennis Reserve
- Irrewillipe Public Hall and Reserve
- Larpent Recreation Reserve
- Lavers Hill Public Hall
- Old Beechy Rail Trail
- Pennyroyal Hall and Tennis Reserve
- Pirron Yallock Recreation Reserve
- Stoneyford Hall
- Swan Marsh Hall and Tennis Club
- Tirrengower Drainage
- Warncoort Tennis Reserve
- Warrion Public Hall
- Yeo Recreation Reserve

(C) COUNCIL ADVISORY COMMITTEES

- Audit Committee
- Australia Day Advisory Committee
- Central Reserve Advisory Committee (Premier Recreation Reserve Committee)
- Colac Livestock Selling Centre Advisory Committee
- Festival and Events Support Scheme Advisory Committee
- Friends of the Botanic Gardens Advisory Committee
- Grants/Community Funding Advisory Committee
- Lake Colac Community Advisory Committee
- Small Town Improvement Program Advisory Committee

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MUNICIPAL BUILDING CONTROL INTERVENTION FILTER CRITERIA GUIDELINE POLICY

For Council's Administration and Enforcement of
Parts 3,4,5,7 & 8 of the Building Act 1993 and Building Regulations
1994 in circumstances where a private building surveyor has been
appointed to carry out functions

Policy No: 19.1

Date Adopted: 24/5/2006

File No: GEN01688

Revised:

HISTORY OF THE BUILDING CONTROL INTERVENTION FILTER CRITERIA

At the 2002 Annual Conference of the **Victorian Municipal Building Surveyors Group Inc** the following 'Position Statement' was developed and adopted:

- 1) The VMBSG recognises and accepts that a private building surveyor, appointed under the Building Act, is responsible for ensuring that the Act and Regulations are complied with in respect of the building, land or place in relation to which he or she is appointed.
- 2) In recognising the above, the VMBSG recommends to councils that:
 - a) they determine, in general, issues regarding the above[i.e. where there has been a complaint] will be referred to the private building surveyor for action; and
 - b) in the case of imminent danger to life or property council will take appropriate action, and
 - c) if it becomes apparent there has been a lack of action or inappropriate conduct or practice by any practitioner the matter will be referred to the BPB/BC as appropriate.
- 3) The VMBSG will develop:
 - a) guidelines to assist councils in developing policy when a council receives a complaint related to building work and a private building surveyor has accepted appointment and is responsible for carrying out the functions set out in section 76 of the Building Act 1993; and
 - b) procedures and software specification for councils to adopt for referrals of the above to the BPB and Building Commission.

Following the conference, a working party of the VMBSG. in consultation with John Hoey of **Hoey's Lawyers** and the MAV developed the Filter Criteria. The 'draft' Filter Criteria was put to meetings of municipal building surveyors throughout the state for feedback and comment.

In February 2003 the 'draft' Filter Criteria was also reviewed and discussed at the 2003 LGPro Conference and enthusiastically endorsed by those participants present.

The Building Control Intervention Filter Criteria is the result of input from all those persons and organisations.

ADMINISTRATION AND ENFORCEMENT

PURPOSE

To inform Council of its responsibilities under the *Building Act 1993* ("the Act") in circumstances where a private building surveyor has been appointed by or on behalf of the owner of a property to issue a building permit or carry out other functions in respect of building work being carried out or proposed to be carried out at the property.

BACKGROUND

Council is required by section 212 of the Act to administer and enforce specified parts of that Act and the whole of the *Building Regulations 1994* ("the Regulations") within its municipal district. As with many other responsibilities, Council has the ability to determine how it will carry out these functions having regard to competing obligations and limited resources.

Since the introduction of the Building Act in June 1994 property owners have had a choice between using Council services (through the municipal building surveyor) to obtain a building permit and using a private building surveyor. The building surveyor (private or municipal) who issues the building permit is generally responsible for ensuring that the building work complies with the requirements of the Act and the Regulations.

Council through the operation of section 212 of the Act retains the ability to enforce the Act and the Regulations even if a private building surveyor has been appointed. Section 212 provides as follows:

"212. Council to administer building provisions in its municipal district

- (1) Except where otherwise expressly provided in this Act or the building regulations, a council is responsible for the administration and enforcement of Parts 3, 4, 5, 7 and 8 and the building regulations in its municipal district.*
- (2) Nothing in this section limits a council's powers to act outside its municipal district."*

There is no express provision in the Act removing Council's responsibilities where a private building surveyor has been appointed.

The Building Commission is a state statutory authority which has various powers under the Act to intervene in circumstances where a private building surveyor is appointed. These powers include the ability to issue directions to the private building surveyor, enforce orders made by the private building surveyor, prosecute persons for non compliance with orders issued by the private building surveyor in addition to being able to utilise all the powers that a municipal building surveyor has in certain circumstances.

The Building Practitioners Board is the registration body for persons working in the building industry. All building surveyors (both private and municipal) must be registered with that Board. The Building Practitioners Board is empowered to conduct disciplinary proceedings in respect of any registered building practitioner who may have not carried out their responsibilities correctly.

The legislative framework clearly shows that responsibility for supervising private building surveyors rests with the Building Commission and the Building Practitioners Board. This responsibility includes those bodies taking appropriate action to resolve matters (which may include rectifying any action/inaction taken by a private building surveyor that is/was contrary to the Regulations or the Act or conducting a disciplinary Inquiry) where a private building surveyor has not carried out their work in a competent manner and to a professional standard.

Council frequently receives complaints from members of the public regarding building work that is being or has been carried out, for which a private building surveyor has been appointed. The complaints may include situations in which there is a real risk of danger to persons or property or may be regarding administrative matters or matters relating to the siting of buildings and /or structures.

The handling of these complaints can represent a significant expenditure of Council resources.

Since the introduction of the private permit issuing system in July 1994 the ongoing problems associated with handling such complaints has generally been carried out by Council's municipal building surveyor and its building department on an ad hoc basis. The **Victorian Municipal Building Surveyors Group Inc.** ('the VMBSG') at its 2002 conference overwhelmingly recognised the need for adopting a uniform approach across the State when dealing with complaints of that nature. As a result of that conference, the VMBSG, working in consultation with the Municipal Association of Victoria ('the MAV') undertook to develop a system to classify and manage those complaints.

The **Building Control Intervention Filter Criteria** ('the Filter Criteria'), utilising a risk assessment matrix, identifies standardised responses to complaints from the public where a private building surveyor has been appointed. The Filter Criteria have been developed through consultation with municipal building surveyors throughout metropolitan and regional Victoria.

The Filter Criteria recognises that Council has obligations to the public with regard to dangerous situations which it can remedy or cause to be remedied. Where a danger exists and Council officers are aware of that danger, a lack of action on the part of Council could result in a claim against Council if innocent persons were to suffer loss or injury. This is regardless of whether a private building surveyor is or has been appointed. In those circumstances the Filter Criteria recommends Council staff taking action to remove the danger.

The Filter Criteria also recognises that not all complaints received at council relate to dangers and many relate to matters stemming from administrative neglect or error by private building surveyors. In those circumstances the Filter Criteria recommends that the matter be referred to the private building surveyor for remedial action failing which the matter be referred to the Building Commission or Building Practitioners Board (or both) as appropriate.

In some circumstances it may be that the complaint is of a trivial or minor nature in which case the Filter Criteria may recommend merely referring it back to the private building surveyor for action.

It is anticipated that the Filter Criteria will streamline the complaint handling processes and provide a level of uniformity across all councils. The referral of appropriate cases to the Building Practitioners Board and the Building Commission will also allow those bodies to more readily carry out their functions under the Act.

BUILDING CONTROL INTERVENTION FILTER CRITERIA

STEP 1 – Determine the possible consequences of the matter being complained of:

Table E1 Qualitative measures of consequence or impact

| Level | Descriptor | Example detail description |
|-------|---------------|---|
| 1 | Insignificant | No injuries, low financial loss, no detriment to health, no damage to property, siting. |
| 2 | Minor | Injury (self-treatable e.g. minor cuts or abrasions), medium financial loss, minimal detriment to health, minor damage to property. |
| 3 | Moderate | Injury (medical treatment required by other), high financial loss, moderate detriment to health, moderate damage to property. |
| 4 | Major | Serious non-permanent injury, major financial loss, major detriment to health, major damage to property. |
| 5 | Catastrophic | Permanent injury or death, huge financial loss, irreparable damage to property. |

STEP 2 – Determine the likelihood of the event in Step 1 occurring

Table E2 Qualitative measures of likelihood

| Level | Descriptor | Description |
|-------|----------------|---|
| A | Almost certain | Is expected to occur in most circumstances |
| B | Likely | Will probably occur in most circumstances |
| C | Possible | Might occur some time |
| D | Unlikely | Could occur at some time |
| E | Rare | May occur only in exceptional circumstances |

STEP 3 – Locate the issue on the risk matrix by comparing the likelihood to the consequence

Table E3 Qualitative risk analysis matrix – level of risk

| Likelihood | Consequences | | | | |
|--------------------|--------------------|------------|---------------|------------|-------------------|
| | Insignificant
1 | Minor
2 | Moderate
3 | Major
4 | Catastrophic
5 |
| A (almost certain) | M | H | E | E | E |
| B (likely) | M | H | H | E | E |
| C (Possible) | L | M | H | H | E |
| D (unlikely) | L | L | M | H | E |
| E (rare) | L | L | M | H | H |

STEP 4 – Identify action to be taken

Table E4 Legend for Risk Analysis Matrix and Treatment

| | | | | |
|----------|---|--|---|---|
| E | Extreme risk: immediate action required | Refer to PBS without delay | Council/MBS takes immediate action to suitably reduce risk | If there is evidence of conduct by any building practitioner such that a finding under section 179(1) of the Building Act 1993 could be made by the Building Practitioners Board the matter, with supporting evidence, will be referred to that Board for Inquiry. |
| H | High risk, attention needed in reasonable time | Refer to PBS without delay | Council/MBS takes action if PBS is not taking action to suitably reduce the risk within reasonable time | |
| M | Moderate risk, treatment by PBS | Refer to PBS without delay | No other action by Council/MBS | |
| L | Low risk, manage by referral | Refer complainant to PBS without delay | No other action by Council/MBS | <p>If there is a suspicion that any practitioner has engaged in conduct that may amount to illegal conduct or conduct as set out in section 179(1) of the Act the matter will be referred to the Building Commission for investigation.</p> <p>AND</p> <p>if it is necessary to do so for the proper administration of the Act refer the matter of RBS to the Building Commission for the exercise of its directive powers under s198 of the Building Act 1993.</p> |

Note: PBS – Private Building Surveyor

STEP 5 – Take the action as required by the matrix

RELEVANT LEGISLATION REGARDING REFERRALS

BUILDING ACT 1993

179. Inquiry into conduct

- (1) On an inquiry into the conduct of a registered building practitioner, the Building Practitioners Board may make any one or more of the decisions mentioned in sub-section (2) if it finds that the registered building practitioner--
- (a) is guilty of unprofessional conduct; or
 - (b) has failed to comply with this Act or the regulations; or
 - (c) has failed to comply with a determination of the Building Appeals Board or a direction of the Commission; or
 - (d) has been guilty of conduct in relation to his or her practice as a building practitioner which--
 - (i) is constituted by a pattern of conduct or by gross negligence or gross incompetence in a particular matter; and
 - (ii) shows that he or she is not a fit and proper person to practise as a building practitioner; or
 - (da) has shown in the information provided to the Board under section 172A that he or she is not a fit and proper person to practise as a building practitioner; or
 - (e) has employed or engaged to do, on his or her behalf, work of a kind that can only be done by a person registered under this Part in a particular category or class, a person who is not so registered; or
 - (f) has obtained his or her registration under this Part or any required insurance by fraud or misrepresentation; or
 - (fa) has failed to comply with a reasonable direction of an insurer in respect of the completion or rectification of defective building work or any payment to be made to the insurer in respect of the completion or rectification of defective building work in accordance with required insurance or in accordance with a guarantee under the **House Contracts Guarantee Act 1987** or has failed to comply with a direction under section 44 of the **House Contracts Guarantee Act 1987**; or
 - (fb) has failed to carry out a recommendation contained in an inspector's report under section 48 of the Domestic Building Contracts Act 1995;
 - (fc) has failed to comply with the Domestic Building Contracts Act 1995; or
 - (g) has had his or her authority to practise as a building practitioner in a place outside Victoria cancelled or suspended otherwise than for failure to renew that authority; or
 - (h) has failed to comply with an undertaking given to the Board under this Division.

BUILDING REGULATIONS 2006

1502 Professional standards

A registered building practitioner must-

- (a) perform his or her work as a building practitioner in a competent manner and to a professional standard; and
- (b) immediately inform the client in writing if a conflict of interest arises or appears likely to arise between his or her interest as a building practitioner and that of his or her client; and
- (c) receive remuneration for his or her services as a building practitioner solely by the professional fee or other benefits specified in the contract of engagement or by the salary and other benefits payable by the building practitioner's employer.

NOTE: A building practitioner who contravenes the requirements of regulation 1502 may be the subject of an inquiry under section 179 of the Act.

SUPPORTIVE LETTERS

Letter - Referral of complainant to PBS - L-'Low Risk'

[COUNCIL LETTERHEAD]

[Insert name of Complainant]
[Insert address of Complainant]

Dear ,

Re: Building work at [insert address]

I refer to your concerns regarding building work at the above site.

Council records disclose that a private building surveyor has been appointed in relation to that building work.

The Building Act 1993 establishes a privatised system of ensuring compliance with the relevant legislation and codes. In circumstances such as this, where a private building surveyor has been appointed, it is that private building surveyor who has powers and responsibilities which enable and obligate them to deal with the matters raised by you. I recommend therefore that you raise your concerns directly with the private building surveyor relevant to this work. The private building surveyor's details are as follows:

[Insert name and contact details of the relevant private building surveyor]

The Building Practitioners Board is the professional regulating body in respect of all building practitioners including private building surveyors. The Building Commission also has powers to oversee private building surveyors.

Any matters relating to the conduct, functions or practices of the private building surveyor or other building practitioners may also be referred to the Building Practitioner's Board and/or Building Commission (both of Level 27, 2 Lonsdale Street, Melbourne 3000 - Ph 9285 6400, Fax 9285 6464).

Yours sincerely

Letter - Referral of complaint to PBS - M-‘Moderate Risk’

[COUNCIL LETTERHEAD]

[Insert name of PBS]
[Insert address of PBS]

Dear ,

Re: Building work at [insert address]

Council records disclose that you have accepted an appointment to carry out a private building surveyor's functions under Part 6 of the *Building Act 1993* in respect of the building/building work at the above address.

Information has been received by this office regarding [insert details of complaint].

The above matter is considered to be within the scope of your appointment and you are the appropriate person to deal with this issue and any surrounding issues.

Having considered the *Municipal Building Control Intervention Filter Criteria Policy* that has been adopted by this Council, the Municipal Building Surveyor does not intend exercising powers under the Building Act which are equally available to you. If, after a reasonable time however, it becomes evident that you have not taken appropriate action, the details of this matter may be referred to the Building Practitioner's Board and/or the Building Commission (both of Level 27, 2 Lonsdale Street, Melbourne 3000 - Ph 9285 6400, Fax 9285 6464).

Yours sincerely

Copy: Owner

Copy: Complainant

Letter to complainant advising of referral to PBS - M-'Moderate Risk'

[COUNCIL LETTERHEAD]

[Insert name of Complainant]
[Insert address of Complainant]

Dear _____,

Re: Building work at [insert address]

I refer to your concerns regarding building work at the above site.

Council records disclose that a private building surveyor has been appointed in relation to that building work.

The Building Act 1993 establishes a privatised system of ensuring compliance with the relevant legislation and codes. In circumstances such as this, where a private building surveyor has been appointed, it is that private building surveyor who has powers and responsibilities which enable and obligate them to deal with the matters raised by you.

I have therefore referred your concerns to the relevant private building surveyor for their action. A copy of that referral is enclosed.

The private building surveyor's details are as follows:

[Insert name and contact details of the relevant private building surveyor]

You may also wish to contact the private building surveyor directly.

The Building Practitioners Board is the professional regulating body in respect of all building practitioners including private building surveyors. The Building Commission also has powers to oversee private building surveyors.

Any matters relating to the conduct, functions or practices of the private building surveyor or other building practitioners may also be referred to the Building Practitioner's Board and/or Building Commission (both of Level 27, 2 Lonsdale Street, Melbourne 3000 - Ph 9285 6400, Fax 9285 6464).

Yours sincerely

Letter - Referral of complaint to PBS - H-'High Risk'

[COUNCIL LETTERHEAD]

[Insert name of PBS]
[Insert address of PBS]

Dear ,

Re: Building work at [insert address]

Council records disclose that you have accepted an appointment to carry out a private building surveyor's functions under Part 6 of the *Building Act 1993* in respect of the building/building work at the above address.

Information has been received by this office regarding [insert details of complaint].

The above matter is considered to be within the scope of your appointment and you are the appropriate person to deal with this issue and any surrounding issues.

Having considered the *Municipal Building Control Intervention Filter Criteria Policy* that has been adopted by this Council, the Municipal Building Surveyor does not at this time intend exercising powers under the Building Act which are equally available to you. If, after a reasonable time however, it becomes evident that you have not taken appropriate action, the Municipal Building Surveyor may intervene and take any necessary action under the Building Act.

In the event it is necessary for the Municipal Building Surveyor to intervene, details of this matter may be referred to the Building Practitioner's Board and/or the Building Commission (both of Level 27, 2 Lonsdale Street, Melbourne 3000 - Ph 9285 6400, Fax 9285 6464).

Yours sincerely

Copy: Owner

Copy: Complainant

Letter to complainant advising of referral to PBS - H-'High Risk'

[COUNCIL LETTERHEAD]

[Insert name of Complainant]
[Insert address of Complainant]

Dear ,

Re: Building work at [insert address]

I refer to your concerns regarding building work at the above site.

Council records disclose that a private building surveyor has been appointed in relation to that building work.

The Building Act 1993 establishes a privatised system of ensuring compliance with the relevant legislation and codes. In circumstances such as this, where a private building surveyor has been appointed, it is that private building surveyor who has powers and responsibilities which enable and obligate them to deal with the matters raised by you.

I have therefore referred your concerns to the relevant private building surveyor for their action. A copy of that referral is enclosed.

The private building surveyor's details are as follows:

[Insert name and contact details of the relevant private building surveyor]

You may also wish to contact the private building surveyor directly.

The Building Practitioners Board is the professional regulating body in respect of all building practitioners including private building surveyors. The Building Commission also has powers to oversee private building surveyors.

Any matters relating to the conduct, functions or practices of the private building surveyor or other building practitioners may also be referred to the Building Practitioner's Board and/or Building Commission (both of Level 27, 2 Lonsdale Street, Melbourne 3000 - Ph 9285 6400, Fax 9285 6464).

In the event that the private building surveyor has not taken action in regard to your concerns within [insert time period] please advise this office accordingly.

Yours sincerely

Letter to PBS - E-‘Extreme Risk’

[COUNCIL LETTERHEAD]

[Insert name of PBS]
[Insert address of PBS]

Dear ,

Re: Building work at [insert address]

Council records disclose that you have accepted an appointment to carry out a private building surveyor's functions under Part 6 of the *Building Act 1993* in respect of the building/building work at the above address.

Information has been received by this office regarding [insert details of complaint].

I have reviewed the circumstances of this matter and am of the opinion that there is an imminent danger to life or property and as such, having considered the *Municipal Building Control Intervention Filter Criteria Policy*, as adopted by this Council, I have determined that it is necessary that I make an Emergency Order pursuant to section 102 of the *Building Act 1993*.

A copy is enclosed for your information.

The Emergency Order does not take away from your duties and powers with respect to the building work - however, if you are contemplating further enforcement in regards to these same issues I recommend that you consult with this office and possibly the Building Commission before doing so.

Yours sincerely

Municipal Building Surveyor

Copy: Owner

Copy: Complainant

Letter to complainant advising of Emergency Order and PBS - E-‘Extreme Risk’
[COUNCIL LETTERHEAD]

[Insert name of Complainant]
[Insert address of Complainant]

Dear _____,

Re: Building work at [insert address]

I refer to your concerns regarding building work at the above site.

Council records disclose that a private building surveyor has been appointed in relation to that building work.

The Building Act 1993 establishes a privatised system of ensuring compliance with the relevant legislation and codes. In circumstances where a private building surveyor has been appointed, it is that private building surveyor who has responsibility to deal with matters pertaining to the building work being undertaken at the site.

In the present circumstances however, I consider that there is a danger to life or property and as such, having also considered the *Municipal Building Control Intervention Filter Criteria Policy*, as adopted by this Council, I have determined that it is necessary that I make an Emergency Order pursuant to section 102 of the *Building Act 1993*.

I have forwarded a copy of that emergency order to the private building surveyor.

The private building surveyor's details are as follows:

[Insert name and contact details of the relevant private building surveyor]

You may also wish to contact the private building surveyor directly.

The Building Practitioners Board is the professional regulating body in respect of all building practitioners including private building surveyors. The Building Commission also has powers to oversee private building surveyors.

Any matters relating to the conduct, functions or practices of the private building surveyor or other building practitioners may also be referred to the Building Practitioner's Board and/or Building Commission (both of Level 27, 2 Lonsdale Street, Melbourne 3000 - Ph 9285 6400, Fax 9285 6464).

Yours sincerely
Municipal Building Surveyor

Letter to Building Practitioners Board

[COUNCIL LETTERHEAD]

The Chairperson
Building Practitioners Board
Building Commission

(Note: Insert current address)

Dear Sir/Madam

Re:[Insert name of building practitioner] - Request for Inquiry

Matters have come to the attention of Council, which in the view of Council, warrant the holding of an inquiry into the conduct of [insert name of building practitioner] who is/ was a registered building practitioner.

I request, pursuant to section 178(d) of the *Building Act 1993*, that the Building Practitioners Board conduct said inquiry.

I enclose a chronology of events as they concern the building practitioner in addition to a summary of what I believe are the matters complained of and copies of relevant documents.

Please do not hesitate to contact Council staff if further information and evidence is required.

I look forward to advice of the Board's decision in this matter.

Yours sincerely

Chief Executive Officer

Letter to the Building Commission requesting an investigation into the conduct of a building practitioner

[COUNCIL LETTERHEAD]

The Manager
Practitioner Compliance
Building Commission

(Note: Insert current address)

Dear Sir/Madam

Re: [Insert name of building practitioner/s]

A matter has come to the attention of Council which indicates that the conduct of the above practitioner/s warrant/s investigation by you.

The circumstances of this matter are set out in the enclosed chronology of events and summary of Council's concerns.

I request that you investigate the above practitioners and take the appropriate enforcement action.

Please advise me in due course of the results of your investigation.

Yours sincerely

Municipal Building Surveyor
[insert name of council]

Letter to the Building Commission requesting direction to PBS under s198

[COUNCIL LETTERHEAD]

The Building Commissioner
Building Commission

(Note: Insert current address)

Dear Sir/Madam

**Re: [Insert name of PBS]
Building Surveyor Functions**

A matter has come to the attention of Council which indicates that the functions of a private building surveyor under the *Building Act 1993* or *Building Regulations 1994* have not been carried out in an appropriate manner.

The circumstances of this matter are set out in the enclosed chronology of events and summary of Council's concerns.

This matter is currently a serious cause of concern.

A prompt direction to the private building surveyor by the Building Commission under section 198 of the Building Act may compel the private building surveyor involved to deal with the issue in an appropriate and timely manner. This would avoid or contain any unnecessary Council involvement and therefore enable proper administration of the private building surveyor's function.

It is therefore requested that the Building Commission review this matter and take appropriate action as a matter of urgency.

Please do not hesitate to contact Council staff if further information is required.

Yours sincerely

Chief Executive Officer

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OM092810-5**REVIEW OF MEETING PROCEDURES LOCAL LAW 4**

| | | | |
|-------------|--------------------------------|-----------|----------------------------|
| AUTHOR: | Colin Hayman | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN0159 Meeting Procedures |

Purpose

The purpose of this report is to seek Council's approval to commence the statutory process required to amend Council's Processes of Municipal Government Local Law No 4 and 4A.

Declaration of Interests

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

Background

The Colac Otway Shire's Process of Municipal Government Local Law No 4 came into operation on 24 September 2005. Local Law No 4A to adjust speaking times came into operation on 18 December 2006.

The Local Law provides for control of the common seal, election of the Mayor and the conduct of meetings of Council.

While Councils have the option to introduce Local Laws on a variety of issues, section 91 of the *Local Government Act* 1989 requires all Councils to have a Local Law to control the conduct of meetings of the Council. Except as provided for in the Act and in any local law, the conduct of meetings of a Council is at the Council's discretion.

Having regard to recent legislative changes a new Local Law has been prepared.

The *Local Government Amendment (Councillor Conduct and other Matters) Act* becomes operative on 2 December 2008 introducing extensive changes to governance arrangements for Councils. While the existing Processes of Municipal Government Local Law remain operative, a number of changes have been made to ensure it aligns to the *Local Government Act*.

As part of the review, Local Laws recently prepared by other Councils have also been viewed as well as consideration of advice received from Council's solicitors.

Council Plan / Other Strategies / Policy

This report is consistent with the Council Plan 2009-2013.

Under the key result area of Leadership and Governance there is a key action to review Council's Local Laws.

The Meeting Procedure Local Law is the first to be reviewed.

Issues / Options

Part 5 of the *Local Government Act* 1989 provides Councils with the authority to make local laws. It allows Councils to make local laws which incorporate any other codes, documents, standards, rules and specification. It also allows/restricts a local law to impose a penalty or fee in certain circumstances.

Any reference to a code or standard is taken to be a reference to the code or standard applicable at the time the local law was made; a further resolution of Council is required if the referenced code or standard is amended and is to be applicable within Council's local law.

The Act also provides that Council's local law may delegate the power to a Council officer to sign, seal, issue, revoke or cancel a licence and sign any document on behalf of the Council.

At all times a local law of Council is subordinate to the laws of the State.

Council must ensure that all local laws are printed and available to the public.

Unless revoked sooner, a local law applies to the municipality for a period of 10 years at which time the sunset provisions within the Act declare that it will no longer be valid. Unless revoked, any amendments to a local law does not activate the 10 year time period; therefore revocation of a current law is required for the full 10 year sunset period to take effect.

Review

As a result of the review a number of changes are proposed to the existing Local Law(s).

The review has included:

- An internal review
- Input from Councillors
- A review of other Council's Local Laws
- Advice from Council's solicitors

There have been a number of cosmetic changes re. numbering, grammar and administrative. Other changes of note include:

Change of title of Local Law

- Local Law 4 of 2009 has been renamed "Meeting Procedures and Common Seal".

| Clause | Alteration | Comments |
|---|---|--|
| 2(a). Objectives | Additional objective | To further strengthen the objectives |
| 5. Revocation Dates | Amendment to details regarding revocation of local law | Mechanical change required for update of document |
| 6. Definitions | Additional Definitions <ul style="list-style-type: none"> - Amendment - Authorised Officer - Joint Letter - Quorum - Petition - Resolution - Senior Officer - Working Day | To further clarify the document. |
| 14. Procedure for Election of Mayor | Clause has been changed | To be consistent with legislation |
| 20. Chairperson Duties and Responsibilities | New clause | To further clarify the duties and responsibilities of the Chairperson. |
| 21. Dates and Times of Meetings | Change to 7 days notice | To be consistent with legislation |

| | | |
|--|----------------|---|
| 23(c). Special Council Meetings | New part | To be consistent with legislation |
| 29(b). Inability to Maintain a Quorum | New part | To be consistent with legislation |
| 47. Recording of Vote | New clause | To further clarify current practice |
| 48. Equality of Votes | New clause | To be consistent with legislation |
| 55. Moving a Motion | New clause | To further clarify current practice |
| 96. Procedure Notice of Rescission | New part | To increase the clarity of the document |
| 103. Urgent and Other Business | Revised clause | To increase the clarity of the document |
| 104. Procedure relating to Petitions and Joint Letters | Revised clause | To increase the clarity of the document |
| 105. Public Participation | Revised clause | To revise the current practice of question time |
| 106. Councillor Conduct | New clause | To be consistent with the Councillors Code of Conduct |
| 113. Call of the Council | New clause | To put in place mechanism re. Call of the Council. |

Charter of Human Rights and Responsibilities Act 2006

Council's solicitors have reviewed the Local Law with respect to the Charter.

It has been noted that a handful of clauses impair the right of freedom of expression while others impair other rights set out in the Charter.

The solicitors have advised that in all cases however, it seems that the impairment can be justified under section 7(2) of the Charter.

Options

There are three options available to Council:

1. Release the draft Local Law No 4 for public comment in accordance with sections 119 and sections 223 of the *Local Government Act 1989*.
2. Make further amendments to Local Law No 4 before releasing for public comment.
3. Not proceed with the review of Local Law No 4. This is not preferred as enhancements proposed in the draft Local Law No 4 would be delayed until another future review.

The preferred option is to release the draft Local Law No 4 for public comment.

Proposal

That Council resolves to give notice of its intention to commence the process of amending Local Law 4 and 4A.

Financial and Other Resource Implications

The cost of completing the review of Colac Otway Shire's Local Law will include:

- Newspaper and Government Gazette advertising;

- Copying of documents;
- Legal advice;
- Officer time in preparation of documents.

Risk Management & Compliance Issues

Council must comply with Part 5 of the *Local Government Act* 1989, in regards to the procedure for making a local law. Council's requirements to make a local law governing the conduct of Council meetings is detailed in section 91 of the Act.

When making or amending a local law, Council must comply with the following provisions of the Act.

s111. Power to make Local Laws

Section 111 of the *Local Government Act* 1989 provides Councils with the authority to make local laws. These local laws are designed to assist Councils to balance the needs of the individual against the needs of the broader community. They are limited to areas in which local Councils have jurisdiction (except those things dealt with under the planning scheme) and cannot be inconsistent with any other laws (either state or federal).

s119. Procedure for making a Local Law

Before a Council makes a local law it must comply with the procedure contained within section 119. This procedure includes giving a notice in the Government Gazette and a public notice stating the purpose and general purport of the proposed local law, that a copy of the proposed local law can be obtained from the Council office and that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.

After a local law has been made the Council must give a notice in the Government Gazette and a public notice specifying the title of the local law; and the purpose and general purport of the local law; and that a copy of the local law may be inspected at the Council office. In addition, Council must send a copy to the Minister.

s.223. Right to make a Submission

Section 223 of the *Local Government Act* 1989 details that the submissions received must be heard by Council and that a person making a submission can specify in their submission that they (or representative) wish to appear before Council to be heard in support of the submission. In addition, Council must notify in writing, each person who has made a separate submission and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.

Environmental and Climate Change Considerations

Not applicable

Communication Strategy / Consultation

To date the review of Local Law No 4 and 4A has been undertaken with input from various internal stakeholders and Council's solicitors.

If approved for community release, a notice informing the community of the availability of the draft document will be placed in local newspapers and the Government Gazette. Copies of the Local Law will also be available for inspection at the Shire offices in Colac and Apollo Bay and will also be placed on the Shire's website for the submission period.

Under s223 of the Act the community will be able to provide submissions on the Local Law to Council. S223 requires a minimum of 28 days. It is intended that there will be a six week period of consultation.

To meet the 6 week period, the final adoption of the local law will not be able to be completed until January 2010.

Implementation

Following the Council's decision, a process to review the local law will commence.

Conclusion

A review of Local Law No 4 and 4A has commenced. As part of this process a draft document containing amendments to this law has been provided to Council for review. It is now timely and appropriate to release the draft document for public comment in accordance with sections 119 and 223 of the *Local Government Act 1989*.

Through the review process, a number of suggested changes have been made.

Attachments

1. Council Meeting Procedures and Common Seal Local Law No 4 - 2009

Recommendation(s)

That Council:

1. ***Pursuant to sections 119 and 223 of the Local Government Act gives notice in the Government Gazette and local media of its intention to make "Local Law No 4 – 2009 Council Meeting Procedures and Common Seal".***
2. ***In accordance with section 223 of the Local Government Act invites written submissions in regards to the draft Local Law No 4 – 2009 until 11 December 2009.***
3. ***Considers any submissions received in relation to the draft Local Law No 4 at the Council meeting to be held on Wednesday, 16 December 2009 at 3.00 pm.***
4. ***Considers adoption of the draft Local Law No 4 at the Ordinary Council meeting to be held in January 2010.***

~~~~~\ ~~~~~



Colac Otway  
SHIRE

*Naturally Progressive*

**COUNCIL MEETING PROCEDURES  
AND COMMON SEAL**

**LOCAL LAW NO 4 - 2009**

LOCAL LAW ADOPTED BY COUNCIL .....

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**COLAC OTWAY SHIRE COUNCIL**  
**MEETING PROCEDURES AND COMMON SEAL LOCAL LAW**

**No. 4 of 2009**

PART ONE – PRELIMINARY PROVISIONS

**1. TITLE**

This Local Law is the Colac Otway Shire Council, Council Meeting Procedures and Common Seal Local Law No 4. 2009 and is referred to hereunder as “this Local Law”.

**2. OBJECTIVES**

The objectives of this Local Law are to:

- (1) provide a mechanism to facilitate good governance and leadership by Council for the local community through its formal meeting procedure to ensure the primary objective and facilitating objectives set out under Section 3C of the *Local Government Act* 1989 are achieved;
- (2) regulate and control the use of Council’s Common Seal;
- (3) regulate and control the election of Mayor, Deputy Mayor and Chairperson of any Special Committees;
- (4) regulate proceedings at Council Meetings, Special Committee Meetings, Advisory Committee Meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply;
- (5) promote and encourage community participation in the government of the Council; and
- (6) revoke Local Law No 4 of 2005 – Processes of Municipal Government and Local Law No 4A of 2006.

**3. POWER TO MAKE THIS LOCAL LAW**

This Local Law is made under Sections 91 and 111 of the *Local Government Act* 1989.

**4. COMMENCEMENT AND SCOPE OF OPERATION OF THIS LOCAL LAW**

This Local Law:

- (1) comes into operation on .....; and
- (2) operates throughout the Municipal District.

## 5. Revocation Dates

- (1) Upon this Local Law coming into operation Local Law No. 4 of 2005, and Local Law No. 4A of 2006 are revoked.
- (2) Unless this Local Law is revoked sooner its operation will cease on the tenth anniversary of its commencement.

## 6. Definition of Words Used in this Local Law

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

"**Act**" means the *Local Government Act* 1989.

"**Advisory Committee**" means an Advisory Committee (however termed) established by Council, not being a Special Committee established under Section 86 of the Act.

"**Agenda**" means the notice of a Meeting setting out the business to be transacted at the meeting.

"**Amendment**" means a proposed alteration to the wording of a motion without being contradictory.

"**Authorised Officer**" means an Authorised Officer appointed under Section 224 of the Act.

"**Chairperson**" means the Chairperson of a Meeting and includes an Acting, temporary or substitute Chairperson.

"**Chief Executive Officer**" means the Chief Executive Officer appointed by the Council from time to time.

"**Clause**" means a clause of this Local Law.

"**Committee meeting**" means a meeting of a Special Committee or an Advisory Committee.

"**Common Seal**" means the common seal of Council.

"**Council**" means Colac Otway Shire Council.

"**Councillor**" means a person who is a member of Council.

"**Council Meeting**" includes an Ordinary Meeting and a Special Meeting of Council.

"**Division**" means a formal count of those for and against a motion, generally conducted to remove any doubt as to whether the motion is supported or opposed.

"**Formal Motion**" means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure.

"**Joint letter**" means a letter, application or objection from one or more persons on any subject which is not a petition.

"**Mayor**" means the Mayor of Council and includes an Acting Mayor.

"**Meeting**" means an Ordinary and a Special Meeting or a meeting of a Special Committee.

"**Member**" means a Councillor or member of a Special Committee.

"**Minutes**" means the record of proceedings of a meeting.

"**Municipal District**" means the area from time to time comprising the municipal district of Council.

"**Municipal Offices**" means the principal offices of Council.

"**Notice of motion**" means a notice setting out the text of a motion which a Councillor proposes to move at the next relevant Meeting.

"**Offence**" means an offence against this Local Law.

"**Ordinary Meeting**" means an ordinary meeting at which general business of Council may be transacted.

"**Penalty Units**" has the same meaning as in the *Sentencing Act* 1992.

"**Petition**" means a formal written application, typed or printed without erasure, from one or more persons whose name and physical address also appears and on which each page of the petition bears the wording of the whole of the petition.

"**Point of order**" means an objection to something said or to a ruling given in the course of a Meeting.

"**Quorum**" means the minimum number of Councillors or of a Special Committee required by this Local Law to be present in order to constitute a valid Meeting.

"**Resolution**" means a formal determination by a Meeting.

"**Senior Officer**" has the same meaning as in the Act.

"**Special Committee**" means a Special Committee established by Council pursuant to Section 86 of the Act.

"**Special Meeting**" means a special meeting convened in accordance with the Act.

"**Visitor**" means any person (other than a Councillor or member of Council staff) who is in attendance at a Council meeting, Special Committee meeting or at an Advisory Committee meeting.

"**Working day**" means a weekday which is not a public holiday in any part of the Municipal District.

**PART TWO – USE OF THE COMMON SEAL**

**7. Purpose**

The purpose of this Part is to regulate the use of the Common Seal and to prohibit the use of the Common Seal or any device resembling the Common Seal, as required by Section 5 of the Act.

**8. Use of the Common Seal**

Council may, by resolution, authorise the use of the Common Seal.

**9. Security of the Common Seal**

The Chief Executive Officer must keep the Common Seal in safe custody.

**10. Signature to Accompany Common Seal**

Every document to which the Common Seal is affixed must be signed by the Chief Executive Officer or his or her delegate.

**11. Unauthorised Use of the Common Seal**

Any person who:

- (1) uses the Common Seal without authority; or
- (2) uses any replica of the Common Seal,

is guilty of an offence.

## PART THREE – ELECTION OF THE MAYOR

### 12. Purpose

The purpose of this Part is to regulate the timing and proceedings for the election of Mayor.

### 13. The Election

- (1) The meeting to elect the Mayor must be held in accordance with Section 71 of the Act.
- (2) The agenda for the Meeting to elect the Mayor and any Deputy Mayor may include the taking of the oath by each Councillor made before the Chief Executive Officer under Section 63 of the Act.
- (3) The Chief Executive Officer will be the Chairperson (with no voting rights) at the Meeting to elect the Mayor and any Deputy Mayor, until such time as the Mayor has been elected.

### 14. Procedure for Election of Mayor

In conducting the election of Mayor the following will apply:

- (1) the election of the Mayor must be by a show of hands;
- (2) the Councillor who receives the majority of votes cast must be declared elected; and
- (3) for the purpose of sub-clause (2) the following will apply:
  - (a) nominations must be moved and seconded;
  - (b) where only one nomination is received, that Councillor must be declared elected;
  - (c) where two nominations are received, the Councillor with an absolute majority of votes cast must be declared elected;
  - (d) where there are more than two nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected, or if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate must be declared elected; and
  - (e) if for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated must be determined by simple majority vote. If there is an equality of votes with respect to the candidate to be eliminated, the candidate to be

eliminated will then be determined by lot conducted by the Chief Executive Officer in the presence of the Meeting.

**15. Determination by Lot**

The following provisions will apply if a lot is conducted to declare a candidate eliminated or a candidate duly elected:

- (1) each nominee will draw one lot;
- (2) the order of drawing lots will be determined by the alphabetical order of the surname of the Councillors who received an equal number of votes except that if two or more such Councillors surnames were identical the order will be determined by the alphabetical order of the Councillors' first names; and
- (3) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine which candidate is a defeated candidate, the word 'defeated' must be written on one of the pieces of paper and the Councillor who draws the paper with the word 'defeated' written on it must be declared the defeated candidate (in which event a further vote shall be taken on the remaining candidates). If the lot is being conducted to determine which nominee is to be duly elected, the word 'elected' must be written on one of the pieces of paper and the Councillor who draws the paper with the word 'elected' written on it must be declared to have been duly elected.

**16. Mayor to take Chair**

- (1) After the election of the Mayor is determined, the Mayor must take the Chair.
- (2) The Mayor must take the chair at all Ordinary and Special Meetings at which he or she is present.

**17. Deputy Mayor**

If Council resolves to appoint a Deputy Mayor, the provisions contained in this Part for the election of the Mayor will apply to the election of the Deputy Mayor with all necessary adaptations and modifications.

**18. Acting Chair in Mayor's Absence**

- (1) If the Mayor is unable to attend a Council meeting for any reason, the Deputy Mayor (if appointed) will be the Acting Chair.
- (2) If the Mayor or any Deputy Mayor is unable to attend a Council Meeting for any reason, an Acting Chair may be elected following the same procedure as that for an election of the Mayor (with all necessary adaptations).
- (3) If the Mayor is required to vacate the chair for a short period (whether on account of a conflict of interest or otherwise), the Deputy Mayor (if appointed) will be the Acting Chair. If no Deputy Mayor has been appointed, Council must elect an Acting Chair for that time. The procedure for election of an Acting Chair will be the same as for an election of the Mayor (with all necessary adaptations and modifications).

## PART FOUR – COUNCIL MEETINGS

### **19. Purpose**

The purpose of this Part is to regulate proceedings at all Council Meetings and, where applicable, Special Committee meetings.

### **20. Chairperson Duties and Responsibilities**

The Chairperson's duties and responsibilities are to:

- (1) formally declare the Meeting open after ascertaining that a quorum is present, and to welcome guest speakers and other visitors;
- (2) preside over and control the Meeting, conduct it impartially and according to this Local Law and established protocols in order to ensure the smooth passage of the business;
- (3) sign minutes of Meetings as correct when they have been confirmed;
- (4) present any reports for which he or she is responsible;
- (5) ensure that debates are conducted in the correct manner;
- (6) declare the results of all votes;
- (7) give rulings on points of order and other questions of procedure;
- (8) preserve order and, if necessary, "name" offending members; and
- (9) adjourn (when so resolved) or formally declare the Meeting closed when all business has been conducted.

### **21. Dates and Times of Meetings**

- (1) The date, time and place of all Ordinary Meetings are to be fixed by Council from time to time and at least 7 days notice must be provided before the holding of an Ordinary Meeting.
- (2) If urgent or extraordinary circumstances prevent at least 7 days notice, Council must give such public notice as is practicable and specify in the minutes the urgent or extraordinary circumstances which prevented at least 7 days notice being given.

### **22. Council may alter Meeting Dates**

Council may change the date, time and place of any Council Meeting which has been fixed and must provide at least 7 days notice of the changes to the public.

### **23. Special Meeting**

- (1) The notice necessary to call a meeting in accordance with Section 84 of the Act must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to Councillors.

- (2) In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.
- (3) If circumstances prevent at least 7 days notice of the meeting to the public, Council must give such public notice as is practicable and specify in the minutes the urgent or extraordinary circumstances which prevented at least 7 days notice being given.

#### **24. Notice of Meeting**

- (1) The Chief Executive Officer must ensure that the notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every Councillor:
  - (a) for an Ordinary Meeting at least 48 hours (including at least 1 working day) before the meeting;
  - (b) for a Special Meeting at least 24 hours (including at least 1 working day) before the meeting; and
  - (c) for a Special Committee meeting at least 48 hours (including at least 1 working day) before the meeting.
- (2) The notice or agenda for any Meeting must state the date, time and place of the Meeting and the business to be dealt with and must be sent by post or facsimile or be otherwise delivered to each Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillors.
- (3) A notice may be handed personally to a Councillor in any location within the time required, or may be delivered to another destination, provided a written authorisation of the relevant Councillor is held by the Chief Executive Officer.

#### **25. Meetings and Emergencies**

- (1) In the case of an emergency, the Chief Executive Officer or, in his or her absence, a Senior Officer after consultation with the Mayor, may postpone a meeting of Council provided reasonable attempts are made to notify every Councillor.
- (2) The Chief Executive Officer or Senior Officer must submit a full written report of the circumstances requiring his or her action to the next Ordinary Meeting.



## PART FIVE – QUORUM

### **26. Council Meetings**

The quorum required for Ordinary and Special Meetings will be not less than four (4) Councillors.

### **27. Special Committee Meetings**

The quorum required for Special Committee meetings will be not less than a majority of the members for the time being appointed to that Committee.

### **28. Inability to Gain a Quorum**

If a quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of any Meeting or adjournment, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence a Senior Officer, may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment.

### **29. Inability to Maintain a Quorum**

- (1) If during any Council Meeting or any adjournment of the Council Meeting, a quorum cannot be achieved and maintained, those Councillors present or if there are no Councillors present, the Chief Executive Officer, or in his or her absence a Senior Officer, may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.
- (2) If during any Council Meeting or adjournment a quorum cannot be achieved or maintained due to the number of declarations of conflict of interest by Councillors, the Chief Executive, or in his or her absence, a Senior Officer, may, notwithstanding sub-clause (1), adjourn the meeting for a length of time sufficient to enable an exemption for the affected Councillors to be obtained from the Minister.

### **30. Notice for an Adjourned Meeting**

The Chief Executive Officer may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur, then provided a reasonable attempt is made to contact each member, notice by telephone, facsimile, in person or by some other means will be sufficient.

## PART SIX – MINUTES

### 31. Keeping of Minutes

The Chief Executive Officer is responsible for arranging the keeping of minutes on behalf of Council.

### 32. No Debate on Confirmation of Minutes

No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record on the proceedings of the Meeting to which they relate is questioned.

### 33. Objection to Confirmation of Minutes

If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:

- (1) state the item or items with which he or she is dissatisfied; and
- (2) propose a motion clearly outlining the alternative wording to amend the minutes.

### 34. Deferral of Confirmation of Minutes

Council may defer the confirmation of minutes until later in the Meeting or until the next Meeting, as appropriate.

### 35. Contents of Minutes

- (1) In addition to the provisions of Section 93(6) of the Act, in keeping the minutes of any Meeting the Chief Executive Officer must arrange the recording of minutes so as to show:
  - (a) the names of Councillors and whether they are PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc;
  - (b) the names of Council staff in ATTENDANCE with their organisational titles;
  - (c) the name of any other person (other than members of the public gallery) IN ATTENDANCE at the Meeting and the organisation they represent or the capacity in which they attended;
  - (d) the arrival and departure times of Councillors, Council staff and other attendees during the course of the Meeting (including any temporary departures or arrivals);
  - (e) every motion and amendment moved, including the mover and seconder of any motion or amendment;
  - (f) the outcome of every motion, that is, whether it was put to the vote and the result of either CARRIED, LOST, WITHDRAWN, LAPSED, AMENDED etc and identification of those motions voted on by secret ballot;

- (g) Formal Motions (which might be highlighted);
  - (h) where there is opposition to a motion, the numbers for and against;
  - (i) where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR and AGAINST;
  - (j) when requested by a Councillor, a record of that Councillor's support or opposition for any motion;
  - (k) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
  - (l) details of any question directed or taken upon notice;
  - (m) details of any presentations or deputations made to Council;
  - (n) the time and reason for any adjournment of the Meeting or suspension of standing orders;
  - (o) disclosure of the declaration and the nature and type of any conflict of interest of a Councillor or member of Council staff declared at or identified to a meeting;
  - (p) if the Chairperson has used his or her casting vote and, if practicable, why it was used in a particular way; and
  - (q) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the Meeting or the reading of the minutes.
- (2) In addition the minutes must:
- (a) bear the date and time the Meeting was commenced, adjourned, resumed and concluded;
  - (b) be consecutively page numbered; and
  - (c) contain consecutive item numbers which are clearly headed with subject titles and, where appropriate, sub-titles and file references.
- (3) Every minute and the item to which it relates must be indexed through a central indexing system established and maintained by the direction of the Chief Executive Officer.

### **36. Prohibition of Unauthorised Recording of Meetings**

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the Meeting.

## PART SEVEN – BUSINESS OF MEETINGS

### DIVISION 1 – Order of Business

#### **37. The Order of Business**

- (1) The order of business of Council Meetings will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- (2) Although the preparation should aim at consistent agendas from Meeting to Meeting, this should not preclude altering the order of business to enhance the fluent and open process of government of Council, to meet identified needs of Council or to take advantage of opportunities which may arise from time to time.
- (3) In determining the agenda, the Chief Executive Officer should consider:
  - (a) the general attitude of Councillors, as expressed from time to time;
  - (b) convenience to the community and interested community groups, particularly in relation to the administration of the Municipal District;
  - (c) the sensitivity of issues;
  - (d) the interests of the community and community groups; and
  - (e) any other relevant factor which may impact on the fluent and open processes of the government of Council.

#### **38. Change to Order of Business**

Once an agenda has been sent to Councillors, the order of business for that Meeting may only be altered by resolution.

#### **39. Chief Executive Officer may include items on an Agenda**

The Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered by the Meeting.

#### **40. Meetings of Special Committees**

The provisions of clauses 37 to 39 (inclusive) apply to meetings of Special Committees except that the agenda will be relevant to the issues which are to be raised at the Special Committee, and any reference to Councillors extends to non-Councillor members of a Special Committee under Section 87 of the Act and any reference to Council is to be read as referring to the Special Committee under Section 87 of the Act.

DIVISION 2 – Voting at Meetings

**41. How Determined and by Show of Hands**

Subject to clauses 54 and 55, in determining a question before a Council meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting.

**42. When a Division is Permitted**

- (1) A division may be required by any Councillor on any matter.
- (2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

**43. Procedure for a Division**

Once a division has been requested the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion. The names of those Councillors voting both for and against the motion to be recorded in the minutes.

**44. Change Between the Original Vote and the Division**

No Councillor is prevented from changing his or her original vote at the voting on the division. The voting by division will determine Council's resolution on the issue.

**45. No Discussion once Declared**

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is:

- (1) for a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
- (2) where a subsequent notice of motion follows a rescission motion.

**46. Application to all Meetings**

The provisions of clauses 41 to 45 (inclusive) apply to meetings of Special Committees to the extent that they are relevant to the proceedings of any Special Committee, and any reference to Councillor in those clauses extends to any member of a Special Committee.

**47. Recording of Vote**

The Chief Executive Officer must record in the minutes of the Meeting the name of any Councillor who requires that his or her vote be recorded against the motion or amendment.

**48. Equality of Votes**

In the event of an equality of votes, the Chairperson has a casting vote except in cases where the Act provides that a matter is to be determined by lot.

DIVISION 3 – Addressing the Meeting

**49. Addressing the Meeting**

- (1) Except for the Chairperson, any Councillor or person who addresses the meeting must stand and direct all remarks through the chair.
- (2) Despite sub-clause (1), the Chairperson may permit any Councillor or person to remain seated while addressing the chair, for reasons of sickness, infirmity, disability or otherwise at his or her discretion.
- (3) Any person addressing the chair should refer to the Chairperson as:
  - (a) Madam Mayor or Mayor;
  - (b) Mr Mayor or Mayor;
  - (c) Madam Chairperson; or
  - (d) Mr Chairperson,as the case may be.
- (4) All Councillors, other than the Mayor, should be addressed as Cr..... (name).
- (5) All Council staff, should be addressed by position or title or as Mrs, Ms, Miss or Mr..... (name).

**50. Suspension of Standing Orders**

- (1) Subject to clause 51, the provisions of this Local Law may be suspended for a particular purpose by resolution.
- (2) The suspension of such provisions (the suspension of standing orders) should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- (3) The purpose of the suspension is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- (4) The suspension should not be used purely to dispense with the processes and protocol of the governance of Council. An appropriate motion would be “That Standing Orders be suspended to enable discussion on.....”
- (5) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be “That Standing Orders be resumed.....”

**51. Right to Ask Questions**

- (1) A Councillor may, at any time when no other Councillor is speaking, ask any question of clarification concerning the motion or amendment before the chair.
- (2) The Chairperson has the discretion to restrict the number of questions asked and answered to allow for the orderly flow of the meeting.

**52. No Motions May be Accepted During Suspension of Standing Orders**

No motion may be accepted by the chair or be lawfully dealt with during any suspension of standing orders.

**53. Interruption for Point of Order**

A Councillor who is addressing the Meeting must not be interrupted unless called to order, when he or she must sit down and remain silent until the Councillor raising the point of order has been heard and the question disposed of.

## PART EIGHT – OTHER MEETING PROCEDURES

### DIVISION 1 – Matters Not Provided For

#### 54. Matters Not Provided For

Where a situation has not been provided for under this Local Law, Council may determine the matter by resolution.

### DIVISION 2 – Motions

#### 55. Chairperson's Duty

Any motion or amendment which:

- (1) is defamatory; or
- (2) is objectionable in language or nature; or
- (3) is outside the powers of Council; or
- (4) is not relevant to the item of business on the agenda and has not been admitted as urgent business; or
- (5) purports to be an amendment but is not,

must not be accepted by the Chairperson.

#### 56. Moving a Motion

The procedure for any motion is:

- (1) a mover who is proposing a motion or amendment must first state briefly the nature of the motion or amendment and then move it, without speaking to it;
- (2) the Chairperson must then call for the motion or amendment to be seconded and, after it is seconded (by any Councillor other than the mover), the mover may then speak to it or may, with the consent of the Chairperson, defer speaking on it until later in the debate;
- (3) any motion or amendment which is not seconded lapses;
- (4) the Chairperson may ask after a motion or amendment is moved and seconded whether it is opposed and if no opposition is indicated he or she may then put it to the vote, without debate. Similarly, the Chairperson may ask at any time during the debate whether the motion or amendment before the Meeting is opposed or is further opposed and if no opposition or no further opposition is indicated, he or she may put it to the vote, without further debate; and
- (5) if a Councillor indicates opposition, then the Chairperson must request:
  - (a) the mover to address Council on the motion;



- (b) the seconder to address Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate);
- (c) any Councillor opposed to debate the motion; and
- (d) any other Councillors for and against the motion to debate in turn.

**57. Right of Reply**

- (1) The mover of an original motion (whether amended or not) may, once debate has been exhausted, exercise a right of reply to matters raised during debate.
- (2) After the right of reply has been exercised, the motion must be immediately put to the vote without any further discussion or debate.

**58. No Right of Reply for Amendments**

No right of reply is available where an amendment is before Council.

**59. Moving an Amendment**

A motion having been moved and seconded may be amended by leaving out, inserting or adding words, which words must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.

**60. Who May Propose an Amendment**

Any Councillor, except the mover or seconder of the motion, may move or second an amendment to the motion.

**61. Who May Debate an Amendment**

A Councillor may address the Meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.

**62. How Many Amendments May be Proposed**

Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.

**63. An Amendment once Carried**

If the amended motion is carried, it becomes the question before the chair.

**64. Foreshadowing Motions**

- (1) At any time during debate a Councillor may foreshadow a motion to inform Council of his or her intention to move a motion at a later stage in the Meeting, but this does not extend any special right to the foreshadowed motion.

- (2) A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the chair is resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting.
- (4) The Chief Executive Officer is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved, but may do if it is thought appropriate.

**65. Withdrawal of Motions**

Before any motion is put to the vote, it may be withdrawn with the agreement of Council.

**66. Separation of Motions**

Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.

**67. Chairperson May Separate Motions**

The Chairperson may decide to put any motion to the vote in separate parts.

**68. Motions in Writing**

- (1) The Chairperson may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.
- (2) The Chairperson may suspend the Meeting while the motion is being written or may request Council to defer the matter until the motion has been written, allowing the Meeting to proceed uninterrupted.

**69. Debate Must be Relevant to the Motion**

- (1) Debate must always be relevant to the question before the chair, and if it is not, the Chairperson may request the speaker to confine debate to the subject motion.
- (2) If, after being requested to confine debate to the motion before the chair, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to be seated and not speak further in respect of the matter then before the chair. The speaker must comply with any such direction.

**70. Speaking Times**

- (1) A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson or by Council under Division 3:
  - (a) the mover of a motion or amendment – five minutes;
  - (b) any other Councillor – three minutes; and

- (c) the mover of a motion when exercising his or her right of reply – two minutes.
- (2) Where the Chairperson allows discussion on an item, the maximum speaking time for a Councillor will be three minutes.

### DIVISION 3 – Extension of Speaking Time

#### **71. By Resolution of the Council**

An extension of speaking time may be granted by resolution of Council.

#### **72. When an Extension Can be Proposed**

A motion for an extension of speaking time must be proposed:

- (1) immediately before the speaker commences debate;
- (2) during the speaker's debate; or
- (3) immediately after the speaker has concluded debate.

#### **73. No Extension after Next Speaker Commenced**

A motion for an extension of speaking time cannot be accepted by the Chairperson if another speaker has commenced his or her debate.

#### **74. Length of Extension**

Any extension of speaking time must not exceed three minutes.

### DIVISION 4 – Points of Order

#### **75. Chairperson to Decide**

The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

#### **76. Chairperson May Adjourn to Consider**

- (1) The Chairperson may adjourn the Meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- (2) All other matters before Council are to be suspended until the point of order is decided.

#### **77. Final Ruling on a Point of Order**

- (1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present carry a motion of dissent.
- (2) A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the Chairperson's ruling.

- (3) A motion of dissent in relation to a point of order is not a motion of dissent in the Chairperson, and the Chairperson must at all times remain in the chair and he or she will maintain his or her right to a second vote.
- (4) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Chairperson.

**78. Procedure for Point of Order**

- (1) A Councillor raising a point of order must:
  - (a) state the point of order; and
  - (b) refer to any section, clause, paragraph or provision relevant to the point of order.
- (2) Any Councillor interrupted by another Councillor calling for a point of order must remain silent until the Councillor raising the point of order has been heard and the question disposed of by the Chairperson.

**79. Valid Points of Order**

A point of order may be raised in relation to:

- (1) a procedural matter;
- (2) a Councillor who is or appears to be out of order; or
- (3) any act of disorder.

**80. Contradiction of Opinion**

Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

**81. Adjournment and Resumption of Meeting**

- (1) The Chairperson or Council may adjourn any Meeting until a time and place to be determined at the time of the adjournment.
- (2) For the purpose of stating the time to which the Meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

**DIVISION 5 – Formal Motions**

**82. Formal Motions**

- (1) A Formal Motion is a motion relating to procedural matters only.
- (2) Unless otherwise prohibited, a Formal Motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (3) Formal Motions are not required to be seconded.

- (4) The mover of a Formal Motion must not have moved, seconded or spoken to the question before the chair or any amendment of it.
- (5) A Formal Motion cannot be moved by the Chairperson.
- (6) Unless otherwise provided, debate on a Formal Motion is not permitted and the mover does not have a right of reply.
- (7) Unless otherwise provided, a Formal Motion cannot be amended.

**83. Laying the Question on the Table**

- (1) A motion may be moved "That the (question, letter, document, report etc) lay on the table".
- (2) The motion in sub-clause (1):
  - (a) is a Formal Motion which may be debated and, if carried, has the effect of adjourning any further debate on the matter currently before Council until such time (if any) as Council resolves to take the question from the table;
  - (b) if carried in respect to an amendment, has the effect that both the original motion and the amendment will be adjourned; and
  - (c) prevents debate on the matter currently before Council proceeding until a motion to take the question from the table is passed.

**84. Proceed to Next Business**

- (1) A motion may be moved "that the meeting proceed to the next business".
- (2) The motion in sub-clause (1):
  - (a) is a Formal Motion which cannot be moved during the election of Chairperson;
  - (b) if carried in respect to an original motion, requires the Chairperson to direct the Meeting to the next item of business;
  - (c) if carried in respect to a Formal Motion, disposes of the Formal Motion immediately and permits debate upon the original motion to proceed;
  - (d) if carried in respect to an amendment, disposes of the amendment immediately and permits debate upon the original motion to proceed but no similar amendment may be moved at that Meeting or any adjournment of it; and
  - (e) if lost, allows debate to continue unaffected.

**85. The Previous Question**

- (1) A motion may be moved "That the motion now not be put".
- (2) The motion in sub-clause (1):

- (a) is a Formal Motion which cannot be moved while there is an amendment before the chair or during the election of a Chairperson;
  - (b) if carried, prevents the original motion to which it relates being dealt with at that Meeting or any adjournment of it; and
  - (c) if lost, requires that the original or substantive motion to which it relates be put to the vote immediately without any further debate or amendment;
- (3) The Chairperson has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated.
- (4) Adequate debate arises when every Councillor who wishes to put a view has had an opportunity to do so.

#### **86. The Closure**

- (1) A motion may be moved "That the motion be now put".
- (2) The motion in sub-clause (1):
- (a) is a Formal Motion which, if carried in respect to an original motion, requires that the original motion must be put to the vote immediately, without any further debate, discussion or amendment;
  - (b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
  - (c) if lost, allows debate to continue unaffected.
- (3) The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not been sufficiently debated.
- (4) Sufficient debate arises when those possessing different views have been given an opportunity to state them.

#### **87. Adjourning the Debate**

- (1) A motion may be moved "That the motion and amendments now before the meeting be adjourned until a later hour or date".
- (2) The motion in sub-clause (1):
- (a) is a Formal Motion which cannot be moved while any person is speaking or during the election of a Chairperson;
  - (b) may be debated but may only be amended in relation to that time, date and place of the proposed adjournment; and

- (c) should provide a date or time to which the adjournment is sought but if no date or time is included, it may be relisted at the discretion of the Chief Executive Officer or upon a subsequent resolution of Council.

- (3) If lost, allows debate to continue unaffected.

#### DIVISION 6 – Notice of Motion

#### **88. Must be Listed on Agenda**

A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the Meeting at which it is proposed to be moved.

#### **89. Procedure**

A Councillor may give notice of motion on any matter he or she wants discussed at a Meeting by delivering a notice of motion outlining the subject and the motion proposed for discussion to the Chief Executive Officer.

#### **90. Rejection of a Vague Notice**

The Chief Executive Officer:

- (1) may reject any notice of motion that is too vague, but before rejecting it must give the Councillor delivering the notice an opportunity to amend it; and
- (2) must notify the relevant Councillor of any notice of motion which has been rejected and give the reasons for its rejection.

#### **91. Listing Notice on Agenda**

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of motion and if more than one, in the order they were received, on the next appropriate Meeting agenda.

#### **92. Register of Notices**

The Chief Executive Officer must cause every notice of motion received to be sequentially numbered and maintained in a register.

#### **93. May be Moved by any Councillor and Amended**

A notice of motion listed on a Meeting agenda may be moved by any Councillor present and, except where the notice of motion is to confirm a previous resolution of the Council, may be amended.

#### **94. Exception for Confirmation of Previous Resolution**

If a notice of motion to confirm a previous resolution of Council cannot be carried in its original form, it is lost.

**95. If Lost**

Unless Council resolves to re-list at a future Meeting a notice of motion which has been lost, a similar motion must not be put before Council for at least three months from the date it was last lost.

DIVISION 7 – Notice of Rescission

**96. Procedure**

(1) A Councillor may propose a motion to rescind a decision of the Council provided:

- (a) the previous motion has not been acted upon; and
- (b) a notice is delivered to the Chief Executive Officer outlining:
  - (i) the decision proposed to be amended or rescinded; and
  - (ii) the Meeting and date when the decision was made.

(2) A resolution will be deemed to have been acted on if:

- (a) its contents or substance has been formally communicated to a person whose interests are materially affected by it; or
- (b) a statutory process has been commenced,

so as to vest enforceable rights in or obligations on Council or any other person.

**97. Listing Notice on Agenda**

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate Meeting agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.

**98. If Lost**

Unless Council resolves to re-list at a future Meeting a notice to rescind which has been lost, a similar motion must not be put before Council for at least three months from the date it was last considered.

**99. If Not Moved**

If a notice of rescission is not moved at the Meeting for which it is listed, it will lapse.

**100. May be Moved by any Councillor**

A notice of rescission listed on an agenda may be moved by any Councillor present but cannot be amended.



**101. When Not Required**

A notice of rescission is not required where Council wishes to change a previous decision relating to policy of Council.

**102. Register of Notices**

The Chief Executive Officer must cause every notice of rescission received to be sequentially numbered and to be maintained in a register.

**103. Urgent and Other Business**

Business must not be admitted as urgent business unless:

- (1) it relates to or arises out of a matter which has arisen since distribution of the agenda;
- (2) it cannot safely or conveniently be deferred until the next Ordinary Meeting; and
- (3) Council resolves to admit an item considered to be urgent business.

**DIVISION 8 – Petitions and Joint Letters**

**104. Procedure Relating to Petitions and Joint Letters**

- (1) Unless Council determines by resolution to consider it as an item of urgent business, no motion (other than a motion to receive the same and advise the head petitioner of Council's decision) may be made on any petition, joint letter, memorial or other like application until the next Ordinary Meeting after that at which it has been presented.
- (2) It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to Council and that the contents do not violate any Local Law.
- (3) Every Councillor presenting a petition or joint letter to Council must write his or her name at the beginning of the petition or joint letter.
- (4) Every petition or joint letter presented to Council must be in writing (other than pencil) or be typed or printed, contain the request of the petitioners or signatories and be signed.
- (5) Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

**DIVISION 9 – Public Participation**

**105. During Meetings**

- (1) There must be a public question time not exceeding thirty minutes at every Ordinary Meeting to enable members of the public to submit questions to Council. Public question time may be extended at the discretion of the Chairperson.

- (2) At every Special Meeting, other than a meeting where the sole purpose is to hear submissions in accordance with Section 223 of the Act, a public question time not exceeding thirty minutes will be held to enable any member of the public to question Council but only on items included in the agenda of the Special Meeting.
- (3) All questions submitted to Council must be in writing, stating the name and address of the person submitting the question and generally be in the form set out in Schedule 2.
- (4) The Mayor or Chairperson may reject any question deemed irrelevant, objectionable or out of order, in any way.
- (5) Any member of the community asking a question of Council must extend due courtesy and respect to Council and the processes under which it operates, and must take direction from the Chairperson whenever called upon to do so.
- (6) Sub-clause (1) does not apply during any period when the Council has resolved to close the meeting in respect of a matter under Section 89(2) of the Act.
- (7) Subject to sub-clauses (1) to (5) (inclusive), public question time will be conducted as set out in Schedule 2.

#### DIVISION 10 – Conduct and Discipline

##### **106. Councillor Conduct**

- (1) During the course of any Council Meeting, Councillors must comply with the *Councillors Code of Conduct* as adopted by Council from time to time.
- (2) No Councillor may digress from the subject matter under discussion or comment on the words used by any other Councillor in a previous debate, and all imputations of improper motives and all personal reflections on Councillors will be deemed out of order.

##### **107. Objectionable Remark**

- (1) The Chairperson may require a Councillor to withdraw any remark which is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature and to satisfactorily apologise when called upon by the Chairperson to do so.
- (2) A Councillor required to withdraw a remark and apologise must do so immediately without qualification or explanation.
- (3) The Chairperson must not accept any motion, question or statement which appears to the Chairperson to be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public.

##### **108. Gallery to be Silent**

- (1) Visitors must not interject or take part in the debate.
- (2) Silence must be preserved in the gallery at all times.

**109. Improper or Disorderly Conduct**

- (1) The Chairperson must call to order any person who is disruptive or unruly during any Meeting.
- (2) Any person who fails to obey a direction of the Chairperson relating to the conduct of the Meeting and maintenance of order will be guilty of an offence.
- (3) Any person, not being a Councillor, who is guilty of any improper or disorderly conduct must leave the Meeting when requested by the Chairperson to do so.

**110. Suspensions**

- (1) Council may suspend from a Meeting, and for the balance of the Meeting, any Councillor whose actions have disrupted the business of Council and have impeded its orderly conduct.
- (2) A Councillor who refuses to leave the Council Meeting on suspension will be guilty of an offence.

**111. Removal from the Council Chamber or Meeting Room**

- (1) If any visitor is called to order by the Chairperson and thereafter again acts in breach of this Local Law, the Chairperson may order him or her to be removed from the gallery.
- (2) The Chairperson, or Council in the case of a suspension under clause 110, may ask any Authorised Officer or member of the police force to remove from the Council Meeting or the chamber or room in which it is being held any person who acts in breach of this Local Law or whom the Chairperson has ordered to be removed from the gallery under sub-clause (1).

**112. Chairperson may Adjourn Disorderly Meeting**

If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Meeting, he or she may adjourn the Meeting to a later time on the same day or to some later day as he or she thinks proper.

**DIVISION 11 – Call of the Council**

**113. Call of the Council**

Where a quorum cannot be formed or maintained due to the absence of Councillors, the Chief Executive Officer must, before initiating a Call of the Council under Section 85 of the Act, make reasonable attempts to contact the absent Councillors:

- (1) to ascertain any reason they have for not attending the earlier Meeting; and
- (2) to discuss their attendance at any Call of the Council meeting which may be called.

## PART 9 – SPECIAL COMMITTEES

### DIVISION 1 – Special Committees Comprised Solely of Councillors

#### 114. Application Generally

- (1) If Council establishes a Special Committee comprised solely of Councillors, all of the provisions of Parts 4 to 8 (inclusive) of this Local Law will apply with any necessary modifications or adaptations.
- (2) For the purpose of sub-clause (1) a reference in Parts 4 to 8 (inclusive) of this Local Law to:
  - (a) a Council Meeting is to be read as a reference to a meeting of the Special Committee;
  - (b) a Councillor is to be read as a reference to a member of the Special Committee; and
  - (c) the Mayor is to be read as a reference to the Chairperson of the Special Committee.
- (3) Special Committees must only deal with matters within the scope of their terms of reference or their rules and responsibilities.
- (4) A Special Committee must otherwise meet at times and places which the Special Committee determines, unless otherwise directed by Council.

#### 115. Application Specifically

Notwithstanding clause 114, if Council establishes a Special Committee:

- (1) Council may; or
- (2) the Special Committee may with the approval of Council,

resolve that any provision or provisions of Parts 4 to 8 (inclusive) is or are (as appropriate) not to apply, whereupon that provision or those provisions will not apply until Council resolves, or the Special Committee with the approval of Council resolves, otherwise.

PART 10 – OFFENCES AND PENALTIES

**116. Offences**

(1) It is an offence for:

- (a) a Councillor to refuse to withdraw a remark considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature and to refuse or neglect to satisfactorily apologise after having been requested by the Chairperson to do so;

**Penalty : Ten (10) Penalty Units**

- (b) any person (not being a Councillor) who is behaving in a disorderly or improper manner, to refuse to leave the Meeting room when requested to do so;

**Penalty: Ten (10) Penalty Units**

- (c) any person to fail to obey a direction of the Chairperson in relation to the conduct of the Meeting and the maintenance of order;

**Penalty: Ten (10) Penalty Units**

- (d) a Councillor to refuse to leave the Meeting upon suspension;

**Penalty: Ten (10) Penalty Units**

- (e) any person to use the Common Seal without the authority of Council;

**Penalty: Ten (10) Penalty Units**

- (f) any person to use any replica of the Common Seal; and

**Penalty: Ten (10) Penalty Units**

- (g) any person to append to a petition or joint letter a signature purporting to be that of any other person or in the name of any other person.

**Penalty: Ten (10) Penalty Units**

**117. Infringement Notices**

An Authorised Officer may issue an infringement notice on any person who has committed an offence against this Local Law in the form of the notice prescribed in Schedule 1.

**118. Payment of Penalty**

- (1) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Colac Otway Shire, PO Box 283, Colac, Victoria, 3250.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to defend the prosecution in court.

**SCHEDULE 1  
INFRINGEMENT NOTICE**

Date .....

Notice No.....

To.....  
(name and address)

I, (name of authorised officer) have reason to believe that you have committed an offence against the Council Meeting Procedures and Common Seal Local Law No 4 2009 of the Colac Otway Shire Council as indicated below:

| Date | Time | Clause of Local Law | Penalty * |
|------|------|---------------------|-----------|
|      |      |                     |           |

|                             |
|-----------------------------|
| Description of the offence: |
|                             |

|                          |
|--------------------------|
| Location of the offence: |
|                          |

If you pay the penalty indicated within 28 days from the date of this notice to the:

Colac Otway Shire, PO Box 283, Colac Vic 3250 (2-6 Rae Street Colac)

by cheque, cash or money order for the full amount this matter will not be brought to court and no conviction will be recorded.

You are entitled to disregard this Infringement Notice and defend the prosecution for the offence in Court.

Should you wish to make any submission concerning this infringement notice contact should be made with the Council's Authorised Officer.

.....  
(signed by Authorised Person/Officer)

\* A Penalty Unit is set and calculated in the *Monetary Units Act* 2004. As of 1 July 2009 one Penalty Unit is \$116.82. The rate for Penalty Units is indexed annually. Any change to the value of a Penalty Unit will happen on 1 July each year.

## SCHEDULE 2

### COLAC OTWAY SHIRE COUNCIL COUNCIL MEETINGS – QUESTION TIME

Please note the following procedures/conditions apply to the operation of Question Time (clause 105):

#### **Purpose**

Council has provided the opportunity for members of the public to ask questions related to issues in which Council has a direct interest or responsibility.

#### **Where, When and Who**

The public question time is held at every Ordinary Council Meeting commencing at 3.00 pm. A maximum of 30 minutes has been provided for written questions and for questions without notice.

For Special Council Meetings other than a meeting where the sole purpose is to hear submissions in accordance with S223 of the Act a public question time will be held. Only questions related to the agenda will be accepted.

#### **How to Register a Question**

1. Members of the public are encouraged to register a question not related to the Council agenda to be put to Council in the public question time so that a more well researched and complete response can be provided.
2. Questions can be submitted on the form attached or alternatively, the relevant information provided to Council.
3. Questions are encouraged to be lodged to the Chief Executive Officer, 2-6 Rae Street, Colac by 5.00 pm on the Monday preceding the scheduled meeting.
4. Persons registering a question will need to complete and/or submit the following information:
  - Name
  - Address
  - Organisation (if applicable)
  - Date of Submission
  - Question
5. If the person who submitted the question is not in the gallery, the text of the question shall not be read to Council.
6. The Chairperson shall read each question. The questioners or their representatives shall remain in the gallery.

#### **Questions without Notice**

1. Questions without notice relating to the Council Meeting agenda for that day are also encouraged.



2. All questions must be in writing, generally in a form detailed in this Schedule..
3. Questions without notice may not be able to be answered at the meeting and may need to be followed up later in writing.
4. Questions without notice may not be able to be put to the meeting if the time allocated for questions has expired before that opportunity arises.

### **Acceptance of Questions**

1. If the Chairperson so permits, a second speaker may support or add to an answer given, but questions shall not be debated by Council during question time.
2. Questions shall be addressed to the Chairperson whose prerogative it is to direct who shall answer each question.
3. If a person has submitted 2 or more questions to a meeting, the second question and beyond:
  - (a) may at the discretion of the Chairperson, be deferred until all other persons who have asked a question have had their first question asked and answered; or
  - (b) may not be asked if the time allotted for public question time has expired;
  - (c) where questions have not been asked a response can be provided in writing after the meeting.
4. All questions and answers must be as brief as possible and no discussion may be allowed other than for the purposes of clarification.
5. The Chairperson will only accept the question if it:
  - (a) Does not relate to a matter of the type described in Section 89(2) of the Act;
  - (b) Does not relate to a matter ultra vires of Council;
  - (c) Is not defamatory, indecent, abusive or objectionable in language or substance;
  - (d) Is not repetitive of a question already answered (whether at the same or an earlier meeting);
  - (e) Is not asked to embarrass a Councillor or member of Council staff;
  - (f) Is a succinct "question" in form and character and not a "statement";
  - (g) Is a question of Council but not to or seeking the views of a particular Councillor or officer?

### **Detailed Responses**

Questions requiring detailed research or detailed answers may be answered by letter.



**PUBLIC QUESTION TIME – COUNCIL MEETINGS**

NAME .....

ADDRESS: .....

ADDRESS TO BE DISCLOSED:  Yes  No

ORGANISATION REPRESENTED: .....

.....

CONTACT TELEPHONE: .....

DATE OF COUNCIL MEETING: .....

QUESTION (Maximum two questions per form)

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SIGNATURE: ..... DATE: .....

- (a) There will be a question time at Council meetings to enable members of the gallery to ask questions.
- (b) All questions must be in writing.
- (c) All questions are to be as brief as possible and no discussion may be allowed other than for the purposes of clarification.

Resolution for making this Local Law was agreed to by Colac Otway Shire Council on the

.....

**SIGNED SEALED AND DELIVERED** )  
The common seal of the Colac-Otway )  
Shire Council was hereto affixed in )  
accordance with its Local Law No 4 )

.....  
Chief Executive Officer

This ..... day of .....200 .....

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated the..... and the .....respectively.

Public notice of the proposal to make and confirmation of the making of this Local Law were inserted in the..... on ..... and ..... respectively.

A copy of this Local Law was sent to the Minister for Local Government on .....

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OM092810-6

**BARWON SOUTH WEST REGIONAL TRAILS MASTER PLAN PROJECT**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Marg Scanlon                   | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | gen00374     |

**Purpose**

The purpose of this report is to provide Council with the Final Barwon South West Regional Trails Master Plan reports, to seek Councils endorsement and to advise Council of the proposed implementation of this Master Plan.

**Declaration of Interests**

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

**Background**

The Barwon South West Regional Trails Master Plan project formally commenced in August 2008 with the engagement of *Inspiring Place* to undertake the development of the master plan in accordance with the agreed project brief.

The Final Master Plan recommends from the lists of potential prospects, thirteen (13) trails and four (4) mountain bike hubs to form the regional trails network. The trails selected include;

**Regional Walking Trails**

- Barwon River Trails and Parklands - City of Greater Geelong
- Queenscliff to Barwon Heads Coastal Trail - Greater Geelong City Council Geelong
- Waterfront and Cycle Connections - Greater Geelong City Council
- Bellarine Rail Trail - Greater Geelong City Council
- Great Ocean Walk - Colac Otway Shire Council and Corangamite Shire Council
- Surf Coast Walk - Surf Coast Shire Council
- Coast to Crater Rail Trail - Corangamite Shire Council
- Old Beechy Rail Trail - Colac Otway Shire Council
- Great South West Walk - Glenelg Shire Council
- Glenelg River Canoe and Kayak Trail - Glenelg Shire Council
- Warrnambool – Port Fairy Rail Trail, Warrnambool City Council, Moyne Shire Council
- Warrnambool Foreshore Promenade - City of Warrnambool
- Wild Grampians Walk – Southern Grampians Shire

**Regional Mountain Bike Trail Hubs**

- You Yangs MTB Park - City of Greater Geelong
- Angelsea Heath Bike Park - Surf Coast Shire Council
- Forrest MTB Park - Colac Otway Shire Council
- Grampians MTB Park (proposed) - Southern Grampians Shire

In August 2009 Council received a report outlining the project objectives, process, consultation and submissions received further to the public display period of the draft Master Plan. Further changes have been made to the document to reflect and respond to the submissions received although the submissions received did not alter any of the draft

recommendations. It should be noted at this point that not all submissions received pertained to Colac Otway Shire specifically. The three submissions received of particular relevance to the Colac Otway Shire have been considered and reflected within the final report accordingly. In summary the submissions received which specifically refer to Colac Otway included the following;

Otways Tourism: Strong support for the Master Plan for Regional Trails and specifically with regard to promotion, marketing, socialisation, economically and funding. Supports the recommendations of data collection, development of infrastructure and website development. Requests inclusion of the Trans Otway Waterfall Walk in the Master Plan.

Otway Ranges Walking Track Association: Recommends the Trans Otway Waterfall Walk be included in the Master Plan.

Lavers Hill and District Progress Association: Request for a safe walking and cycling track to be included in the Master Plan from Lavers Hill to Melba Gully.

Neither the Trans Otway Waterfall Walk or the proposed shared pathway between Lavers Hill and Melba Gully are defined as a regional trail on their own entity and therefore are not recommended within the Final Master Plan. However through other relevant strategies both the Trans Otway Waterfall Walk and the shared pathway from Lavers Hill to Melba Gully are being considered.

Council Officers continue to work with the Otway Ranges Walking Track Association in partnership with Parks Victoria to scope the feasibility of the proposed Trans Otway Waterfall Walk. At this point in time funding options are being explored to undertake a detailed feasibility study on this proposal. Council Officers are also working in partnership with the Otway Ranges Walking Track Association to determine Apollo Bay private land owners interest in supporting the further exploration of a shared pathway.

Consistent with the Old Beechy Rail Trail Master Plan it is the medium term intent to provide a link between Lavers Hill and Crowes. While this section alone is not recognised as a regional trail, the Old Beechy Rail Trail and the further improvements and extensions are recognised as a regional trail within the Barwon South West Regional Trails Master Plan.

The submission received from Bushwalking Victoria is also acknowledged within the Master Plan specifically with reference to trail specifications and guidelines.

Although both the Great Ocean Walk and the Forrest Mountain Bike Trails are in the Colac Otway Shire these are located on land managed directly by Parks Victoria and therefore Council have no direct input to their

The Master Plan also makes recommendations regarding a more co-ordinated approach to the ongoing implementation of the Master Plan specifically regarding marketing of the regional trails, management and maintenance. It is recommended that the *Regional Managers Forum should form a Regional Trails Sub-Committee, based on the current structure of the Project Control Group from the Barwon South West Regional Trails Master Plan*. It is proposed that this Sub-Committee would drive the ongoing implementation of the Master Plan.

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

The Barwon South West Regional Trail Master Plan project is consistent with the Council Plan and the Colac Otway 2006-2010 Recreation Strategy.

**Issues / Options**

There are no issues for the Colac Otway Shire as the Barwon South West Regional Trails Master Plan is consistent with previously endorsed strategies and any further proposed developments would be subject to further Council consideration and endorsement.

**Proposal**

It is proposed that Council accept the Barwon South West Regional Trails Master Plan final report acknowledging that the recommendations are consistent with previously agreed strategies and that any further trail development proposals would be presented to Council for consideration.

**Financial and Other Resource Implications**

The Master Plan recommendations specifically for the Colac Otway Shire do require additional financial and officer resources however options for external funding are consistently being sourced and considered. Officer resource requirements to implement the Master Plan are not in addition to existing resource levels. The implementation of this master plan is consistent with the existing resource allocation to the Old Beechy Rail Trail and general recreation planning. It is proposed that the Colac Otway Shire would be represented on the Regional Trails Sub-Committee through the Recreation, Arts and Culture Unit.

**Risk Management & Compliance Issues**

There are no direct or immediate risk or compliance issues with regard to the Barwon South West Regional Trails Master Plan. Specific risk and compliance requirements relating to the thirteen recommended regional trails have been identified for consideration within proposed works and management developments. With regard to the Old Beechy Rail Trail the recommendation to *investigate opportunities to develop additional off-road alignments near Colac and north of Beech Forest* is consistent with the Old Beechy Rail Trail strategic plan.

**Environmental and Climate Change Considerations**

There are no specific environmental or climate change issues arising from the Barwon South West Regional Trails Master Plan however environmental significance particular to the region has been recognised and incorporated into the future management and maintenance aspects of the proposed trail works.

**Communication Strategy / Consultation**

Significant consultation was undertaken over the course of the development of the Master Plan including a range of on-site meetings, public forums, workshops, invitation for submissions and one-on-one meetings. The project has been well received throughout the region with good attendance and representation of stakeholders to each of the meetings.

Consultation with residents, key stakeholders and others will continue through the ongoing implementation and review of the Barwon South West Regional Trails Master Plan. Each recommendation comes back to the key land owner or manager and the Regional Trails Sub Committee for implementation. Subsequently communication strategies will be developed and implemented in light of the specific project.

**Implementation**

Further to the receipt of the Final Barwon South West Regional Trails Master Plan early October each of the project partners (nine local government authorities and the seven state government departments) are presenting the document seeking endorsement through their necessary processes. Further to this and the endorsement from the Regional Managers

Forum to appoint the Regional Trails Sub Committee the Master Plan implementation would formally commence immediately.

### **Conclusion**

**The Barwon South West Regional Trails Master Plan provides the key strategic gaps with regard to the future development and extension of trails throughout the region. The Master Plan acknowledges good trail management and maintenance practice throughout the region and identified opportunities for improvements.**

**Attached is the Barwon South West Regional Trails Master Plan Summary report which provides an overview of the project aims and objectives, methodology and findings. The summary report also includes a map of the thirteen recommended regional trails.**

### **Attachments**

1. Barwon South West Regional Trails Master Plan Summary Report

### **Recommendation(s)**

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

1. ***Receive and endorse the Barwon South West Regional Trails Master Plan acknowledging that any future trail proposals within the Colac Otway Shire that have financial or strategic implications will be presented to Council for further consideration.***

~~~~~\ ~~~~~




**2009-2019
BARWON SOUTH WEST
REGIONAL TRAILS MASTER PLAN
SUMMARY REPORT**

Inspiring Place Pty Ltd



September 2009



2009-2019
**BARWON SOUTH WEST
REGIONAL TRAILS MASTER PLAN
SUMMARY REPORT**

Cover Images: Great Ocean Walk – Parks Victoria
Forest Mountain Bike Park: http://farm2.static.flickr.com/1125/573602062_9063a3d309.jpg
Warrnambool Foreshore: <http://www.immi.gov.au/living-in-australia/choose-australia/regional-life/images/photos/warrnambool-broadwalk.jpg>



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ACN 58 684 792 133

in association with



Robin Crocker and Associates

| Date | Version |
|-------------|--|
| 02.03.09 | PSC Draft |
| 20.03.09 | Revised Draft for Partner Consultation |
| 28.04.09 | Revised Project Partner Edits |
| July-Aug 09 | Council, agency and public review period |
| 03.09.09 | Revised Draft to PSC |
| 25.09.09 | Final Plan |

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INTRODUCTION

The Barwon South West Region of Victoria is comprised of nine local government authorities: the City of Greater Geelong, the Warrnambool City Council, the Shires of Surf Coast, Colac Otway, Corangamite, Moyne, Glenelg and Southern Grampians, and the Borough of Queenscliffe. The region has a significant number of tracks and trails of varying types and standards, a small number of which are of a high profile and attract visitors from both within and outside of the region.

Local government authorities and other land managers throughout the region have contributed to recreation trail development in response to increasing public demand. However, individual trail developments have typically been developed in isolation from other trail development elsewhere in the region. As a result, there is a lack of physical and promotional linkages between trails throughout the region and a range of trail construction and maintenance standards, funding sources and governance arrangements.

In response, the regional local government authorities and other key land management agencies, lead by the Colac Otway Shire Council, commissioned the preparation of the *Regional Trail Master Plan for the Barwon South West Region* (hereafter the *Master Plan*). The need for the *Master Plan* is supported by:

- a range of State government policy documents that highlight the value of trails for their health, economic, and social benefits;

- various trends in recreation that show increasing use of trails for recreation across a range of activities but notably for walking and bicycle riding; and

- continuing community and visitor pressures for improved trail facilities.

The aim of the *Master Plan* is to:

“establish a detailed master plan for the development of existing and proposed regional trails throughout the Barwon South West Region”

Within the *Master Plan*, regional trails are defined as being trails that:

are of a regional geographic scale and that link the region's settlements, activities or environments along a defined corridor;

have the ability to deliver benefits across the region or substantive parts thereof;

serve multiple recreational user groups where possible for day use rather than multi-day experiences (although they may be part of a multi-day experience);

meet appropriate criteria for environmental sustainability;

serve the whole of the community including visitors and regional residents (e.g. a user catchment that may involve several hours travel time);

have good access from a number of points along their length and particularly to key parts of the trail where there is associated trailhead infrastructure;

provide a quality focus/experience related to the unique character and features of the region (natural, cultural and landscape); and

have key selling points that make the trail different/ unique for marketing and promotion.

The *Master Plan* also established criteria for the assessment of trails based on principles of sustainability, delivery of a quality visitor experience, the capacity of government and the community to develop, manage and maintain the trail and that the trail stimulate benefits to the community by way of environmental outcomes, economic development and/or improvements to the lifestyle of residents.

Preparation of the *Master Plan* has included consultation with each of the participating project partners representing the nine Council areas involved, the Department of Sustainability and Environment and Parks Victoria, with other State agencies, stakeholder groups and residents of the region. The current document represents the project development to date including reviews by the Project Steering Committee and the Project Partners and is intended to inform further community comment about the project.

The *Master Plan* is in five parts:

Section 1 provides an introduction to the project, including an overview of the methodology and purpose of the project;

Section 2 introduces the Barwon South West Region, the broad policy framework relevant to trails, an overview of the trails audit compiled as part of the project, a review of the relevant recreation trends, trail benefits and issues, a summary of the community consultation, and the main findings from benchmarking;

Section 3 defines regional trails, outlines the vision, criteria and principles to be used to assess the potential regional trails, and introduces the selected regional trails;

Section 4 identifies the critical issues involved with the planning, development and management of regional trails; and

Section 5 introduces the key strategies for regional trails, provides a 10 Year Action Plan and individual action plans for each selected regional trail.

The report is supported by 8 Attachments that provide further detail on a number of matters.

VISION

The *Master Plan* introduces a vision for the regional trail network:

"By the year 2020 the network of recreational trails in the south west Victorian coast, forests and hinterland will become recognised worldwide as offering social, environmental and economic benefits".

ISSUES

The issues challenging the achievement of the vision are:

the need for enhanced governance and policy to support regional trails development;

the need for coordinated planning, development and on-going management of trails;

4 Barwon South West Regional Trails Master Plan

the emphasis on the development of trail infrastructure to date and the lack of attention to the user's experience of the trails;

missed opportunities for marketing and promotion to date; and

the substantive funding required to establish and maintain a quality regional trail network.

STRATEGIC RESPONSE

A strategic review of the numerous trails with regional potential was undertaken and a selected list of 13 trails and 4 regional mountain bike hubs was identified to be treated as the regional trail network. The location of these trails and hubs is shown in Map 1.

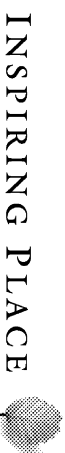
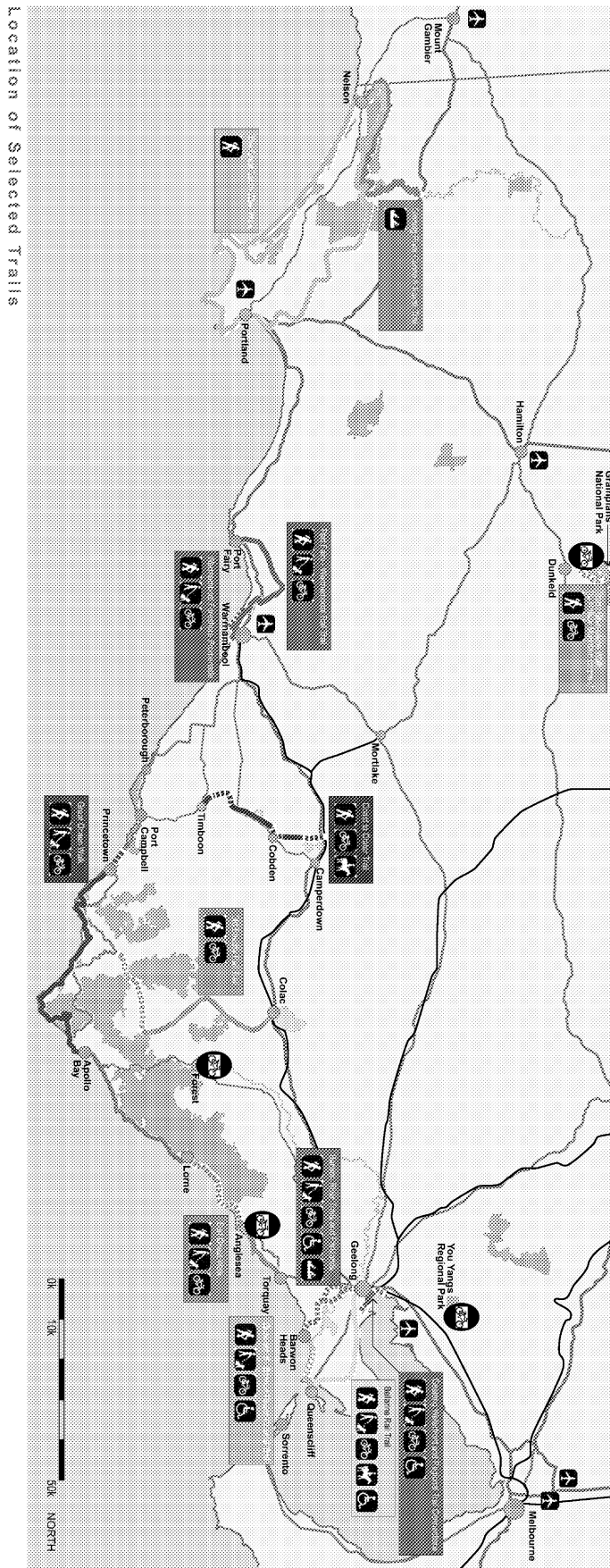
The 13 regional trails include:

Great Ocean Walk
Surf Coast Walk
Coast to Crater Rail Trail
Old Beechy Rail Trail
Bellarine Rail Trail
Barwon River Trails and Parklands
Queenscliff to Barwon Heads Coastal Trail
Geelong Waterfront and Cycle Connections
Great South West Walk
Glenelg River Canoe and Kayak Trail
Port Fairy to Warrnambool Rail Trail
Warrnambool Foreshore Promenade
Trans Grampians Walk (proposed)

The four regional mountain bike parks include:

You Yangs MTB Park

Map 1 Location of Selected Trails



Anglesea MTB Park

Forrest MTB Park

Grampians MTB Park (proposed)

Of the trails and hubs in the regional network, all apart from the Trans Grampians Walk and the Grampians Mountain Bike Hub are existing trails that have had considerable investment in infrastructure and facilities.

As a group, the suite of trails and hubs has a number of strategic benefits including:

there is at least one trail in each of the local government areas in the Barwon South West area but with the larger number of trails in close proximity to Geelong as the major population centre in the region;

the mountain bike hubs are spaced equitably across the region, each providing a range of riding experiences, in a variety of settings;

there are a number of trails that begin or end in the major cities (Geelong, Warrnambool), towns (Portland, Port Fairy, Colac, Camperdown, Torquay) and tourism destinations (Nelson, Apollo Bay, Queenscliff) in the region;

the trails take in the full range of landscape settings across the region and from urban to natural environments;

the trails include both north-south and east-west routes;

there is a mix of trail use types i.e. walking only (3), walking/cycling trails (6), multiple use trails for walking, cycling and horse riding (3) and a canoe/kayak trail (1 at the Glenelg River with the potential for a further trail on the Barwon River between Geelong and Barwon Heads);

work on all but one of the trails and one hub has commenced with some being substantively completed (6);

the burden of land management of the trails is spread across the range of local governments and public agencies in the region and, therefore, does not fall singly or disproportionately onto one organisation to develop, maintain or promote;

existing trails are already providing economic benefits to the region; and

there is evidence that all of the developed or developing trails have broad community support and involvement in their care and management.

The trails fit well into the *Victorian Nature Based Tourism Strategy* in that several are located in the key regional campaign destinations of the Great Ocean Road (Surf Coast, Coast to Crater, Great Ocean Walk) and the Grampians (the proposed Wild Grampians Walk and the proposed Grampians Mountain Bike Hub).

KEY RECOMMENDATIONS

The key recommendations made are as follows. The ten-year action plan identifies priorities (H-high, M-medium, L-low) for their implementation (shown below in parentheses). The lead responsibility is also shown.

Recommendations for Clear Leadership, Policy and Governance Structure for Regional Trails

- 1 The RMF should be the regional level trail governance body as it comprises representatives from all major land management agencies within the region (e.g. Parks Victoria), local government authorities, and key stakeholders. (H) Lead responsibility : Regional Trails Sub-committee
- 2 Form a Regional Trails Sub-committee, loosely based on the current structure of the Project Control Group for the *Barwon South West Regional Trails Master Plan*. (H) Lead responsibility : Regional Trails Sub-committee
- 3 Ensure there are clear lines of responsibility within each Council for the management of trails and to liaise with the trail management bodies regarding the development, promotion and management of trails in the Council area. (H-M) Lead responsibility : Regional Trails Sub-committee
- 4 Develop and support Trail Management Committees for each regional trail. (H-M) Lead responsibility : Regional Trails Sub-committee
- 5 Prepare a Memorandum of Understanding (MOU) for each trail as required over the next 10 years. (M) Lead responsibility : Participating LGA's, agencies and organisations

6 Adopt relevant 'codes of conduct' and develop local information about appropriate use for each regional trail. (L) Lead responsibility : Participating LGA's, agencies and organisations

7 Consult with the local community and key user groups (e.g. through clubs and/or peak bodies) in the planning stage of regional trail development and/or upgrade projects. (H-M) Lead responsibility : Participating LGA's, agencies and organisations

Recommendations for Improved Co-ordination of Trail Planning, Development and Management

1. Adopt the *Barwon South West Regional Trails Master Plan* as the overarching guide to the planning, development and management of regional trails over the next 10 years. In particular, use the master plan and its definition of a regional trail, selection criteria and guiding principles to aid in the selection and prioritisation of future regional trails, if required. (H) Lead responsibility : Regional Manager's Forum and Regional Trails Sub-committee

2. Adopt the design and development standards herein as a reference guide, in conjunction with other best practice guidelines including the International Mountain Bike Association (IMBA) guidelines for trail construction¹ and relevant Australian Standards for shared trails². (H) Lead responsibility : Regional Manager's Forum and Regional Trails Sub-committee

3. Prepare and implement a Joint Trail Development and Management Plan for each regional trail³. (H-M) Lead responsibility : Trail Committees of Management

4. Undertake regular data collection regarding use of regional trails. (M-L) Lead responsibility : Trail Committees of Management

5. Facilitate the sharing of knowledge relating to trail planning, construction and management between all land management agencies, local government authorities, key user groups and organisations within the region. (M) Lead responsibility : Trail Committees of Management

¹ IMBA (2004) *Trail Solutions: IMBA's Guide to Building Sweet Single Track*, IMBA, California, USA.

² Austroads (1999) *Part 14 Austroads: Guide to Traffic Engineering Practice – Bicycles*, Austroads, Australia. It could also include reference documents such as Bushwalking Victoria's Policy Position of Sharing of Tracks and Trails.

³ A number of the existing regional trails already have strategic directions plans, feasibility studies or similar (see Attachment 2 Policy Framework). New Joint Trail Development and Management Plans may not need to be developed for these trails. Alternatively, existing studies may be incorporated into a Joint Trail Development and Management Plan.

Recommendations for Experience-led Trail Development

1. Investigate opportunities for the development of new shared use trails and/or the upgrade to shared use trails where appropriate (shared trails may form sections of larger regional trails)⁴. (H-M) Lead responsibility : Trail Committees of Management
2. Expand the opportunities for use of regional trails by people with varying abilities. (M) Lead responsibility : Regional Manager's Forum and Regional Trails Sub-committee
3. Explore the feasibility of completing identified 'missing links' on individual trails as noted in Section 5.7. Lead responsibility : Trail Committees of Management
4. Develop priority trailhead facilities to include parking, signage, activity specific facilities and/or toilets. (M-L) Lead responsibility : Trail Committees of Management
5. Prepare and implement Thematic Interpretation Strategies for each regional trail, to provide guidance for the creation of unique and memorable visitor experiences, provide a point of difference, and to aid in raising the profile of the regional trails. (M) Lead responsibility : Trail Committees of Management
6. Collaborate with tertiary institutions to monitor ongoing impacts of individual trails, and to improve management practices over the long-term new construction techniques and materials, with particular attention to sustainability. (M) Lead responsibility : Trail Committees of Management
7. Support development of new trail experiences in the Grampians. (M) Lead responsibility : Southern Grampians Shire Council, Parks Victoria and other key stakeholders
8. Support the further development and promotion of mountain biking as a core experience delivered by the regional hubs in the Barwon South West. (H-M) Lead responsibility : Regional Trails Sub-committee
 - 8.1 Investigate the potential to develop a high quality long distance MTB trail within the Barwon South West Region. (H-M) Lead responsibility : Regional Trails Sub-committee

⁴Austrroads (1999) *Part 14 Austrroads: Guide to Traffic Engineering Practice: Bicycles*, Australia.

- 8.2 Ensure that further development of the existing hubs is of a high standard and provides a diversity of riding experiences and associated infrastructure, (based on the IMBA trail construction and classification guidelines)⁵, and are suitable for all levels of competition. (H-M) Lead responsibility : Regional Trails Sub-committee
- 8.3 Investigate the potential to better integrate the MTB hubs, reinforce their combined regional role, whilst ensuring that each offers unique experiences. (H-M) Lead responsibility : Regional Trails Sub-committee

Recommendations for Effective and Co-ordinated Marketing and Promotion

1. Prepare a brand position for regional trails in the Barwon South West Region. (M) Lead responsibility : Regional Managers Forum and Regional Trails Sub-committee
2. Prepare and implement a Trail Marketing and Promotion Plan for each regional trail (the marketing and promotion plan should respond to the regional brand and thematic interpretation plan). (M) Lead responsibility : Trail Committees of Management
3. Investigate the potential of developing a central trails website for the Barwon South West Region, that may be linked to local government authority websites. The website could include downloadable maps and trail notes, with links to services, tours etc. (M-L) Lead responsibility : Regional Managers Forum and Regional Trails Sub-committee
4. Develop a suite of quality images of the regional trail that can be used to promote the experiences on offer, and in particular, the point of difference with other trails within Victoria. (M-L) Lead responsibility : Regional Managers Forum and Regional Trails Sub-committee

Recommendations for Increased Funding and Resources for Trail Planning, Development, Management and Maintenance

1. Preparation of feasibility plans for regional trails that identify the costs and benefits of the proposed trail, including the mechanisms for supporting the requirements for trail planning, development, management and ongoing maintenance. (H) Lead responsibility : Trail Committees of Management

⁵ See: IMBA (2007) *Managing Mountain Biking: IMBA's Guide to Providing Great Riding*, USA and (2004) *Trail Solutions: IMBA's Guide to Building Sweet Singletrack*, USA.

2. Opportunities for joint resource and funding commitment be sought from partners. (H) Lead responsibility : Regional Managers Forum and Regional Trails Sub-committee in association with the Trail Committees of Management
3. Consideration be given to the incorporation of the Regional Trail Sub-committee to enable improved access to Commonwealth and State Government grants. (H) Lead responsibility : Regional Managers Forum and Regional Trails Sub-committee
4. The opportunities to generate a revenue stream from users of the regional trails be explored, consistent with relevant policies and management plans. (M) Lead responsibility : Trail Committees of Management
5. Maintain the audit of potential regional trails for future reference, and as a planning tool (GIS information may also be useful to collect regarding routes). (On-going) Lead responsibility : Regional Trails Sub-committee
6. Priority be given to improving the recruitment, training, and management of volunteers associated with trail planning, development and maintenance across the region. (High) Lead responsibility : Regional Trails Sub-committee

**OM092810-7 UPDATE INSTRUMENT OF DELEGATION - COUNCIL TO
COUNCIL STAFF**

| | | | |
|-------------|-----------------------------------|-----------|------------------------|
| AUTHOR: | Colin Hayman | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate &
Community Services | FILE REF: | GEN0460
Delegations |

Purpose

The purpose of this report is to update Council's Instrument of Delegation to Members of Council Staff.

Declaration of Interests

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

Background

Council must update its Instrument of Delegation to enable enforcement of the statutory powers and responsibilities required within changing legislation and confer these duties to the relevant staff. Council is provided with regular updates to reflect changes to legislation.

Council Plan / Other Strategies / Policy

The Council Plan objective of leadership and governance is:

"Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations".

Issues / Options

Council is required to have an updated Instrument of Delegation to staff as per legislation.

Proposal

The Maddocks delegation package provides Council with amendments required to the Instrument of Delegation. Council will impose the correct duties on the appropriate officers to meet the powers and responsibilities of this legislation.

Summary of Changes

The changes since the last Council resolution of July 2009 have been tracked.

The *Rail Safety Act 2006* introduces 3 responsibilities that Councils must comply with when performing works in the vicinity of railway crossings.

The *Road Management Act 2004* has a number of additional provisions.

Further amendments will come into force prior January 2010 and be presented to Council at its December meeting.

Financial and Other Resource Implications

Not applicable

Risk Management & Compliance Issues

Council is required to review all delegations and the Instrument of Delegation to Council Staff to reflect changing legislation.

Environmental and Climate Change Considerations

Not applicable

Communication Strategy / Consultation

The adopted Instrument of Delegation will be placed on the Intranet for staff reference.

Implementation

This Instrument of Delegation comes into force on the 28 October 2009 and a copy will be placed on the register.

Conclusion

This update provides the latest amendments as required. Further updates are proposed for the December Council meeting.

Attachments

1. Instrument of Delegation - Council to Members of Council Staff

Recommendation(s)

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, Colac Otway Shire Council (Council) resolves that -

1. ***There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.***
2. ***The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.***
3. ***On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
4. ***The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

~~~~~\)



Maddocks Delegations and Authorisations

**S6. Instrument of Delegation— Members of Staff**

**Colac Otway Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

**28 October 2009**

## Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that a reference in the Schedule to:

|         |                                                            |
|---------|------------------------------------------------------------|
| “BEA”   | means Building and Environment Administrator               |
| “CC”    | means Contracts Co-ordinator                               |
| “EHC”   | means Environmental Health Co-ordinator                    |
| “EHO”   | means Environmental Health Officer (FSO)                   |
| “EO”    | means Environment Officer                                  |
| “EP”    | means Environment Planner                                  |
| “GMCCS” | means General Manager Corporate and Community Services     |
| “GMSPD” | means General Manager Sustainable Planning and Development |
| “GMIS”  | means General Manager Infrastructure and Services          |
| “LLC”   | means Local Laws Co-ordinator                              |
| “LLO”   | means Local Laws Officer                                   |
| “MBS”   | means Municipal Building Surveyor                          |
| “MCW”   | means Manager Cosworks                                     |
| “MECS”  | means Manager Environment & Community Safety               |
| “MFCS”  | means Manager Finance & Customer Services                  |
| “MFPO”  | means Municipal Fire Prevention Officer                    |
| “MHCS”  | means Manager Health & Community Services                  |
| “MPB”   | means Manager Planning and Building                        |
| “MSA”   | means Manager Sustainable Assets                           |
| “PA”    | means Planning Assistant                                   |
| “PC”    | means Planning Co-ordinator                                |
| “PCofC” | means Planning Committee of Council                        |
| “PRC”   | means Property & Rates Co-ordinator                        |
| “PLO”   | means Planning Officer (inc. Planning Enforcement Officer) |

3. declares that:

3.1 this Instrument of Delegation is authorised by resolution of Council passed on .

3.2 the delegation:

3.1.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.1.2 remains in force until varied or revoked;

3.1.3 is subject to any conditions and limitations set out in the Schedule; and

3.1.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.

This Delegation was amended by Resolution of the Colac Otway Shire Council on

.  
THE COMMON SEAL of the )  
COLAC OTWAY SHIRE COUNCIL was )  
hereunto affixed in the presence of: )

.....  
Chief Executive Officer

\*

## **SCHEDULE**

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| <b>DOMESTIC (FERAL &amp; NUISANCE) ANIMALS ACT 1994</b> |                                             |                 |                                                          |
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| <b>Column 1</b>                                         | <b>Column 2</b>                             | <b>Column 3</b> | <b>Column 4</b>                                          |
| <b>PROVISION</b>                                        | <b>THING DELEGATED</b>                      | <b>DELEGATE</b> | <b>CONDITIONS AND LIMITATIONS</b>                        |
| s.41A(1)                                                | power to declare a dog to be a menacing dog | LLC             | Council may delegate this power to an authorised officer |
|                                                         |                                             |                 |                                                          |
|                                                         |                                             |                 |                                                          |
|                                                         |                                             |                 |                                                          |

| <b>ENVIRONMENT PROTECTION ACT 1970</b> |                                                                   |                                          |                                                           |
|----------------------------------------|-------------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------|
| <b>Column 1</b>                        | <b>Column 2</b>                                                   | <b>Column 3</b>                          | <b>Column 4</b>                                           |
| <b>PROVISION</b>                       | <b>THING DELEGATED</b>                                            | <b>DELEGATE</b>                          | <b>CONDITIONS &amp; LIMITATIONS</b>                       |
| s.53M(3)                               | power to require further information                              | MHCS<br>EHC<br>EHO<br>MECS<br>LLC<br>LLO |                                                           |
| s.53M(4)                               | duty to advise applicant that application is not to be dealt with | MHCS<br>EHC<br>EHO<br>MECS<br>LLC<br>LLO |                                                           |
| s.53M(5)                               | duty to approve plans, issue permit or refuse permit              | MHCS<br>EHC<br>EHO                       | refusal must be ratified by Council or it is of no effect |
| s.53M(6)                               | power to refuse to issue septic tank permit                       | MHCS<br>EHC<br>EHO                       | refusal must be ratified by Council or it is of no effect |



| <b>FOOD ACT 1984</b> |                                                                                                                                                                                                                                             |                    |                                     |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------|
| <b>Column 1</b>      | <b>Column 2</b>                                                                                                                                                                                                                             | <b>Column 3</b>    | <b>Column 4</b>                     |
| <b>PROVISION</b>     | <b>THING DELEGATED</b>                                                                                                                                                                                                                      | <b>DELEGATE</b>    | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.19(1)              | power to make an order in writing, upon receipt of a report from an authorised officer, directing that food premises be cleaned, etc.                                                                                                       | MHCS<br>EHC<br>EHO |                                     |
| s.19(6)(a)           | duty to revoke any order under s.19 where the subject of the order has been attended to                                                                                                                                                     | MHCS<br>EHC<br>EHO |                                     |
| s.19(6)(b)           | duty to give written notice of revocation under s.19(6)(a)                                                                                                                                                                                  | MHCS<br>EHC<br>EHO |                                     |
| s.19F(1)(a)          | power to issue directive to comply with any specified requirement in the food safety program                                                                                                                                                | MHCS<br>EHC<br>EHO |                                     |
| s.19F(1)(b)          | power to issue directive, if Division 3A applies, to have the food safety program for the premises audited                                                                                                                                  | MHCS<br>EHC<br>EHO |                                     |
| s.19GB               | power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor                                                                                                       | MHCS<br>EHC<br>EHO |                                     |
| s.19HA               | power to inspect a food premises to determine whether the food business is operating in accordance with the food safety program                                                                                                             | MHCS<br>EHC<br>EHO |                                     |
| s.19HB               | duty, where of the opinion that the food safety program has not been implemented or complied with, to advise the proprietor of this opinion, reasons for the opinion, what needs to be remedied and the period within which this must occur | MHCS<br>EHC<br>EHO |                                     |

| <b>FOOD ACT 1984</b> |                                                                                                                                                                                              |                    |                                                                          |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------------------------------------------------------|
| <b>Column 1</b>      | <b>Column 2</b>                                                                                                                                                                              | <b>Column 3</b>    | <b>Column 4</b>                                                          |
| <b>PROVISION</b>     | <b>THING DELEGATED</b>                                                                                                                                                                       | <b>DELEGATE</b>    | <b>CONDITIONS &amp; LIMITATIONS</b>                                      |
|                      |                                                                                                                                                                                              |                    |                                                                          |
| s.35                 | function of registering food premises                                                                                                                                                        | MHCS<br>EHC<br>EHO |                                                                          |
| ---                  | power to register, renew or transfer registration                                                                                                                                            | MHCS<br>EHC<br>EHO | refusal to grant/renew/transfer registration must be ratified by Council |
| s.39(1)              | duty to inspect                                                                                                                                                                              | MHCS<br>EHC<br>EHO |                                                                          |
| s.39(2)(a)           | duty to ensure that, if the premises is a declared premises, there is a food safety program for the premises that complies with section 19DC                                                 | MHCS<br>EHC<br>EHO |                                                                          |
| s.39(2)(b)           | duty to ensure that if the premises is a declared premises, there is a food safety program for the premises that complies with section 19D                                                   | MHCS<br>EHC<br>EHO |                                                                          |
| s.39(2)(c)           | duty to ensure that, if the premises is a declared premises, no other ground for the refusal of registration, renewal of registration or the transfer of registration exists under Part IIIB | MHCS<br>EHC<br>EHO |                                                                          |
| s.39A                | power to register food premises despite minor defects                                                                                                                                        | MHCS<br>EHC<br>EHO |                                                                          |

| <b>FOOD ACT 1984</b> |                                                                                                                                                                                                                                                                                   |                    |                                     |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------|
| <b>Column 1</b>      | <b>Column 2</b>                                                                                                                                                                                                                                                                   | <b>Column 3</b>    | <b>Column 4</b>                     |
| <b>PROVISION</b>     | <b>THING DELEGATED</b>                                                                                                                                                                                                                                                            | <b>DELEGATE</b>    | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.40(1)              | duty to issue a certificate of registration in the prescribed form                                                                                                                                                                                                                | MHCS<br>EHC<br>EHO |                                     |
| s.40(2)              | power to incorporate the certificate of registration in one document with any certificate of registration under the Health Act 1958                                                                                                                                               | MHCS<br>EHC<br>EHO |                                     |
| s.40D(1)             | power to suspend or revoke the registration of food premises                                                                                                                                                                                                                      | MHCS<br>EHC        |                                     |
| s.40D(2)             | duty to specify how long a suspension is to last under s.40D(1)                                                                                                                                                                                                                   | MHCS<br>EHC        |                                     |
| s.43(1)              | duty to keep register of all registrations, renewals or transfers of registration                                                                                                                                                                                                 | MHCS<br>EHC        |                                     |
| s.43(5)              | duty to cause a copy of any entry under s.43(1) to be certified as correct and supply it to any person who requests it free of charge                                                                                                                                             | MHCS<br>EHC        |                                     |
| s.46(5)              | power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged | MHCS<br>EHC        |                                     |

| <b>FOOD ACT 1984</b> |                        |                 |                                     |
|----------------------|------------------------|-----------------|-------------------------------------|
| <b>Column 1</b>      | <b>Column 2</b>        | <b>Column 3</b> | <b>Column 4</b>                     |
| <b>PROVISION</b>     | <b>THING DELEGATED</b> | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b> |
|                      |                        |                 |                                     |
|                      |                        |                 |                                     |
|                      |                        |                 |                                     |

| <b>HEALTH ACT 1958</b> |                                                                                                                |                    |                                     |
|------------------------|----------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------|
| <b>Column 1</b>        | <b>Column 2</b>                                                                                                | <b>Column 3</b>    | <b>Column 4</b>                     |
| <b>PROVISION</b>       | <b>THING DELEGATED</b>                                                                                         | <b>DELEGATE</b>    | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.41                   | duty to remedy all nuisances in the municipal district                                                         | MHCS<br>EHC<br>EHO |                                     |
| s.43(2)                | duty to investigate any notification of nuisance                                                               | MHCS<br>EHC<br>EHO |                                     |
| s.43(3)                | duty to either take action to abate the nuisance or take steps to settle the matter privately                  | MHCS<br>EHC<br>EHO |                                     |
| s.44(1)                | power to serve a notice to abate the nuisance                                                                  | MHCS<br>EHC<br>EHO |                                     |
| s.44(3)                | power to issue proceedings where non-compliance with the notice to abate                                       | MHCS<br>EHC<br>EHO |                                     |
| s.44(9)                | power to enter the land and abate the nuisance, and recover costs where a court orders that nuisance be abated | MHCS<br>EHC<br>EHO |                                     |
| s.47B                  | power to investigate a nuisance occurring outside the municipal district                                       | MHCS<br>EHC<br>EHO |                                     |
| s.47C                  | power to enter vacant/unoccupied land and abate the nuisance                                                   | MHCS<br>EHC<br>EHO |                                     |
| s.366C                 | function of receiving an application for registration of premises                                              | MHCS<br>EHC<br>EHO |                                     |

| <b>HEALTH ACT 1958</b> |                                                                                                                                                                |                    |                                                 |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------------------|
| <b>Column 1</b>        | <b>Column 2</b>                                                                                                                                                | <b>Column 3</b>    | <b>Column 4</b>                                 |
| <b>PROVISION</b>       | <b>THING DELEGATED</b>                                                                                                                                         | <b>DELEGATE</b>    | <b>CONDITIONS &amp; LIMITATIONS</b>             |
| s.367                  | function of registration and renewal of registration                                                                                                           | MHCS<br>EHC<br>EHO |                                                 |
| s.368(1)               | power to specify for what period registration will remain in force                                                                                             | MHCS<br>EHC<br>EHO |                                                 |
| s.368(1A)              | power to grant temporary registration                                                                                                                          | MHCS<br>EHC<br>EHO |                                                 |
| s.369(2)               | power to refuse granting or renewal of registration                                                                                                            | MHCS<br>EHC<br>EHO | action must be ratified by Council              |
| s.369(3)               | power to suspend or revoke registration where second or subsequent offence under the Act                                                                       | MHCS<br>EHC<br>EHO | action must be ratified by Council              |
| s.370                  | power to transfer registration during the currency of the registration                                                                                         | MHCS<br>EHC<br>EHO | refusal to transfer must be ratified by Council |
| s.371(1)               | duty to keep a register of all registrations, renewals and transfers                                                                                           | MHCS<br>EHC<br>EHO |                                                 |
| s.372                  | power to cause inspection to be made before registration and to require alterations or improvements and to grant temporary conditional registration or renewal | MHCS<br>EHC<br>EHO |                                                 |

| <b>HERITAGE ACT 1995</b> |                                                      |                 |                                                         |
|--------------------------|------------------------------------------------------|-----------------|---------------------------------------------------------|
| <b>Column 1</b>          | <b>Column 2</b>                                      | <b>Column 3</b> | <b>Column 4</b>                                         |
| <b>PROVISION</b>         | <b>THING DELEGATED</b>                               | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b>                     |
| s.84(2)                  | power to sub-delegate Executive Director's functions | GMSPD           | must obtain Executive Director's written consent first. |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                                                                     |                                 |                                     |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                                                                     | <b>Column 3</b>                 | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                                                              | <b>DELEGATE</b>                 | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.4B                                     | power to prepare an amendment to the Victoria Planning Provisions                                                                                                                   | PCofC<br>GMSPD<br>PC<br>MPB     |                                     |
| s.4H                                     | duty to make amendment etc available                                                                                                                                                | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                                     |
| s.4I                                     | duty to keep Victoria Planning Provisions and other documents available                                                                                                             | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                                     |
| s.8A(3)                                  | power to apply to Minister to prepare an amendment to the planning scheme                                                                                                           | PCofC<br>GMSPD<br>PC<br>MPB     |                                     |
| s.11(3)(b)                               | duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation                                                                        | GMSPD<br>PC<br>MPB              |                                     |
| s 12A (1)                                | duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the Planning and Environment (Planning Schemes) Act 1996) | PCofC<br>GMSPD<br>PC<br>MPB     |                                     |



| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                                                                                               |                                           |                                     |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                                                                                               | <b>Column 3</b>                           | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                                                                                        | <b>DELEGATE</b>                           | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.12(3)                                  | power to carry out studies and do things to ensure proper use of land in which Council is the planning authority and consult with other persons to ensure co-ordination of planning scheme with these persons | PCofC<br>GMSPD<br>PC<br>MPB<br>EP<br>MECS |                                     |
| s.12B(1)                                 | duty to review planning scheme                                                                                                                                                                                | PCofC<br>GMSPD<br>PC<br>MPB<br>EP<br>MECS |                                     |
| s.12B(2)                                 | Duty to review planning scheme at direction of Minister                                                                                                                                                       | PCofC<br>GMSPD<br>PC<br>MPB<br>EP<br>MECS |                                     |
| s.12B(5)                                 | duty to report findings of review of planning scheme to Minister without delay                                                                                                                                | PCofC<br>GMSPD<br>PC<br>MPB<br>EP<br>MECS |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                                                        |                                                  |                                     |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                                                        | <b>Column 3</b>                                  | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                                                 | <b>DELEGATE</b>                                  | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.14                                     | Duties of a Responsible Authority as set out in subsections (a) to (d)                                                                                                 | PCofC<br>GMSPD<br>PC<br>PLO<br>EP<br>MPB<br>MECS |                                     |
| s.17(1)                                  | duty of giving copy amendment to the planning scheme                                                                                                                   | GMSPD<br>PC<br>MPB<br>PLO<br>PA                  |                                     |
| s.17(2)                                  | duty of giving copy s.173 agreement                                                                                                                                    | GMSPD<br>PC<br>PLO<br>MPB<br>PA<br>EP<br>MECS    |                                     |
| s.18                                     | duty to make amendment etc. available                                                                                                                                  | GMSPD<br>PC<br>MPB<br>PLO<br>PA                  |                                     |
| s.19                                     | power to give notice, to decide not to give notice, to publish notice of amendment t a planning scheme and to exercise any other power under s 19 to a planning scheme | GMSPD<br>PC<br>MPB                               |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                      |                                               |                                     |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                      | <b>Column 3</b>                               | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                               | <b>DELEGATE</b>                               | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.20(1)                                  | power to apply to Minister for exemption from the requirements of s 19                                               | PCofC<br>GMSPD<br>PC<br>MPB                   |                                     |
| s.21 (2)                                 | duty to make submissions available                                                                                   | GMSPD<br>PC<br>MPB<br>PLO<br>PA<br>EP<br>MECS |                                     |
| s.22                                     | duty to consider all submissions                                                                                     | PCofC<br>GMSPD<br>PC<br>MPB                   |                                     |
| s.23(2)                                  | power to refer submissions to a panel                                                                                | PCofC<br>GMSPD<br>PC<br>MPB                   |                                     |
| s.24                                     | function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D) | GMSPD<br>PC<br>PLO<br>MPB                     |                                     |
| s.26                                     | duty to keep report of panel available for inspection                                                                | GMSPD<br>PC<br>MPB<br>PLO<br>PA               |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                       |                             |                                     |
|------------------------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                       | <b>Column 3</b>             | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                | <b>DELEGATE</b>             | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.27 (2)                                 | power to apply for exemption if panel's report not received                                           | PCofC<br>GMSPD<br>PC<br>MPB |                                     |
| s.30(4)(a)                               | duty to say if amendment has lapsed                                                                   | GMSPD<br>PC<br>MPB          |                                     |
| s.30(4)(b)                               | duty to provide information in writing upon request                                                   | GMSPD<br>PC<br>MPB          |                                     |
| s.31                                     | duty to submit adopted amendment to Minister and, if applicable, details under s.19(1B)               | GMSPD<br>PC<br>MPB          |                                     |
| s.32(2)                                  | duty to give more notice if required                                                                  | GMSPD<br>PC<br>MPB          |                                     |
| s.33(1)                                  | duty to give more notice of changes to an amendment                                                   | GMSPD<br>PC<br>MPB          |                                     |
| s.35A(2)                                 | duty to not approve an amendment under s.35B unless the amendment has been certified by the Secretary | GMSPD<br>PC<br>MPB          |                                     |
| s.35B(1)                                 | power to approve amendment in form certified under s.35A                                              | PCofC<br>GMSPD<br>PC<br>MPB |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                              |                                 |                                     |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                              | <b>Column 3</b>                 | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                       | <b>DELEGATE</b>                 | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.35B(2)                                 | duty to give to Minister notice of approval, copy of approved amendment and other documents                  | PCofC<br>GMSPD<br>PC<br>MPB     |                                     |
| s.36(2)                                  | duty to give notice of approval of amendment                                                                 | GMSPD<br>PC<br>MPB              |                                     |
| s.38(5)                                  | duty to give notice of revocation of an amendment                                                            | GMSPD<br>PC<br>MPB              |                                     |
| s.39                                     | function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT | GMSPD<br>PC<br>MPB              |                                     |
| s.40(1)                                  | function of lodging copy of approved amendment                                                               | GMSPD<br>PC<br>MPB              |                                     |
| s.40(1A)                                 | duty to lodge prescribed documents and copy of approved amendment with the relevant authorities              | GMSPD<br>PC<br>MPB              |                                     |
| s.41                                     | duty to make approved amendment available                                                                    | GMSPD<br>PC<br>MPB<br>PLO<br>PA |                                     |
| s.42                                     | duty to make copy of planning scheme available                                                               | GMSPD<br>PC<br>PLO<br>MPB<br>PA |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                        |                             |                                     |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                        | <b>Column 3</b>             | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                 | <b>DELEGATE</b>             | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.46N(1)                                 | duty to include condition in permit regarding payment of development infrastructure levy                               | PCofC<br>GMSPD<br>PC<br>MPB |                                     |
| s.46N(2)(c)                              | function of determining time and manner for receipt of development contributions levy                                  | PCofC<br>GMSPD<br>PC<br>MPB |                                     |
| s.46N(2)(d)                              | power to enter into an agreement with the applicant regarding payment of development infrastructure levy               | GMSPD<br>PC<br>MPB          |                                     |
| s.46O(1)(a) & (2)(a)                     | power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit | GMSPD<br>PC<br>MPB<br>MBS   |                                     |
| s.46O(1)(d) & (2)(d)                     | power to enter into agreement with the applicant regarding payment of community infrastructure levy                    | GMSPD<br>PC<br>MPB<br>MBS   |                                     |
| s.46P(1)                                 | power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured                           | GMSPD<br>PC<br>MPB          |                                     |
| s.46P(2)                                 | power to accept provision of land, works, services or facilities in part or full payment of levy payable               | GMSPD<br>CEO<br>PC<br>MPB   |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                                  |                                     |                                                                                                                                                                                                                               |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                                  | <b>Column 3</b>                     | <b>Column 4</b>                                                                                                                                                                                                               |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                           | <b>DELEGATE</b>                     | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                                                                           |
| s.46Q(1)                                 | duty to keep proper accounts of levies paid                                                                                                      | GMSPD<br>GMCCS<br>MFCS<br>PC<br>MPB |                                                                                                                                                                                                                               |
| s.46Q(1A)                                | duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency       | GMSPD<br>GMCCS<br>MFCS<br>PC<br>MPB |                                                                                                                                                                                                                               |
| s.46Q(2)                                 | duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc. | GMSPD<br>CEO<br>PC<br>MPB           |                                                                                                                                                                                                                               |
| s.46Q(3)                                 | power to refund any amount of levy paid if it is satisfied the development is not to proceed                                                     | GMSPD<br>PC<br>MPB                  |                                                                                                                                                                                                                               |
| s.46Q(4)(c)                              | duty to pay amount to current owners of land in the area                                                                                         | GMSPD<br>CEO<br>PC<br>MPB           | <ul style="list-style-type: none"> <li>must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister</li> </ul> |
| s.46Q(4)(d)                              | duty to submit to the Minister an amendment to the approved development contributions plan                                                       | GMSPD<br>CEO<br>PC<br>MPB           | <ul style="list-style-type: none"> <li>must be done in accordance with Part 3</li> </ul>                                                                                                                                      |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                                   |                                                   |                                                                                                                    |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                                   | <b>Column 3</b>                                   | <b>Column 4</b>                                                                                                    |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                            | <b>DELEGATE</b>                                   | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                |
| s46Q(4)(e)                               | duty to expend that amount on other works etc.                                                                                                    | GMSPD<br>CEO<br>PC<br>MPB                         | <ul style="list-style-type: none"> <li>with the consent of, and in the manner approved by, the Minister</li> </ul> |
| s.46QC                                   | power to recover any amount of levy payable under Part 3B                                                                                         | GMSPD<br>MFCS<br>PC<br>MPB                        |                                                                                                                    |
| s.46V(3)                                 | duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available | GMSPD<br>PC<br>MPB                                |                                                                                                                    |
| s.46Y                                    | duty to carry out works in conformity with the approved strategy plan                                                                             | PCofC<br>GMSPD<br>GMIS<br>PC<br>MPB<br>EP<br>MECS |                                                                                                                    |
| s.47                                     | power to decide that an application for a planning permit does not comply with that Act.                                                          | GMSPD<br>PC<br>MPB<br>EP<br>MECS                  |                                                                                                                    |
| s.49(1)                                  | duty to keep a register of all applications for permits and determinations relating to permits                                                    | GMSPD<br>PC<br>MPB<br>PLO<br>PA<br>EP<br>MECS     |                                                                                                                    |



| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                              |                                 |                                     |
|------------------------------------------|----------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                              | <b>Column 3</b>                 | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                       | <b>DELEGATE</b>                 | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.49(2)                                  | duty to make register available for inspection                                               | GMSPD<br>PA<br>PC<br>PLO<br>MPB |                                     |
| s.50(4)                                  | duty to amend application                                                                    | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.50(5)                                  | power to refuse to amend application                                                         | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.50(6)                                  | duty to make note of amendment to application in register                                    | GMSPD<br>PC<br>PLO<br>MPB<br>PA |                                     |
| s.50A(1)                                 | power to make amendment to application                                                       | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.50A(3)                                 | power to require applicant to notify owner and make a declaration that notice has been given | GMSPD<br>PC<br>PLO<br>MPB       |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                                                               |                                 |                                     |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                                                               | <b>Column 3</b>                 | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                                                        | <b>DELEGATE</b>                 | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.50A(4)                                 | duty to note amendment to application in register                                                                                                                             | GMSPD<br>PC<br>PLO<br>MPB<br>PA |                                     |
| s.51                                     | duty to make copy of application available for inspection                                                                                                                     | GMSPD<br>PC<br>PLO<br>MPB<br>PA |                                     |
| s.52(1)(a)                               | duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.52(1)(b)                               | duty to give notice of the application to other municipal councils where appropriate                                                                                          | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.52(1)(c)                               | duty to give notice of the application to all persons required by the planning scheme                                                                                         | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.52(1)(ca)                              | duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant                     | GMSPD<br>PC<br>PLO<br>MPB       |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                                                        |                                    |                                     |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                                                        | <b>Column 3</b>                    | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                                                 | <b>DELEGATE</b>                    | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.52(1)(cb)                              | duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant | GMSPD<br>PC<br>PLO<br>MPB          |                                     |
| s.52(1)(d)                               | duty to give notice of the application to other persons who may be detrimentally effected                                                                              | GMSPD<br>PC<br>PLO<br>MPB          |                                     |
| s.52(1A)                                 | power to refuse an application                                                                                                                                         | PCofC<br>GMSPD<br>PC<br>MPB        |                                     |
| s.52(3)                                  | power to give any further notice of an application where appropriate                                                                                                   | GMSPD<br>PC<br>PLO<br>MPB          |                                     |
| s.53(1)                                  | power to require the applicant to give notice under section 52(1) to persons specified by it                                                                           | GMSPD<br>PC<br>PLO<br>MPB          |                                     |
| s.53(1A)                                 | power to require the applicant to give the notice under section 52(1AA)                                                                                                | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                     |
| s.54(1)                                  | power to require the applicant to provide more information                                                                                                             | GMSPD<br>PC<br>MPB<br>PLO          |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                |                                 |                                     |
|------------------------------------------|------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                | <b>Column 3</b>                 | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                         | <b>DELEGATE</b>                 | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.54(1A)                                 | duty to give notice in writing of information required under s.54(1)                           | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.54(1B)                                 | duty to specify the lapse date for an application                                              | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.54A(3)                                 | power to decide to extend time or refuse to extend time to give required information           | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.54A(4)                                 | duty to give written notice of decision to extend or refuse to extend time und s.54A(3)        | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.55(1)                                  | duty to give copy application to every referral authority specified in the planning scheme     | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.57(2A)                                 | power to reject objections considered made primarily for commercial advantage for the objector | GMSPD<br>PC<br>MPB              |                                     |
| s.57(3)                                  | function of receiving name and address of persons to whom notice of decision is to go          | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                       |                                 |                                     |
|------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                       | <b>Column 3</b>                 | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                | <b>DELEGATE</b>                 | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.57(5)                                  | duty to make available for inspection copy of all objections                          | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |
| s.57A(4)                                 | duty to amend application in accordance with applicant's request, subject to s.57A(5) | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.57A(5)                                 | power to refuse to amend application                                                  | GMSPD<br>PC<br>CEO<br>MPB       |                                     |
| s.57A(6)                                 | duty to note amendments to application in register                                    | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |
| s.57B(1)                                 | duty to determine whether and to whom notice should be given                          | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.57B(2)                                 | duty to consider certain matters in determining whether notice should be given        | GMSPD<br>PC<br>PLO<br>MPB       |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------|----------------------------------------------------------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                | <b>Column 3</b>                        | <b>Column 4</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                         | <b>DELEGATE</b>                        | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| s.57C(1)                                 | duty to give copy of amended application to referral authority | GMSPD<br>PC<br>PLO<br>PA<br>MPB        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| s.58                                     | duty to consider every application for a permit                | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| s.60                                     | duty to consider certain matters                               | PCofC<br><br>GMSPD<br>PLO<br>PA<br>MPB | <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>• Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>• Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>• Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> <p>Or where the application may have an affect on the broader community.</p> |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                  |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------|------------------------------------------------------------------|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                  | <b>Column 3</b>                        | <b>Column 4</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                           | <b>DELEGATE</b>                        | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| s60(1A)                                  | power to consider certain matters before deciding on application | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| s.61(1)(a)                               | power to decide to grant a permit                                | PCofC<br><br>GMSPD<br>PC<br>PLO<br>MPB | <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>• Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>• Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>• Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> <p>Save where the application may have an affect on the broader community.</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                   |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------|---------------------------------------------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                   | <b>Column 3</b>                        | <b>Column 4</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                            | <b>DELEGATE</b>                        | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| s.61(1)(b)                               | power to decide to grant a permit with conditions | PCofC<br><br>GMSPD<br>PC<br>PLO<br>MPB | <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>• Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>• Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>• Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> <p>Save where the application may have an affect on the broader community.</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p> |



| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                             |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                             | <b>Column 3</b>                 | <b>Column 4</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                      | <b>DELEGATE</b>                 | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| s.61(1)(c)                               | power to refuse the permit                                                                  | PCofC<br><br>GMSPD<br>PC<br>MPB | Save where the proposed use and/or development.<br><ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> Save where the application may have an affect on the broader community. |
| s.61(2)                                  | duty to decide to refuse to grant a permit if referral authority objects to grant of permit | PCofC<br>GMSPD<br>PC<br>MPB     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| s.61(3)(a)                               | duty not to decide to grant a permit to use coastal Crown land without Minister's consent   | PCofC<br>GMSPD<br>PC<br>MPB     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                   |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <b>Column 1</b>                          | <b>Column 2</b>                                                   | <b>Column 3</b>                        | <b>Column 4</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                            | <b>DELEGATE</b>                        | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| s.61(3)(b)                               | duty to refuse to grant the permit without the Minister's consent | PCofC<br>GMSPD<br>PC<br>MPB            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| s.62(1)                                  | duty to include certain conditions in deciding to grant a permit  | PCofC<br><br>GMSPD<br>PC<br>PLO<br>MPB | Save where the proposed use and/or development. <ul style="list-style-type: none"> <li>• Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>• Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>• Or four (4) or more objections have been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> </ul> |
| s.62(2)                                  | power to include other conditions                                 | PCofC<br><br>GMSPD<br>PC<br>PLO<br>MPB | Save where the proposed use and/or development. <ul style="list-style-type: none"> <li>• Does not provide the required amount of car parking spaces</li> </ul>                                                                                                                                                                                                                                                                                                                                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                             |                                          |                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                             | <b>Column 3</b>                          | <b>Column 4</b>                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                      | <b>DELEGATE</b>                          | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                                                                                                                                                                                                                                                 |
|                                          |                                                                                                                                             |                                          | <p>pursuant to Clause 52.06, Colac Otway Planning Scheme.</p> <ul style="list-style-type: none"> <li>• Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>• Or four (4) or more objections have been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> </ul> |
| s.62(5)(a)                               | power to include a permit condition to implement an approved development contributions plan                                                 | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB       |                                                                                                                                                                                                                                                                                                                                                                                                     |
| s.62(5)(b)                               | power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement | PCofC<br><hr/> GMSPD<br>PC<br>PLO<br>MPB | <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> <li>• Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>• Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> </ul>                                                      |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                                                                                |                                    |                                                                                                                                                                                                                     |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                                                                                | <b>Column 3</b>                    | <b>Column 4</b>                                                                                                                                                                                                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                                                                         | <b>DELEGATE</b>                    | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                                                                 |
|                                          |                                                                                                                                                                                                |                                    | <ul style="list-style-type: none"> <li>• Or four (4) or more objections have been lodged against the grant of a permit.</li> <li>• Or where the application may have an affect on the broader community.</li> </ul> |
| s.62(5)(c)                               | power to include a permit condition that specified works be provided or paid for by the applicant                                                                                              | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                     |
| s.62(6)(a)                               | duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with .62(5) or s.46N                                                      | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                     |
| s.62(6)(b)                               | duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s.62(1)(a) | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                     |
| s.63                                     | duty to issue the permit where made a decision in favour of the application (if no one has objected)                                                                                           | GMSPD<br>PC<br>PLO<br>MPB          |                                                                                                                                                                                                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                |                                 |                                     |
|------------------------------------------|--------------------------------------------------------------------------------|---------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                | <b>Column 3</b>                 | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                         | <b>DELEGATE</b>                 | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.64(1)                                  | duty to give notice of decision to grant a permit to applicant and objectors   | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |
| s.64(3)                                  | duty not to issue a permit until after the specified period                    | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |
| s.65(1)                                  | duty to give notice of refusal to grant permit to applicant and objector       | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |
| s.66                                     | duty to give notice under s.64 or s.65 and copy permit to referral authorities | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |
| s.69(1)                                  | function of receiving application for extension of time of permit              | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                           |                                    |                                     |
|------------------------------------------|-----------------------------------------------------------|------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                           | <b>Column 3</b>                    | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                    | <b>DELEGATE</b>                    | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.69(2)                                  | power to extend time                                      | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                     |
| s.70                                     | duty to make copy permit available for inspection         | GMSPD<br>PC<br>PLO<br>PA<br>MPB    |                                     |
| s.71(1)                                  | power to correct certain mistakes                         | GMSPD<br>PC<br>PLO<br>MPB          |                                     |
| s.71(2)                                  | duty to note corrections in register                      | GMSPD<br>PC<br>PLO<br>PA<br>MPB    |                                     |
| s.73                                     | power to decide to grant amendment subject to conditions  | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                     |
| s.74                                     | duty to issue amended permit to applicant if no objectors | GMSPD<br>PC<br>PLO<br>MPB          |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                           |                                 |                                                                                                                                                                                           |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                           | <b>Column 3</b>                 | <b>Column 4</b>                                                                                                                                                                           |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                    | <b>DELEGATE</b>                 | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                                       |
| s.76                                     | duty to give applicant and objectors notice of decision to refuse to grant amendment to permit            | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                                                                                                                                                                           |
| s.76A                                    | duty to give referral authorities copy of amended permit and copy of notice                               | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                                                                                                                                                                           |
| s.76D                                    | duty to comply with direction of Minister to issue amended permit                                         | GMSPD<br>PC<br>PLO<br>MPB       |                                                                                                                                                                                           |
| s.83                                     | function of being respondent to an appeal                                                                 | GMSPD<br>PC<br>PLO<br>MPB       |                                                                                                                                                                                           |
| s.83B                                    | duty to give or publish notice of application for review                                                  | GMSPD<br>PC<br>PLO<br>MPB       |                                                                                                                                                                                           |
| s.84(1)                                  | power to decide on an application at any time after an appeal is lodged against failure to grant a permit | PCofC<br><br>GMSPD<br>PC<br>MPB | Save where the proposed use and/or development.<br><ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06,</li> </ul> |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                       |                           |                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                       | <b>Column 3</b>           | <b>Column 4</b>                                                                                                                                                                                                                                                                                                                                           |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                | <b>DELEGATE</b>           | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                                                                                                                                                                                                       |
|                                          |                                                                                                                                       |                           | Colac Otway Planning Scheme. <ul style="list-style-type: none"> <li>• Or proposed development is in excess of eight (8) metres in overall height above natural ground level.</li> <li>• Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> Save where the application may have an affect on the broader community. |
| s.84(2)                                  | duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit    | GMSPD<br>PC<br>MPB        |                                                                                                                                                                                                                                                                                                                                                           |
| s.84(3)                                  | duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit | GMSPD<br>PC<br>MPB        |                                                                                                                                                                                                                                                                                                                                                           |
| s.84(6)                                  | duty to issue permit on receipt of advice within 3 working days                                                                       | GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                                                                                                                                                           |
| s.86                                     | duty to issue a permit at order of Tribunal within 3 working days                                                                     | GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                                                                                                                                                                                                                                                           |
| s.87(3)                                  | power to apply to VCAT for the cancellation or amendment of a permit                                                                  | GMSPD<br>PC<br>MPB        |                                                                                                                                                                                                                                                                                                                                                           |



| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                            |                           |                                     |
|------------------------------------------|------------------------------------------------------------------------------------------------------------|---------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                            | <b>Column 3</b>           | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                     | <b>DELEGATE</b>           | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.90(1)                                  | function of being heard at hearing of request for cancellation or amendment of a permit                    | GMSPD<br>PC<br>PLO<br>MPB |                                     |
| s.91(2)                                  | duty to comply with the directions of VCAT                                                                 | GMSPD<br>PC<br>PLO<br>MPB |                                     |
| s.91(2A)                                 | Duty to issue amended permit to owner if Tribunal so directs                                               | GMSPD<br>PC<br>PLO<br>MPB |                                     |
| s.92                                     | duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90 | GMSPD<br>PC<br>PLO<br>MPB |                                     |
| s.93(2)                                  | duty to give notice of VCAT order to stop development                                                      | GMSPD<br>PC<br>PLO<br>MPB |                                     |
| s.95(3)                                  | function of referring certain applications to the Minister                                                 | GMSPD<br>PC<br>MPB        |                                     |
| s.95(4)                                  | duty to comply with an order or direction                                                                  | GMSPD<br>PC<br>PLO<br>MPB |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                                                                                                                                                        |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                                                                                                                                                        | <b>Column 3</b>                 | <b>Column 4</b>                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                                                                                                                                                 | <b>DELEGATE</b>                 | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                    |
| s.96(1)                                  | duty to obtain a permit from the Minister to use and develop its land                                                                                                                                                                                                  | GMSPD<br>PC<br>MPB              |                                                                                                                                                                                                                                                                                                                                                                                                                        |
| s.96(2)                                  | function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land                                                                                                                                                      | GMSPD<br>PC<br>MPB              |                                                                                                                                                                                                                                                                                                                                                                                                                        |
| s.96A(2)                                 | power to agree to consider an application for permit concurrently with preparation of proposed amendment                                                                                                                                                               | GMSPD<br>PC<br>PLO<br>MPB       |                                                                                                                                                                                                                                                                                                                                                                                                                        |
| s.96C                                    | power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C                                                                                                                                                      | GMSPD<br>PC<br>MPB              |                                                                                                                                                                                                                                                                                                                                                                                                                        |
| s.96G                                    | power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996) | PCofC<br><br>GMSPD<br>PC<br>MPB | Save where the proposed use and/or development. <ul style="list-style-type: none"> <li>Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme.</li> <li>Or proposed development is in excess of eight (8) metres in overall height above natural ground level.<br/>Or four (4) or more objections have been lodged against the grant of a permit.</li> </ul> |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                             |                           |                                                                                                                           |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                             | <b>Column 3</b>           | <b>Column 4</b>                                                                                                           |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                      | <b>DELEGATE</b>           | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                       |
|                                          |                                                                                                                             |                           | <ul style="list-style-type: none"> <li>• Or where the application may have an affect on the broader community.</li> </ul> |
| s.96H                                    | power to give notice in compliance with Minister's direction                                                                | GMSPD<br>PC<br>MPB        |                                                                                                                           |
| s.96J                                    | power to issue permit as directed by the Minister                                                                           | GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                           |
| s.96K                                    | duty to comply with direction of the Minister to give notice of refusal                                                     | GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                           |
| s.97C                                    | power to request Minister to decide the application                                                                         | GMSPD<br>PC<br>MPB        |                                                                                                                           |
| s.97D(1)                                 | duty to comply with directions of Minister to supply any document or assistance relating to application                     | GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                           |
| s.97G(3)                                 | function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister | GMSPD<br>PC<br>PLO<br>MPB |                                                                                                                           |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                           |                                         |                                     |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                           | <b>Column 3</b>                         | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                    | <b>DELEGATE</b>                         | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.97G(6)                                 | duty to make a copy of permits issued under s.97F available for inspection                                                | GMSPD<br>PC<br>PLO<br>PA<br>MPB         |                                     |
| s.97L                                    | duty to include Ministerial decisions in a register kept under s.49                                                       | GMSPD<br>PC<br>PLO<br>PA<br>MPB         |                                     |
| s.97O                                    | duty to consider application and issue or refuse to issue certificate of compliance                                       | GMSPD<br>PC<br>PLO<br>MPB               |                                     |
| s.97P(3)                                 | duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate | GMSPD<br>PC<br>PLO<br>MPB               |                                     |
| s.97Q(2)                                 | function of being heard by VCAT at hearing of request for amendment or cancellation of certificate                        | GMSPD<br>PC<br>PLO<br>EP<br>MPB<br>MECS |                                     |
| s.97Q(4)                                 | duty to comply with directions of VCAT                                                                                    | GMSPD<br>PC<br>PLO<br>MPB               |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                               |                                         |                                     |
|------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                               | <b>Column 3</b>                         | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                        | <b>DELEGATE</b>                         | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.97R                                    | duty to keep register of all applications for certificate of compliance and related decisions | GMSPD<br>PC<br>PLO<br>PA<br>MPB         |                                     |
| s.98(1)&(2)                              | function of receiving claim for compensation in certain circumstances                         | GMSPD<br>MPB                            |                                     |
| s.98(4)                                  | duty to inform any person of the name of the person from whom compensation can be claimed     | GMSPD<br>MPB                            |                                     |
| s.101                                    | function of receiving claim for expenses in conjunction with claim                            | GMSPD<br><br>MPB                        |                                     |
| s.103                                    | power to reject a claim for compensation in certain circumstances                             | PCofC<br>GMSPD<br>MPB                   |                                     |
| s.107                                    | function of receiving claim for compensation                                                  | GMSPD<br><br>MPB                        |                                     |
| s.114(1)                                 | power to apply to the VCAT for an enforcement order                                           | GMSPD<br>PC<br>MPB                      |                                     |
| s.117(1)(a)                              | function of making a submission to the VCAT where objections are received                     | GMSPD<br>PC<br>PLO<br>EP<br>MPB<br>MECS |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                       |                           |                                     |
|------------------------------------------|---------------------------------------------------------------------------------------|---------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                       | <b>Column 3</b>           | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                | <b>DELEGATE</b>           | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.120(1)                                 | power to apply for an interim enforcement order where s.114 application has been made | GMSPD<br>PC<br>MPB        |                                     |
| s.123(1)                                 | power to carry out work required by enforcement order and recover costs               | GMSPD<br>PC<br>MPB        |                                     |
| s.123(2)                                 | power to sell buildings, materials, etc salvaged in carrying out work under s.123(1)  | GMSPD<br>MPB              | Except Crown Land                   |
| s.129                                    | function of recovering penalties                                                      | GMSPD<br>MFCS<br>MPB      |                                     |
| s.130(5)                                 | power to allow person served with an infringement notice further time                 | GMSPD<br>PC<br>PLO<br>MPB |                                     |
| s.131(1)                                 | power to withdraw planning infringement notice                                        | GMSPD<br>PC<br>MPB        |                                     |
| s.131(3)                                 | duty to refund penalty where infringement notice withdrawn                            | GMSPD<br>PC<br>MPB        |                                     |
| s.133                                    | power to enter land as an Authorised Officer                                          | GMSPD<br>PC<br>PLO<br>MPB |                                     |
| s.149A(1)                                | power to refer a matter to the VCAT for determination                                 | GMSPD<br>PC<br>MPB        |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                                   |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                                                                                                                                                                                                                                                                               | <b>Column 3</b>             | <b>Column 4</b>                                   |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                                                                                                                                                                                                                                                                        | <b>DELEGATE</b>             | <b>CONDITIONS &amp; LIMITATIONS</b>               |
| s.156                                    | duty to pay fees and allowances (including a payment to the Crown under subsection (2A) and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4) | GMSPD<br>PC<br>MPB          | Where Council is the relevant planning authority. |
| s.171(2)(f)                              | power to carry out studies and commission reports                                                                                                                                                                                                                                                                                                                                             | GMSPD<br>PC<br>MPB          |                                                   |
| s.171(2)(g)                              | power to grant and reserve easements                                                                                                                                                                                                                                                                                                                                                          | PCofC<br>GMSPD<br>PC<br>MPB |                                                   |
| s.173                                    | power to enter into agreement covering matters set out in s.174                                                                                                                                                                                                                                                                                                                               | GMSPD<br>PC<br>MPB          |                                                   |
| ---                                      | power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority                                                                                                                                               | GMSPD<br>PC<br>PLO<br>MPB   |                                                   |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                                                                                                                       |                             |                                     |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                                                                                                                       | <b>Column 3</b>             | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                                                                                                                | <b>DELEGATE</b>             | <b>CONDITIONS &amp; LIMITATIONS</b> |
| ---                                      | power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority | GMSPD<br>PC<br>MPB          |                                     |
| s.178                                    | power to amend a s.173 agreement                                                                                                                                                                                                      | PCofC<br>GMSPD<br>PC<br>MPB |                                     |
| s.179(1)                                 | duty to lodge agreement with Minister                                                                                                                                                                                                 | GMSPD<br>PC<br>PLO<br>MPB   |                                     |
| s.179(2)                                 | duty to make available for inspection copy agreement                                                                                                                                                                                  | GMSPD<br>PC<br>PLO<br>MPB   |                                     |
| s.181                                    | power to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General                                                                                                            | GMSPD<br>PC<br>PLO<br>MPB   |                                     |



| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                        |                                 |                                     |
|------------------------------------------|------------------------------------------------------------------------|---------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                        | <b>Column 3</b>                 | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                 | <b>DELEGATE</b>                 | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.182                                    | power to enforce an agreement                                          | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.183                                    | duty to tell Registrar of Titles of ending/amendment of agreement      | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.198(1)                                 | function to receive application for planning certificate               | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |
| s.199(1)                                 | duty to give planning certificate to applicant                         | GMSPD<br>PC<br>PLO<br>MPB       |                                     |
| s.201(1)                                 | function of receiving application for declaration of underlying zoning | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |
| s.201(3)                                 | duty to make declaration                                               | GMSPD<br>PC<br>PLO<br>MPB       |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |                                                                                                                                                       |                                    |                                     |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>                                                                                                                                       | <b>Column 3</b>                    | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                                                                                                                | <b>DELEGATE</b>                    | <b>CONDITIONS &amp; LIMITATIONS</b> |
| -                                        | power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council         | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                     |
| -                                        | power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council. | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                     |
|                                          | power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or a condition in a permit | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                     |
|                                          | power to give written authorisation in accordance with a provision of a planning scheme                                                               | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB |                                     |

| <b>PLANNING AND ENVIRONMENT REGULATIONS 2005</b> |                                                                                                                                                                                                                                                                                 |                                 |                                     |
|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------|
| <b>Column 1</b>                                  | <b>Column 2</b>                                                                                                                                                                                                                                                                 | <b>Column 3</b>                 | <b>Column 4</b>                     |
| <b>PROVISION</b>                                 | <b>THING DELEGATED</b>                                                                                                                                                                                                                                                          | <b>DELEGATE</b>                 | <b>CONDITIONS &amp; LIMITATIONS</b> |
| r 6                                              | duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge                                                                                                                                                        | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |
| r7                                               | duty of responsible authority to provide copy information or report requested by Minister                                                                                                                                                                                       | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |
| r22                                              | power of responsible authority to require verification of information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in application for permit or to amend a permit or any information provided under section 54 of the Act | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |
| r 55                                             | duty of responsible authority to tell Registrar of Titles under r 183 of the Act of the cancellation or amendment of an agreement                                                                                                                                               | GMSPD<br>PC<br>PLO<br>PA<br>MPB |                                     |

| <b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2000</b> |                                                                                                                   |                    |                                     |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------|
| <b>Column 1</b>                                         | <b>Column 2</b>                                                                                                   | <b>Column 3</b>    | <b>Column 4</b>                     |
| <b>PROVISION</b>                                        | <b>THING DELEGATED</b>                                                                                            | <b>DELEGATE</b>    | <b>CONDITIONS &amp; LIMITATIONS</b> |
| r.13(1)                                                 | power to waive or rebate fee in prescribed circumstances                                                          | GMSPD<br>PC<br>MPB |                                     |
| r.13(2)                                                 | power to waive or rebate fee for amendment to a planning scheme in prescribed circumstances                       | GMSPD<br>PC<br>MPB |                                     |
| r.13(3)                                                 | duty if fee waived or rebated to record the matters taken into account and which formed the basis of the decision | GMSPD<br>PC<br>MPB |                                     |

| <b>RAIL SAFETY ACT 2006</b> |                                                                                                                                                |                 |                                        |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------------------------|
| <b>Column 1</b>             | <b>Column 2</b>                                                                                                                                | <b>Column 3</b> | <b>Column 4</b>                        |
| <b>PROVISION</b>            | <b>THING DELEGATED</b>                                                                                                                         | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b>    |
| s.33                        | duty to comply with a direction of the Safety Director under this section                                                                      | GMIS<br>MSA     | duty of Council as a utility under s.3 |
| s.33A                       | duty to comply with a direction of the Safety Director to give effect to arrangements under this section.                                      | GMIS<br>MSA     | duty of Council as a utility under s.3 |
| s.34                        | duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s.33(1) | GMIS<br>MSA     | duty of Council as a utility under s.3 |

| <b>RESIDENTIAL TENANCIES ACT 1997</b> |                                                                                                      |                 |                                     |
|---------------------------------------|------------------------------------------------------------------------------------------------------|-----------------|-------------------------------------|
| <b>Column 1</b>                       | <b>Column 2</b>                                                                                      | <b>Column 3</b> | <b>Column 4</b>                     |
| <b>PROVISION</b>                      | <b>THING DELEGATED</b>                                                                               | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s.522                                 | give a compliance notice to a person                                                                 | LLC             |                                     |
| s.525(2)                              | power to authorise an officer to exercise powers in s.526 (either generally or in a particular case) | GMCCS           |                                     |
| s.525(4)                              | duty to issue identity card to authorised officers                                                   | GMCCS           |                                     |
| s.526(5)                              | duty to keep record of entry by authorised officer under section 526                                 | LLC             |                                     |
| s.527                                 | power to authorise a person to institute proceedings (either generally or in a particular case)      | LLC             |                                     |

| <b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 1999</b> |                                                                                                                                                                                                     |                                     |                                     |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| <b>Column 1</b>                                                                                                | <b>Column 2</b>                                                                                                                                                                                     | <b>Column 3</b>                     | <b>Column 4</b>                     |
| <b>PROVISION</b>                                                                                               | <b>THING DELEGATED</b>                                                                                                                                                                              | <b>DELEGATE</b>                     | <b>CONDITIONS &amp; LIMITATIONS</b> |
| r.8(a)                                                                                                         | power to: <ul style="list-style-type: none"> <li>grant registration or renewal of registration</li> <li>issue a certificate of registration or renewal of registration</li> </ul>                   | MHCS<br>EHC<br>EHO                  |                                     |
| r.11                                                                                                           | power to grant transfer of registration and duty to cause current certificate of registration to be endorsed                                                                                        | MHCS<br>EHC<br>EHO                  |                                     |
| r.13                                                                                                           | keep a register of caravan parks                                                                                                                                                                    | MHCS<br>EHC                         |                                     |
| r.14(3)                                                                                                        | approve place for display of certificate and other documents                                                                                                                                        | MHCS<br>EHC                         |                                     |
| r.20                                                                                                           | determine a lesser time for notification of details of intended installation                                                                                                                        | MHCS<br>EHC                         |                                     |
| r.33                                                                                                           | power to form view that refuse receptacles are sufficient and clean                                                                                                                                 | MHCS<br>EHC<br>EHO                  |                                     |
| r.34                                                                                                           | power to form view that refuse is disposed of adequately                                                                                                                                            | MHCS<br>EHC<br>EHO                  |                                     |
| r.35                                                                                                           | duty to consult with the relevant fire authority and determine: <ul style="list-style-type: none"> <li>the fire fighting facilities to be provided</li> <li>space for firefighter access</li> </ul> | GMSPD<br>MFPO<br>MHCS<br>EHC<br>MBS |                                     |

| <b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 1999</b> |                                                                                             |                                    |                                     |
|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------|
| <b>Column 1</b>                                                                                                | <b>Column 2</b>                                                                             | <b>Column 3</b>                    | <b>Column 4</b>                     |
| <b>PROVISION</b>                                                                                               | <b>THING DELEGATED</b>                                                                      | <b>DELEGATE</b>                    | <b>CONDITIONS &amp; LIMITATIONS</b> |
| r.36                                                                                                           | duty to consult with the relevant fire authority and determine an emergency management plan | GMSPD<br>MHCS<br>MFPO<br>EHC       |                                     |
| r.38                                                                                                           | power to approve the installation of a rigid annexe in a caravan park                       | GMSPD<br>MHCS<br>EHO<br>EHC<br>MBS |                                     |
| r.39                                                                                                           | power to approve lighting                                                                   | GMIS<br>MHCS<br>EHO<br>EHC<br>MBS  |                                     |



| <b>ROAD MANAGEMENT ACT 2004</b> |                                                                                              |                    |                                                                                                                 |
|---------------------------------|----------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                 | <b>Column 2</b>                                                                              | <b>Column 3</b>    | <b>Column 4</b>                                                                                                 |
| <b>PROVISION</b>                | <b>THING DELEGATED</b>                                                                       | <b>DELEGATE</b>    | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                             |
| s11(1)                          | power to declare a road by publishing a notice in the Government Gazette                     | GMIS<br>MSA        | obtain consent in circumstances specified in s11(2)                                                             |
| s11(8)                          | power to name a road or change the name of a road by publishing notice in Government Gazette | GMCCS<br>PRC       |                                                                                                                 |
| s11(9)(b)                       | duty to advise Registrar                                                                     | GMCCS<br>PRC       |                                                                                                                 |
| s11(10)                         | duty to inform Secretary to Department of Sustainability and Environment of declaration etc. | MSA<br>PRC         | clause subject to s.11(10A)                                                                                     |
| s.11(10A)                       | duty to inform Secretary to Dept of Sustainability and Environment or nominated person       | GMIS<br>MSA<br>MCW | duty of co-ordinating road authority                                                                            |
| s,12(2)                         | power to discontinue road or part of a road                                                  | GMIS<br>MSA        | power of co-ordinating road authority                                                                           |
| s12(4)                          | power to publish, and provide copy, notice of proposed discontinuance                        | GMIS<br>MSA        | power of coordinating road authority where it is the discontinuing body<br>- unless subsection (11) applies     |
| s.12(5)                         | duty to consider written submissions received within 28 days of notice                       | GMIS<br>MSA        | duty of co-ordinating road authority where it is the discontinuing body<br>- unless subsection (11) applies     |
| s.12(6)                         | function of hearing a person in support of their written submission                          | GMIS<br>MSA        | function of co-ordinating road authority where it is the discontinuing body<br>- unless subsection (11) applies |

| <b>ROAD MANAGEMENT ACT 2004</b> |                                                                                                                                                                                                                                           |                 |                                                                                                                                                                        |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                 | <b>Column 2</b>                                                                                                                                                                                                                           | <b>Column 3</b> | <b>Column 4</b>                                                                                                                                                        |
| <b>PROVISION</b>                | <b>THING DELEGATED</b>                                                                                                                                                                                                                    | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                    |
| s.12(7)                         | duty to fix day, time and place of meeting under subsection (6) and to give notice                                                                                                                                                        | GMIS<br>MSA     | duty of co-ordinating road authority where it is the discontinuing body<br>- unless subsection (11) applies                                                            |
| s12(10)                         | duty to notify of decision made                                                                                                                                                                                                           | GMIS<br>MSA     | duty of coordinating road authority where it is the discontinuing body<br>- does not apply where an exemption is specified by the regulations or given by the Minister |
| s13(1)                          | power to fix a boundary road by publishing notice in Government Gazette                                                                                                                                                                   | GMIS<br>MSA     | power of coordinating road authority and obtain consent under s13(3) and s13(4) as appropriate                                                                         |
| s14(7)                          | power to appeal against decision of VicRoads                                                                                                                                                                                              | GMIS            |                                                                                                                                                                        |
| s15(1)                          | power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport. | GMIS            |                                                                                                                                                                        |
| s15(1A)                         | power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority                                                                                                                | GMIS<br>MSA     |                                                                                                                                                                        |
| s15(2)                          | duty to include details of arrangement in public roads register                                                                                                                                                                           | GMIS<br>MSA     |                                                                                                                                                                        |
| s16(7)                          | power to enter into an arrangement under s15                                                                                                                                                                                              | GMIS            |                                                                                                                                                                        |
| s16(8)                          | duty to enter details of determination in public roads register                                                                                                                                                                           | GMIS<br>MSA     |                                                                                                                                                                        |

| <b>ROAD MANAGEMENT ACT 2004</b> |                                                                                                     |                 |                                                                                               |
|---------------------------------|-----------------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------------------------------------------|
| <b>Column 1</b>                 | <b>Column 2</b>                                                                                     | <b>Column 3</b> | <b>Column 4</b>                                                                               |
| <b>PROVISION</b>                | <b>THING DELEGATED</b>                                                                              | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b>                                                           |
| s17(2)                          | duty to register public road in public roads register                                               | MSA             | power of coordinating road authority                                                          |
| s17(3)                          | power to decide that a road is reasonably required for general public use                           | GMIS<br>MSA     | power of coordinating road authority                                                          |
| s17(3)                          | duty to register a road reasonably required for general public use in public roads register         | MSA             | power of coordinating road authority                                                          |
| s17(4)                          | power to decide that a road is no longer reasonably required for general public use                 | GMIS            | power of coordinating road authority                                                          |
| s17(4)                          | duty to remove road no longer reasonably required for general public use from public roads register | MSA             | power of coordinating road authority                                                          |
| s18(1)                          | power to designate ancillary area                                                                   | GMIS            | power of coordinating road authority, and obtain consent in circumstances specified in s18(2) |
| s18(3)                          | duty to record designation in public roads register                                                 | GMIS<br>MSA     | power of coordinating road authority                                                          |
| s19(1)                          | duty to keep register of public roads in respect of which it is the coordinating road authority     | GMIS<br>MSA     |                                                                                               |
| s19(4)                          | duty to specify details of discontinuance in public roads register                                  | GMIS<br>MSA     |                                                                                               |
| s19(5)                          | duty to ensure public roads register is available for public                                        | GMIS<br>MSA     |                                                                                               |

| <b>ROAD MANAGEMENT ACT 2004</b> |                                                                                                                                                                                         |                    |                                                                                                                                         |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                 | <b>Column 2</b>                                                                                                                                                                         | <b>Column 3</b>    | <b>Column 4</b>                                                                                                                         |
| <b>PROVISION</b>                | <b>THING DELEGATED</b>                                                                                                                                                                  | <b>DELEGATE</b>    | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                     |
|                                 | inspection                                                                                                                                                                              |                    |                                                                                                                                         |
| s.21                            | power to reply to request for information or advice                                                                                                                                     | GMIS<br>MSA        | obtain consent in circumstances specified in s11(2)                                                                                     |
| s.22(2)                         | power to comment on proposed direction                                                                                                                                                  | GMIS<br>MSA        |                                                                                                                                         |
| s.40(1)                         | duty to inspect, maintain and repair a public road.                                                                                                                                     | GMIS<br>MSA<br>MCW |                                                                                                                                         |
| s42(1)                          | power to declare a public road as a controlled access road                                                                                                                              | GMIS               | power of coordinating road authority and Schedule 2 also applies                                                                        |
| s42(2)                          | power to amend or revoke declaration by notice published in Government Gazette                                                                                                          | GMIS               | power of coordinating road authority and Schedule 2 also applies                                                                        |
| s.42A(3)                        | duty to consult with VicRoads before road is specified                                                                                                                                  | GMIS               | duty of co-ordinating road authority<br>- if road is a municipal road or part thereof                                                   |
| s.42A(4)                        | power to approve Minister's decision to specify a road as a specified freight road                                                                                                      | GMIS<br>MSA        | power of co-ordinating road authority<br>- if road is a municipal road or part thereof and where road is to be specified a freight road |
| s.48EA                          | duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport). | GMIS<br>MSA<br>MCW | duty of responsible road authority, infrastructure manager or works manager                                                             |

| <b>ROAD MANAGEMENT ACT 2004</b> |                                                                                                                  |                        |                                                 |
|---------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------|-------------------------------------------------|
| <b>Column 1</b>                 | <b>Column 2</b>                                                                                                  | <b>Column 3</b>        | <b>Column 4</b>                                 |
| <b>PROVISION</b>                | <b>THING DELEGATED</b>                                                                                           | <b>DELEGATE</b>        | <b>CONDITIONS &amp; LIMITATIONS</b>             |
| s.53(2)                         | power to cause notice to be published in Government Gazette of amendment etc of document in road management plan | GMIS<br>MSA            |                                                 |
| s.54(2)                         | duty to give notice of proposal to make a road management plan                                                   | GMIS<br>MSA            |                                                 |
| s.55(1)                         | duty to cause notice of road management plan to be published in Government Gazette and newspaper                 | GMIS<br>MSA            |                                                 |
| s.63(1)                         | power to consent to conduct of works on road                                                                     | GMIS<br>MCW<br>MSA     | power of coordinating road authority            |
| s.63(2)(e)                      | power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency               | GMIS<br>MCW<br>MSA     | power of infrastructure manager                 |
| s.64(1)                         | duty to comply with clause 13 of Schedule 7                                                                      | GMIS<br>MCW<br>MSA     | duty of infrastructure manager or works manager |
| s.66(1)                         | power to consent to structure etc                                                                                | LLC                    | power of coordinating road authority            |
| s.67(3)                         | power to request information                                                                                     | LLC                    | power of coordinating road authority            |
| s.68(2)                         | power to request information                                                                                     | LLC                    | power of coordinating road authority            |
| s71(3)                          | power to appoint an authorised officer                                                                           | GMSPD<br>GMCCS<br>GMIS |                                                 |

| <b>ROAD MANAGEMENT ACT 2004</b> |                                                                           |                 |                                     |
|---------------------------------|---------------------------------------------------------------------------|-----------------|-------------------------------------|
| <b>Column 1</b>                 | <b>Column 2</b>                                                           | <b>Column 3</b> | <b>Column 4</b>                     |
| <b>PROVISION</b>                | <b>THING DELEGATED</b>                                                    | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s86                             | duty to keep register re s85 matters                                      | GMIS            |                                     |
| s87(2)                          | power to investigate complaint and provide report                         | GMIS            |                                     |
| s116                            | power to cause or carry out inspection                                    | MSA<br>MCW      |                                     |
| s120(2)                         | power to seek consent of VicRoads                                         | GMIS<br>MCW     |                                     |
| s121(1)                         | power to enter into an agreement re works                                 | GMIS<br>MCW     |                                     |
| Schedule 2<br>Clause 2(1)       | power to make a decision re controlled access roads                       | GMIS            |                                     |
| Schedule 2<br>Clause 3(1)       | power to make policy about controlled access roads                        | GMIS            |                                     |
| Schedule 2<br>Clause 3(2)       | power to amend, revoke or substitute policy about controlled access roads | GMIS            |                                     |
| Schedule 2<br>Clause 5          | duty to publish notice of declaration                                     | GMIS            |                                     |
|                                 |                                                                           |                 |                                     |
|                                 |                                                                           |                 |                                     |
|                                 |                                                                           |                 |                                     |

| <b>ROAD MANAGEMENT ACT 2004</b> |                                                                                                                                                                                                                                                                                                    |                    |                                                                                         |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------|
| <b>Column 1</b>                 | <b>Column 2</b>                                                                                                                                                                                                                                                                                    | <b>Column 3</b>    | <b>Column 4</b>                                                                         |
| <b>PROVISION</b>                | <b>THING DELEGATED</b>                                                                                                                                                                                                                                                                             | <b>DELEGATE</b>    | <b>CONDITIONS &amp; LIMITATIONS</b>                                                     |
| Schedule 7, Clause 7(1)         | duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve                                                                                                                                                 | GMIS<br>MCW<br>MSA | duty of infrastructure manager or works manager                                         |
| Schedule 7, Clause 8(1)         | duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road                                     | GMIS<br>MCW        | duty of infrastructure manager or works manager                                         |
| Schedule 7, Clause 9(1)         | duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works | GMIS<br>MCW<br>MSA | duty of infrastructure manager or works manager responsible for non-road infrastructure |
| Schedule 7, Clause 9(2)         | duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance.                                                           | GMIS<br>MCW<br>MSA | duty of infrastructure manager or works manager                                         |
| Schedule 7, Clause 10(2)        | where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected                                                                                                                                                  | GMIS<br>MCW<br>MSA | duty of infrastructure manager or works manager                                         |

| <b>ROAD MANAGEMENT ACT 2004</b> |                                                                                                                                       |                            |                                      |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------|
| <b>Column 1</b>                 | <b>Column 2</b>                                                                                                                       | <b>Column 3</b>            | <b>Column 4</b>                      |
| <b>PROVISION</b>                | <b>THING DELEGATED</b>                                                                                                                | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b>  |
| Schedule 7<br>Clause 12(2)      | power to direct infrastructure manager or works manager to conduct reinstatement works                                                | GMIS                       | power of coordinating road authority |
| Schedule 7<br>Clause 12(3)      | power to take measures to ensure reinstatement works are completed                                                                    | GMIS<br>MCW<br>MSA         | power of coordinating road authority |
| Schedule 7<br>Clause 12(4)      | duty to ensure that works are conducted by an appropriately qualified person                                                          | GMIS<br>MCW<br>MSA         | power of coordinating road authority |
| Schedule 7<br>Clause 12(5)      | power to recover costs                                                                                                                | GMIS<br>MCW<br>MFCS<br>MSA | power of coordinating road authority |
| Schedule 7,<br>Clause 13(1)     | duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2) | GMIS<br>MCW<br>MSA         | duty of works manager                |
| Schedule 7<br>Clause 13(2)      | power to vary notice period                                                                                                           | GMIS<br>MCW<br>MSA         | power of coordinating road authority |
| Schedule 7,<br>Clause 13(3)     | duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)                               | GMIS<br>MCW                | duty of infrastructure manager       |
| Schedule 7<br>Clause 16         | power to consent to proposed works                                                                                                    | GMIS<br>MSA<br>MCW         | power of coordinating road authority |
| Schedule 7                      | power to refuse to give consent                                                                                                       | GMIS                       | power of coordinating road authority |



| <b>ROAD MANAGEMENT ACT 2004</b> |                                                                                                                                           |                    |                                                                                                                                                                     |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Column 1</b>                 | <b>Column 2</b>                                                                                                                           | <b>Column 3</b>    | <b>Column 4</b>                                                                                                                                                     |
| <b>PROVISION</b>                | <b>THING DELEGATED</b>                                                                                                                    | <b>DELEGATE</b>    | <b>CONDITIONS &amp; LIMITATIONS</b>                                                                                                                                 |
| Clause 17(2)                    |                                                                                                                                           |                    |                                                                                                                                                                     |
| Schedule 7<br>Clause 18(1)      | power to enter into an agreement                                                                                                          | GMIS<br>MCW<br>MSA | power of coordinating road authority                                                                                                                                |
| Schedule 7<br>Clause 19(1)      | power to give notice requiring rectification of works                                                                                     | GMIS<br>MSA<br>MCW | power of coordinating road authority                                                                                                                                |
| Schedule 7<br>Clause 20(1)      | power to require removal, relocation, replacement or upgrade of existing non-road infrastructure                                          | MSA<br>LLC<br>MCW  | power of coordinating road authority                                                                                                                                |
| Schedule 7A<br>Clause 2         | power to cause street lights to be installed on roads                                                                                     | GMIS<br>MSA        | power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road.                               |
| Schedule 7A<br>Clause 3(1)(d)   | duty to pay installation and operation costs of street lighting – where road is not an arterial road.                                     | GMIS<br>MSA        | where Council is the responsible road authority for the road.                                                                                                       |
| Schedule 7A<br>Clause 3(1)(e)   | duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas.    | GMIS<br>MSA        | where Council is the responsible road authority.                                                                                                                    |
| Schedule 7A<br>Clause (3)(1)(f) | duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4. | GMIS<br>MSA        | where Council is responsible road authority that installed the light (re. installation costs) and where Council is relevant municipal Council (re operating costs). |

| <b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2005</b> |                                                                                                                                           |                 |                                      |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------------|
| <b>Column 1</b>                                   | <b>Column 2</b>                                                                                                                           | <b>Column 3</b> | <b>Column 4</b>                      |
| <b>PROVISION</b>                                  | <b>THING DELEGATED</b>                                                                                                                    | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b>  |
| r.301                                             | duty to conduct reviews of road management plan                                                                                           | GMIS<br>MSA     |                                      |
| r.302(2)                                          | duty to give notice of review of road management plan                                                                                     | GMIS<br>MSA     |                                      |
| r.302(5)                                          | duty to produce written report of review of road management plan and make report available                                                | GMIS<br>MSA     |                                      |
| r.303                                             | duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act | GMIS<br>MSA     |                                      |
| r.306(2)                                          | duty to record on road management plan the substance and date of effect of amendment                                                      | MSA             |                                      |
| r.501(1)                                          | power to issue permit                                                                                                                     | GMIS<br>MSA     | power of coordinating road authority |
| r.501(4)                                          | power to charge fee for issuing permit under r.501(1)                                                                                     | GMIS<br>MSA     | power of coordinating road authority |
| r.503(1)                                          | power to give written consent to person to drive on road a vehicle which is likely to cause damage to road                                | GMIS<br>MSA     | power of coordinating road authority |
| r.508(3)                                          | power to make submission to Tribunal                                                                                                      | GMIS            | power of coordinating road authority |
| r.509(1)                                          | power to remove objects, refuse, rubbish or other material deposited or left on road                                                      | MCW<br>LLC      | power of responsible road authority  |

| <b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2005</b> |                                                                                                         |                 |                                     |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------|-------------------------------------|
| <b>Column 1</b>                                   | <b>Column 2</b>                                                                                         | <b>Column 3</b> | <b>Column 4</b>                     |
| <b>PROVISION</b>                                  | <b>THING DELEGATED</b>                                                                                  | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b> |
| r.509(2)                                          | power to sell or destroy things removed from road or part of road (after first complying with r.509(3)) | GMIS<br>LLC     | power of responsible road authority |
| r.509(4)                                          | power to recover in the Magistrates' Court, expenses from person responsible                            | GMIS<br>LLC     |                                     |

| <b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005</b> |                                                                                                                                                                                         |                 |                                      |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------------|
| <b>Column 1</b>                                                    | <b>Column 2</b>                                                                                                                                                                         | <b>Column 3</b> | <b>Column 4</b>                      |
| <b>PROVISION</b>                                                   | <b>THING DELEGATED</b>                                                                                                                                                                  | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b>  |
| r.10                                                               | power, where consent given under s.63(1) of the Act, to exempt a person from requirement under clause 13(1) of Schedule 7 to that Act to give notice as to the completion of those work | GMIS<br>MCW     | power of coordinating road authority |
| r.18(2)                                                            | power to waive whole or part of fee in certain circumstances                                                                                                                            | GMIS            | power of coordinating road authority |

**OM092810-8****ANNUAL REPORT 2008-2009**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Mark Gunning                   | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN01688     |

**Purpose**

This report is to update Council on the preparation, finalisation and council receipt of the 2008/2009 Annual Report in order to meet legislative requirements for Council.

The 2008/2009 Annual Report provides Council with the opportunity to consider, celebrate, and report to the community the achievements of the organisation over the past 12 months.

**Declaration of Interests**

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

**Background**

Council is required under Section 131 of the Local Government Act 1989 to annually prepare a report in the prescribed format.

The 2008/2009 Annual Report was prepared to reflect the governance, operations and achievements of the Colac Otway Shire Council for the reporting period.

Section 131 of the Local Government Act 1989 requires:

*“A Council must in respect of each financial year prepare an annual report containing –*

- (a) a report of its operations during the financial year;*
- (b) audited standard statements for the financial year;*
- (c) audited financial statements for the financial year;*
- (d) a copy of the performance statement prepared under section 132; and*
- (e) a copy of the report on the performance statement prepared under section 133;*
- (f) any other matters required by the regulations”*

In addition S.134 requires Council to hold a “Meeting to consider the annual report”. A meeting must be held as soon as practicable but within the time required by the regulations, this being “within one month”, after the Council has sent the annual report to the Minister. The Annual Report was sent to the Minister on 30 September 2009.

The meeting to consider the Annual Report is required to be an open meeting and 14 days notice of the meeting must be given. The necessary statutory advertising has been undertaken and, as required by the Local Government Act 1989, copies of the report have been available from Customer Service Centres and Libraries in Colac and Apollo Bay. In addition the Annual Report is available on Council's website at [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au).

**Council Plan / Other Strategies / Policy**

The Annual Report reflects the output of Council in accordance with the Council Plan prepared for the 2005-2009 period.

The Annual Report is the Council's highest-level report to the community outlining how the Council has met its annual objectives as articulated in the Council Plan, Strategic Resource Plan and Budget.

The central objective of the 2008/09 Annual Report is to inform the Colac Otway Shire community and stakeholders of Council's performance in 2008/09 against the objectives and priorities outlined in the Council Plan under the seven community priorities as listed above.

### **Issues / Options**

The preparation of the Annual report is a statutory requirement of Council and its officers. The report is prepared to reflect the outputs of the various business units of Council over the reporting period as well as the financial operations of council over that time.

The Auditor General has issued a clear audit opinion on the Financial Statements. Council is required by legislation to consider the 2008/2009 Annual Report.

The draft Financial Statements were considered by Council at the 23 September 2009 Council Meeting and the Audit Committee on 11 September 2009.

The Annual Report was submitted to the Minister within the time limit allowed by the Local Government Act 1989, i.e. 30 September 2009.

### **Structure of the Annual Report**

The report is structured in several sections as follows:

- The Introductory Section: this includes Council's Vision, The Year in Review, Message from the Mayor and Chief Executive Officer, Financial Officer's Report and details of the Executive Management Team.
- The Governance Section, which reports on Council's statutory compliance requirements.
- The next seven sections are based on the Community Priority areas as detailed in the Council Plan for the reporting period:
  - Strong Leadership
  - Roads and Infrastructure
  - Planning and Development
  - Health, Recreation and Community Services
  - Economic Development
  - Environmental Sustainability
  - Financial Sustainability
- The Financial Performance section provides details of key financial details for the 2008/2009 financial year as well as comparisons of key indicators over a 5 year period.
- The Financial Report provides a guide to understanding the statements as well as the Standard and Financial Statements. These statements have received an unqualified report from the Auditor-General's Office.
- The report ends with other information including Acronyms and Definitions, an index and details regarding contacting Council.

**Major Achievements – against objectives set in the 2008/09 Annual Business Plan to implement Council Objectives****Strong Leadership - Highlights**

- New Council Plan developed
- New virtual technology replaced the physical hardware systems
- Improved financial position
- Won MAV Best 2007/08 Annual Report

**Roads & Infrastructure - Highlights**

- Development of a Capital Works and Major Projects prioritisation model
- Completion of the Building Renewal Program
- Best Value review completed for Sustainable Assets and Capital Works

**Planning & Development - Highlights**

- Implementation of Planning Scheme Review and Strategic Studies (Amendment C55)
- Consistent decisions under the 60 day statutory timeline

**Health, Recreation & Community Services - Highlights**

- Collaborative Regional Trails Master Plan nominated for an award
- Regional HACC assessment manual developed
- Pandemic Flu Plan developed and initiated for Swine Flu

**Economic Development - Highlights**

- Completed the Lake Colac Cultural Heritage Management Plan
- 160 attended the Business Training and Development Forums
- Visitor numbers to the Shire remain strong due to the strength of the Great Ocean Road and its attraction to overseas visitors

**Environmental Sustainability - Highlights**

- Commissioned the first photovoltaic solar power generation system for a renewable energy supply to a Council facility
- Received an award from Cities for Climate Protection Australia for achieving Milestone 4 of a five milestone program
- Developed a Domestic Animal Management Plan

**Financial Sustainability - Highlights**

- Implementation of new financial management systems
- For the 5<sup>th</sup> consecutive year Council did not undertake any new loan borrowings. Loan liability reduced to \$2.46M in 2008/09
- 98% of Rates collected by year end

**Proposal**

The 2008/2009 Annual Report of Council has been displayed at Council offices at Rae Street, Colac, Customer Service Centres, Libraries and has also been displayed on Council's website at [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au).

**Financial and Other Resource Implications**

Cost of preparation of the Annual Report has been within prescribed budget allocation. The cost of printing the 2008/2009 Annual Report is met within the current budget. A limited number of copies are printed to save paper and costs. Hard copies of the annual report will

be available to meet statutory, administrative and community needs. The report will also be available on Council's website towards the end of November 2009.

An overview of Council's financial performance appears in the Annual Report. The overview provides information on key areas and indicators. The statements also include a section on "Understanding the Financial Statements".

The improved financial position resulting from the reduced Infrastructure Renewal Gap and reducing debt levels will assist the Council in meeting the ongoing financial challenges it faces.

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

By completing this report in the prescribed format Council meets its Compliance obligations with respect to the Annual Report requirements of both the Local Government Act 1989 and the Local Government (Finance and Reporting) Regulations 2004.

Under Section 131 of the Local Government Act 1989, Council is required to submit an annual report to the Minister within three months of the end of each financial year. The report must be made available for public inspection after it has been sent to the Minister. The annual report contains audited performance, standard and financial statements as well as meeting other statutory requirements.

Under Section 134 of the Local Government Act 1989, Council must consider the Annual Report at a meeting of the Council. The meeting must be advertised and copies of the Annual Report made available before the meeting. This advertising has occurred and indicated that the Report will be considered at the meeting of Council held 28 October 2009.

### **Environmental and Climate Change Considerations**

Environmental considerations of Council are documented in the Annual Report.

### **Communication Strategy / Consultation**

During the development of the report, Council officers have had extensive input into the process and Councillors were issued with a draft copy for their information prior to finalisation of the report.

Copies of the report have been available for viewing by the community and stakeholders since Wednesday 7 October 2009 at Council's Customer Service centres, Website and Libraries.

### **Implementation**

Copies of the Annual Report will continue to be available at Council's Customer Service centres, website and Libraries.

### **Conclusion**

The Annual Report is an important document for Council in that it provides the community access to information about Council's financial and operational performance. It also provides an opportunity for Council to showcase its achievements and indicate the challenges that have been faced over the past 12 months in each of the Community Priority areas.

The 2008/2009 Annual Report confirms that Council, in addition to its obligations under Section 131 of the Local Government Act 1989, has made significant advances towards achieving the Community Priorities in the Council Plan and major improvements in its financial position.



Overall, 2008/2009 was a successful year for Council and the community resulting from the strong direction of Council and the dedication and professionalism of staff. Many staff have worked hard to create the achievements outlined in the report. Many of the achievements were met in partnership with the community and volunteers further enhancing Council's links to our community which we strive to serve. A strong base has been established from which to move forward with the new Council Plan adopted in 2009 for the 2009/2013 term of Council.

**Attachments**

1. 2008/2009 Annual Report

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

- 1. Notes the completion of the 2008/2009 Annual Report document and process.***
- 2. Notes the Auditor's unqualified reports on the Financial Statements, Standard Statements and Performance Statement..***
- 3. Notes the Annual Report was submitted to the Minister for Local Government by 30 September 2009, as required.***
- 4. Consider and receive the 2008/09 Annual Report as presented to this meeting in accordance with Sections 131 and 134 of the Local Government Act 1989.***

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Colac Otway Shire Annual Report 2008 – 2009

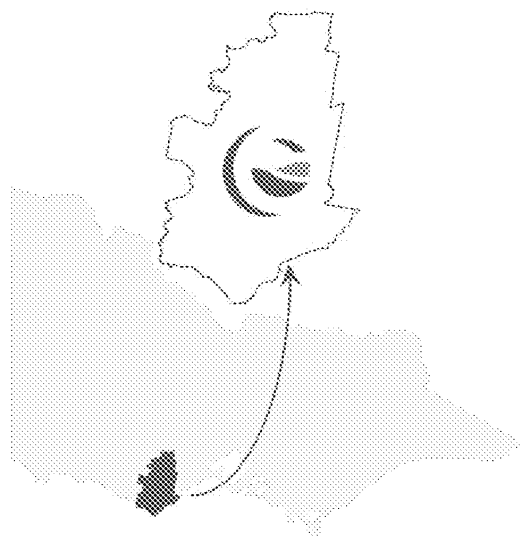


Colac Otway
SHIRE

Naturally Progressive

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Colac Otway Shire

Naturally Progressive

We are fortunate to live in this part of the world, with its natural beauty and diversity of industry.

Colac Otway Shire has some of the most picturesque scenery in the State. A large proportion is State Forest and National Park, including beaches, coastline, rainforests, waterfalls, volcanic lakes and craters.

Colac Otway Shire is situated within a two hour drive of Melbourne and is a vibrant and progressive rural, residential and resort area.

Colac is thought to be named after the local Coladjin Aboriginal tribe that once lived in the area and Cape Otway was named by Lieutenant Grant in 1801 after a Captain Otway.

In the northern hinterland much of the rural area is used for timber and agriculture, with farming, cropping and dairying being the main agricultural activities.

A drive south through Colac leads to the Otway Ranges, home to one of Australia's most significant cool climate rainforest areas. The Otways are important to the Shire and the wider region for tourism, timber and water harvesting, with tourism being especially important in the southern section along the Great Ocean Road.

The Shire has two main townships, the largest being Colac, the major service town where most community support and health services, retail trade and manufacturing businesses are located. The other major township is Apollo Bay, which serves as the major tourism centre. Dotted throughout the Shire are many small and historic towns with active community associations.

The Shire at a Glance

| | |
|------------------------------------|--------|
| <i>Population at 30 June 2006:</i> | 20,294 |
| 0 – 4 years: | 5.9% |
| 5 – 17 years: | 18.9% |
| 18 – 34 years: | 17.7% |
| 35 – 59 years: | 34.9% |
| over 60 years: | 22.6% |

| | |
|---|-------|
| <i>Colac Otway residents born in Australia:</i> | 87.3% |
|---|-------|

Source: Australian Bureau of Statistics Census 2006

| | |
|---------------------------------------|---------------------|
| <i>Area:</i> | 3,427 sq kilometres |
| <i>Length of Local Roads:</i> | 1,700 kilometres |
| <i>Number of Rateable Properties:</i> | 14,335 |

About this Annual Report

This report documents Council's performance during 2008/09 against the Council Plan and the 2008/09 Budget. It is also the final report against the Council Plan 2005-2009. Next year's report will be against the new Council Plan 2009-2013.

This report highlights achievements and challenges in key operational areas, provides comprehensive corporate governance information as well as detailed audited financial statements.

Transparent reporting and accountability are core values of this Council and a rigorous assessment of Council's performance ensures these values are upheld.

Readership

This report caters for a wide readership including the general community, ratepayers, local businesses, visitors, investors, government agencies and other interested parties. The report also provides Council staff with an overall picture of the way we have performed and how they have contributed to the community during the year.

To obtain a copy of this report, please contact Council's Customer Service Centre on (03) 5232 9400 or view a copy online at: www.colacotway.vic.gov.au

Feedback

The annual report's content is reviewed each year and is guided by local government requirements. Your feedback is invited via email: info@colacotway.vic.gov.au or by letter to:

Chief Executive Officer
PO Box 283,
Colac Vic 3250

Our Vision

Colac Otway Shire is naturally progressive and strives to achieve the best possible social, economic and environmental outcomes to create a vibrant, liveable community.

Our Mission

Colac Otway operates according to good governance principles and emphasises the importance of service, people and business in:

- * Providing community development and support services
- * Managing Council's infrastructure and the natural environment
- * Facilitating strategic economic development

The purpose of providing these services and activities is to enhance the quality of life of our residents and visitors, now and in the future.

Our Values

Partnership

We will work in partnership with the community to achieve agreed goals.

Consultation

We will undertake genuine consultation on key issues as part of our decision-making processes to improve the quality, accountability and transparency of those decisions.

Service

We will promote a culture in which our services respond to community needs and aspirations.

The Year in Review

Strong Leadership - *For more information see Page 31*

Highlights

- New Council Plan developed
- New virtual technology replaced the physical hardware systems
- Improved financial position
- Won MAV Best 2007/08 Annual Report

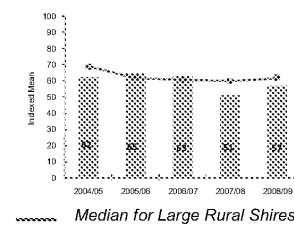
Challenges

- Providing remote links with sufficient bandwidth to outlying Council facilities is an increasing challenge

The Year Ahead

- Development of the Disaster Recovery Plan
- Continue the Organisational Systems/Processes Review

Results
Community Satisfaction with Overall Performance



Roads & Infrastructure - *For more information see Page 41*

Highlights

- Development of a Capital Works and Major Projects prioritisation model
- Completion of the Building Renewal Program
- Best Value review completed for Sustainable Assets and Capital Works

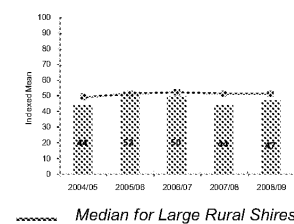
Challenges

- Maintaining a sustainable level of funding to ensure assets/services continue to meet community needs

The Year Ahead

- Improvements to tendering process and documentation
- Finalisation of the project management system and process for integration across the organisation

Results
Community Satisfaction with Local Roads & Footpaths



Planning & Development - *For more information see Page 50*

Highlights

- Implementation of Planning Scheme Review and Strategic Studies (Amendment C55)
- Consistent decisions under the 60 day statutory timeline

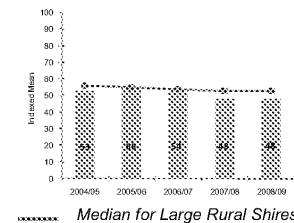
Challenges

- Responding to changes in planning controls in coastal and hinterland areas arising from the Bushfire Royal Commission process

The Year Ahead

- Undertake the next Four Year Planning Scheme Review
- Work with the State Government "Future Coasts" project team to develop policy responses and statutory controls for areas vulnerable to sea level rise in the Shire

Results
Community Satisfaction with Town Planning Policy & Approvals



Health, Recreation & Community Services - *For more information see Page 55*

Highlights

- Collaborative Regional Trails Master Plan nominated for an award
- Regional HACC assessment manual developed
- Pandemic Flu Plan developed and initiated for Swine Flu

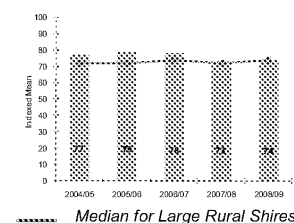
Challenges

- To increase the focus on access and inclusion at the inception of projects to enhance community participation

The Year Ahead

- Complete the Colac Otway Early Years Plan
- Work with the CFA to develop a support strategy for vulnerable people in fire prone areas

Results
Community Satisfaction with Health & Human Services



Economic Development - *For more information see Page 70*

Highlights

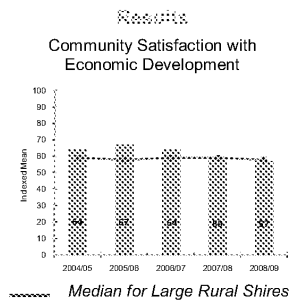
- Completed the Lake Colac Cultural Heritage Management Plan
- 160 attended the Business Training and Development Forums
- Visitor numbers to the Shire remain strong due to the strength of the Great Ocean Road and its attraction to overseas visitors

Challenges

- Understanding the transition to a carbon trading economy and working with business to recognise growth potential from climate change initiatives

The Year Ahead

- Implementation of key initiatives in the Economic Development Action Agenda
- Develop new projects under the Small Town Improvement Plan



Environmental Sustainability - *For more information see Page 74*

Highlights

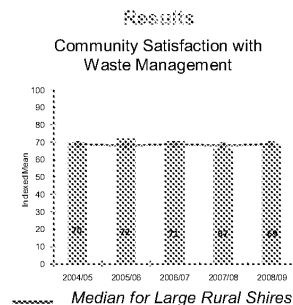
- Commissioned the first photovoltaic solar power generation system for a renewable energy supply to a Council facility
- Received an award from Cities for Climate Protection Australia for achieving Milestone 4 of a five milestone program
- Developed a Domestic Animal Management Plan

Challenges

- To protect and enhance the environment and promote sustainable use of natural resources

The Year Ahead

- Finalisation of test trial for regional organic waste treatment plant
- Finalisation of the Environment Strategy



Financial Sustainability - *For more information see Page 82*

Highlights

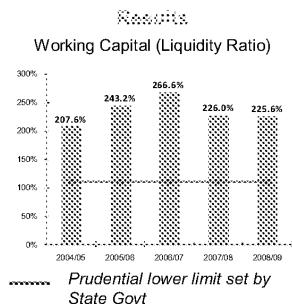
- Implementation of new financial management systems
- For the 5th consecutive year Council did not undertake any new loan borrowings. Loan liability reduced to \$2.46M in 2008/09
- 98% of Rates collected by year end

Challenges

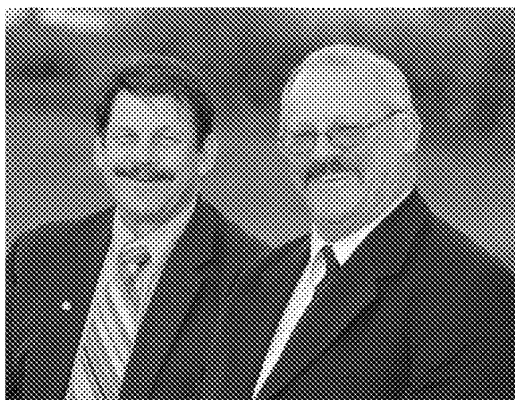
- Guiding and assisting the organisation to transition to best practice financial management

The Year Ahead

- Review of services provided and policies administered with a focus on the procurement function
- Implementation of actions identified in the Customer Services and Property & Rates Best Value review



Message from the Mayor & CEO



CEO Rob Small (left) and Cr Brian Crook (right)

It is our pleasure to present the 2008/2009 Annual Report for the Colac Otway Shire. This is the final Annual Report against the 2005-2009 Council Plan that has guided the Council in the directions it has taken over the past four years.

2008-2009 was a transitional year

The first task for our newly-elected council was to recruit a new Chief Executive Officer to replace outgoing leader Tracey Slatter. For a large part of the year, Sustainable Planning and Building General Manager Jack Green assumed the role of Acting CEO while recruitment activities took place. Jack was ably supported by the executive management team, and by the

organisation's management and staff, all of whom are to be congratulated for the smooth running of the organisation during this period. Council's new CEO Rob Small commenced work in May, well-positioned to build on the foundations of his predecessor, having led Colac Otway Shire for 16 months in 2003 and 2004.

Strategic future planning was a priority

The development of the Council's key corporate document, the Council Plan 2009-2013, was a key activity for the new Council. The plan's development was a collaborative process between elected members, staff and the community. The preparation of the annual budget process was closely aligned to the Council Plan preparation, with both documents maintaining a strong focus on roads and infrastructure renewal, and Council's capital works program.

Council was cognisant of our responsibility to provide strong community leadership amidst the global financial crisis. Our steadfast commitment to relationship building, high quality funding applications and timely delivering of projects resulted in a 46.7 per cent increase in grants income during 2008/09, equating to a \$1.7 million increase from the previous year. This funding was over and above what Council receives for Roads to Recovery, and provided much-needed support for 45 important community projects.

While climate change impacted our landscape, it is also impacted Council's business

When Lake Colac dried out due to the ongoing drought for the first time since European settlement, fairy grass grew on its fringes. While the volume of fairy grass that blew into our township and properties adjoining the lake was inconvenient this year, there is potential for volumes to increase in years to come. In recognising the potential fire hazard fairy grass poses, and impacts the grass may have on farmers operating near the lake, Council has put significant effort into investigating ways this potential issue can be managed.

The Black Saturday bushfires forever changed the way we live in this forested shire. The ravages of climate change point to more frequent and severe weather events, including conditions conducive to mega bushfires such as those we saw on 7 February 2009. While the Royal Commission was still continuing at the time this annual report went to print, what we do know is that the impacts on Local Government will be far-reaching. Planning, emergency management and native vegetation control are just some of the areas that we will have to adapt our approach.

Two significant planning decisions provided clarity and direction for the future

Towards the end of the reporting period, the Victorian Government handed down its decision on planning amendments C29 and C55. The government's decision to reject amendment C29, a re-zoning to allow for a golf course and resort development on the Marengo floodplain, ended five years of community speculation and debate. The government's decision was influenced by the risk of flooding and sea level rise, along with its desire to facilitate sensitive development of Victoria's coastal towns. From Council's point of view, while the C29 process was controversial and drawn out, the associated consultation process was extremely valuable. The community made significant contributions to development controls,

and challenged Council to robustly test and prove the information we had relating to flooding and sea level rise.

Amendment C55 heralded the most significant change to the Colac Otway Planning Scheme in a decade. C55, the culmination of four years of work by Council, has made the planning scheme more straightforward and effective, introducing greater exemptions from permit requirements in a range of overlay controls.

We forged ahead with community and capital projects

Council proceeded with the development of a new library to be shared between the community and Colac Secondary College. While a sector of the community displayed strong opposition to the development, the fact remains that this project will deliver a state-of-the-art library that will also incorporate a toy library, community meeting space, and computer and internet hub. Council believes that the strength of the partnerships accompanying this project, which includes local, state and federal government, the Department of Education and Early Childhood Development, Colac Secondary College, Corangamite Regional Library, USA, Colac Neighbourhood Renewal, and Colac Toy Library to name a few, will see the new library through to its completion and ultimate success.

Council also finalised funding and planning details for several exciting community projects. One of these is the major redevelopment of the clubrooms at Avie Recreation Reserve, creating a social and sporting hub. Other projects include a major upgrade of the netball courts at the Eastern Reserve and upgrades to Birregurra Park. These projects will be delivered in the 2009/10 financial year and would not have happened without the support of state and federal governments and strong partnerships with respective community groups.

As part of a \$6.3 million infrastructure renewal spend, Council completed more than 100 road renewal projects, measuring in excess of 140 kilometres, and repaired or reconstructed 1,500 metres of footpath. Council also maintains 134 bridges one of which, the Binns Road Bridge at Aire River, was replaced. Completion of the building renewal program for 2008/09 was also a significant achievement.

We are working towards long-term financial sustainability

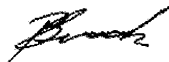
The shire continues its efforts to meet its infrastructure renewal gap as well as aiming to meet a number of other key financial targets. The overall intent is to enhance the longer term financial sustainability of Council. During the next twelve months a long term financial plan will be developed that will assist the shire in meeting this aim.

The future is both challenging and exciting

Equipped with a new Council Plan and energised by a new Council and CEO, we look forward to creating a brighter future for this municipality with the support of the committed staff and community of Colac Otway Shire.

As a community, we have some enormous challenges ahead. These include climate change, sea level rise, bushfire threat, an ageing population and the tail end of a global financial crisis. Council is committed to providing leadership within our spheres of influence, but can only be effective with the support of our community and partner agencies.

We would like to take this opportunity to acknowledge those community members who shared their knowledge, expertise, experience and time with Council on a variety of strategies, plans and projects. Your input, whether it provoked spirited debate, further investigation or final decisions, helped ensure that the directions we took truly reflected the needs and aspirations of our community.



Cr Brian Crook
Mayor
Colac Otway Shire



Rob Small
Chief Executive Officer
Colac Otway Shire

Chief Financial Officer's Report

The 2008/09 year has seen Council continue to progress towards its long term goal of a financially sustainable future with the ability to respond responsibly to the needs of a vibrant community. Although hampered by the current economic environment, Council improved its viability, as evidenced by the viability ratios included within the financial statements, and continued its focus on developing tools to aid in the long term financial planning so vital to the vision of our community.

While this report focuses on the 2008/09 financial results, it is important to see this result in light of the long term financial targets of Council, which are:

- Ensure asset renewal gap capital commitments are met in real terms for each year of the Strategic Resource Plan
- Achieve consistent operating surpluses
- Achieve strong working capital and liquidity positions
- Ensure cash balances are equal or above statutory and reserve levels
- Ensure funding is available to meet the Shire's current and future environmental obligations
- Ensure funding is available to meet the Shire's current and future accommodation obligations
- Review user fees and charges on an annual basis for equity and fairness

These targets will:

- Meet the strategic objectives proposed in the Council Plan
- Continue to address the infrastructure funding gap issues of Council
- Provide a reasonable degree of consistency and stability in the level of rates burden
- Enhance the longer term financial sustainability of Council

Snapshot

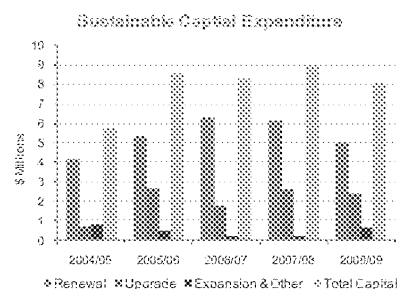
- \$36.3 million operating revenue
- \$8 million Capital Works program delivered
- Rates and Charges comprised \$17.6 million (46.7 %) of the total operating revenue
- Operating surplus of \$1.86 million
- Cash holdings increased by \$3.3 million to \$9.7 million as a result of grants received in advance and works to be carried forward
- Debt reduced from \$3 million in 2007/08 to \$2.5 million this year

Net Operating Result

Council's net operating result for 2008/09 was \$1.8 million. This was \$1.6 million higher than the budgeted surplus of \$217,000. The favourable variance is due to a combination of factors. For more information see Standard Statements page 91.

Sustainable Capital Expenditure

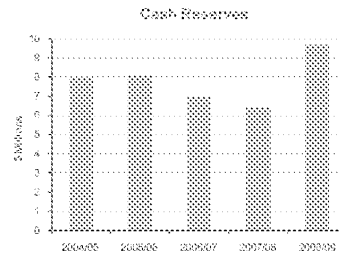
In 2008/09 the level of capital expenditure continued to deliver on the challenge of renewing the community's assets. The future sees capital expenditure being maintained at sustainable and realistic levels, assuring the Council's long term commitment to the sustainable renewal of the Shire's assets.



Cash Reserves

The significance of budgeting cash flows for Council is that it is one of the key factors in setting the level of rates each year.

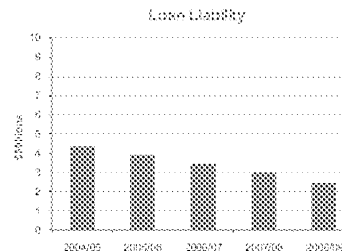
In total, Council's cash holdings have increased during 2008/09 to \$9.7million. However there are funds required for works carried forward from 2008/09 to 2009/10 and a significant amount is related to Grants received in advance, including \$1.27 million relating to Grants Commission and Local Road funding.



The aim is to continue to moderately build up cash holdings. This will allow Council the flexibility to respond to future unexpected events or opportunities such as the potential to strategically acquire an asset, for example property for open space or the impacts of natural disasters.

Debt Levels

Since 2002 Council has been in a phase of debt reduction, with current debt levels falling from \$5.46 million to \$2.46 million in 2008/09. This has resulted in a reduction in debt servicing (interest) costs, but has meant that cash has been used as an alternate funding source to maintain a robust capital programme.



Financial Sustainability

The 2008/09 financial year sees improvement in the financial sustainability of Council. This is evidenced by the 'low' risk result in four of the Victorian Auditor General's Financial Sustainability ratios.

For more information on:

- Underlying Result Ratio
- Liquidity Ratio (or Working Capital Ratio)
- Indebtedness Ratio
- Self Financing Ratio
- Investment Gap Ratio

see Victorian Auditor General – Financial Sustainability Indicators page 85.

Conclusion

The financial snapshot as at 2008/09 gives a brief overview of Council's progress in providing financial resources that enable the achievement of a number of long term community service and asset management objectives through strong and prudent financial management.

Colin Hayman
General Manager Corporate & Community Services

Our Council



Cr Brian Crook
Mayor
(from December 2008)

First elected 2002
Re-elected 2004-07,
2008

Cr Brian Crook is a teacher at Colac's Trinity College. He leads the school's Victorian Certificate of Applied Learning course, which helps students achieve in a setting that combines school with practical workplace experience. Cr Crook is a father of six children, grandfather of one, and takes particular interest in youth issues in the shire. He is very keen to see a trade training centre established in the municipality. During the 1990s Cr Crook and his wife Lyn ran a mixed business and bus hire business in Colac. Brian's long-term vision is for Council and the community to work as a united front to grow the municipality to its full potential, which includes connecting to the wider region, while protecting the natural resources that make Colac Otway unique.



Cr Lyn Russell
Deputy Mayor
(from December 2008)

First elected 2008

Cr Lyn Russell is a trained nurse and midwife and over the last 28 years has delivered over 1,000 babies. Lyn also has a Post Grad in Community Nursing, specialising in Cancer Support, Palliative Care and Diabetes. Lyn has been very active in local sport, serving as President, Secretary and Treasurer of the Colac Youth and Recreation Centre for many years and is a life member for her contribution to management, junior football and cricket. Lyn and her husband Merv have a son. Lyn's goal is to ensure the protection of our naturally beautiful coastline from over development, to maintain and improve our assets and to be part of a transparent, accountable, fair and honest local government.



Cr Frank Buchanan

First elected 2008

Cr Frank Buchanan and his wife Beb have a property at Apollo Bay where they run cattle and sheep and operate a cellar door and function centre. Frank's goal is to advocate, on behalf of the community, for the need for stronger economic development and better services, including education, health and sport, while protecting and recognising the diverse business and environmental assets we have in our Shire.



Cr Stephen Hart

First elected 2002-04
Re-elected 2008

Cr Stephen Hart grew up in Blackburn South, in Melbourne's Eastern suburbs. After graduating in Economics at Monash University, Clayton, Stephen was employed in the Federal public service. Stephen and his partner Chris live near Lavers Hill in a property joining the Matba Gully Park. Their owner-built mudbrick house is of passive solar design, meaning it is warm in winter and cool in summer. Solar panels supply most of their electricity needs. Since 1990 they have re-vegetated some of their land with over 4,000 indigenous trees. Stephen is committed to making Council more sustainable, both financially and environmentally.



Cr Stuart Hart

First elected 2002
Re-elected 2004-07,
2008

Cr Stuart Hart is a financial analyst and futures trader and occasionally teaches technical analysis to those wanting insight when independently managing their own financial portfolios. As a young adult Stuart settled in Melbourne but in 1990 moved away from his financial services brokerage to establish a family with his wife Karen in the Otways. Personal interests include emerging international financial and political trends, caravanning with family, veggie gardening, and scuba diving. Stuart's goal for Colac Otway Shire is to build a strong council team to enhance ratepayers' democracy and living standards.



Cr Geoff Higgins

First elected 2004-07
Re-elected 2008

Cr Geoff Higgins was born in Colac and has lived and run businesses in the area for about forty years. He has farmed beef cattle, run various dairy farms, transport and earth moving businesses. Geoff and his wife Patricia have four children and ten grandchildren. Geoff's goal is to assist local business initiatives, improve the Shire's state wide survey ratings, reduce the time for obtaining building and planning permits and to give close attention to basic services i.e. roads, drains and footpaths etc.



Cr Chris Smith

First elected 2004
Re-elected 2008

Mayor (to Nov) 2008

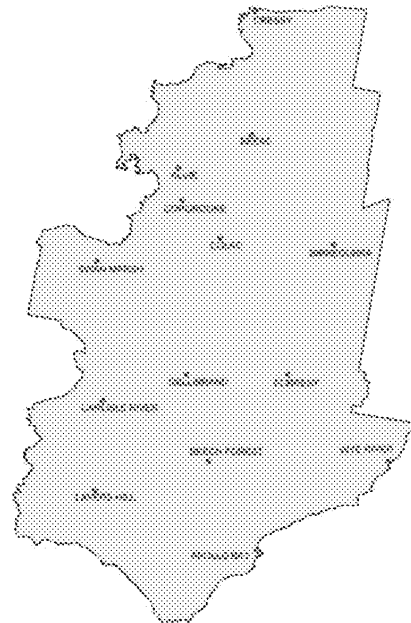
Cr Chris Smith is a dedicated family man, dairy farmer and Pastor of the South West Family Church in Colac. Chris and his wife Maree have four children. In his first term on Council Chris served as Mayor and is the youngest ever to serve in the role in Colac Otway Shire. Chris has over thirty years experience working directly with the youth of our community and champions the role of volunteers throughout the Shire. Chris is committed to working with the community and business to achieve the best possible outcomes for the Shire in both the short and long term.

Unsubdivided Municipality

An Electoral Representation Review was conducted by the Victorian Electoral Commission (VEC) during 2007.

After consultation with Council and the community the decision was made by the VEC to remove Ward boundaries, creating an unsubdivided municipality, however the number of Councillors was retained at seven (7).

This arrangement came into effect at Council elections on 29 November 2008, with Councillors being elected on a proportional representation basis, meaning that all Councillors were elected 'at large' by all voters.



Our Organisation

Our Executive Management Team



Rob Small, Chief Executive Officer

National Diploma Hort (Hons); Dip Bus Studies; Associate of Chartered Institute of Secretaries

Major Functions: Council Governance; Councillor Support; Strategic Planning; Public Relations.

Rob returned to Colac Otway Shire as CEO on 12 May 2009. Rob led the shire for 16 months during 2003-2004, leaving to serve as CEO of the horticultural giant, Fleming's Nurseries. He brings more than 30 years' experience in Local Government to the role and has spent the past three years managing his own private consultancy in executive coaching and strategic planning. Rob has had a distinguished career in international organisations, having been director and judge of the World's Most Liveable Cities for over a decade, and served as the World President of the International Federation of Parks and Recreation.

Rob is delighted to be returning to the Shire, "I believe Colac Otway Shire has incredible natural assets and a community spirit unlike any I've encountered in my long Local Government career. These are powerful attributes to drive a prosperous future for our communities and the basis for truly liveable communities".



Jack Green, General Manager Sustainable Planning & Development

Major Functions: Statutory Planning and Regulations; Strategic Land Use Planning; Economic Development; Environmental Management; Building Surveying; Fire Prevention; Local Laws.

Jack commenced with Colac Otway Shire on 16 October 2006 bringing with him 25 years experience in both Local and State Government. His previous role was Director Shire Development with the Shire of Moorabool where he managed a similar portfolio. Jack's role as South West Regional Manager for the Department of Industry, Innovation and Regional Development helped develop a strong affinity for the Colac Otway region. Jack was also Acting CEO from November 2008 to May 2009 prior to the appointment of Rob Small.



Colin Hayman, General Manager Corporate & Community Services

Bachelor of Business in Local Government; Certificate of Business Studies – Accounting

Major Functions: Finance and Customer Services; Recreation Arts & Culture; Information Services; Organisational Support & Development; Health & Community Services.

Colin has been involved in Local Government for nearly 33 years and commenced with Colac Otway Shire on 31 January 2005. He has worked in a number of roles during his time in local government including Accountant, Finance Manager and Deputy Shire Secretary. Colin's previous role was as Group Manager Corporate and Community Services for Corangamite Shire Council.



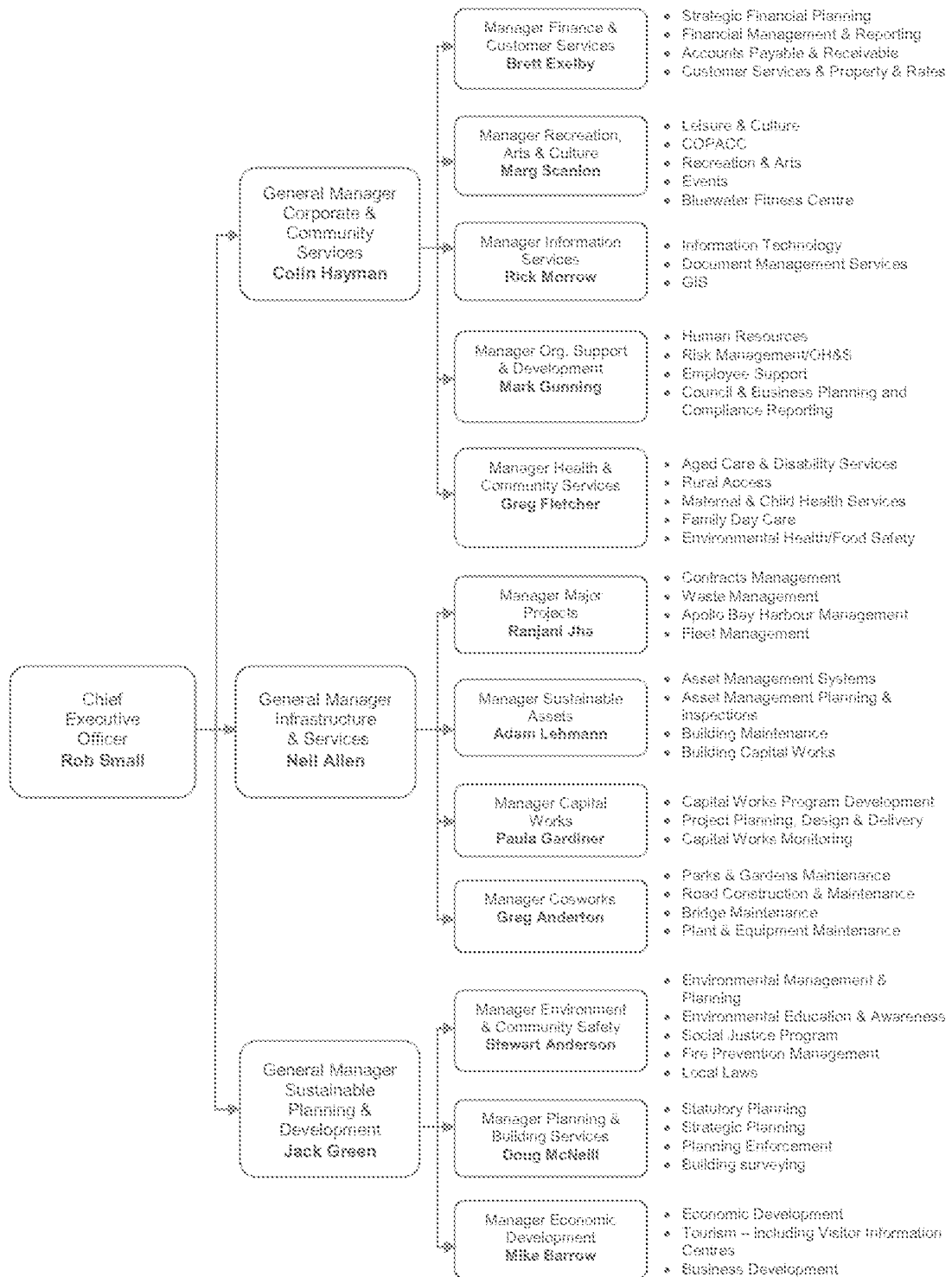
Neil Allen, General Manager Infrastructure & Services

M.B.A. (Management); Member of the College of Engineers; Grad. Dip. Management; Certificate of Local Government Engineer; Graduate Certificate in Water Engineering; Diploma of Municipal Engineering; Diploma of Civil Engineering

Major Functions: Infrastructure and Asset Development; Major Contracts; Waste Management; Cosworks; Colac Live Stock Selling Centre; Apollo Bay Harbour.

Neil commenced with Colac Otway Shire on 3 November 2008. He has previously held the positions of Deputy City Engineer with the City of Seymour, Contracts Manager with the Mitchell Shire, General Manager Contracts and then General Manager Asset Management with Hume City Council before making a 'sea change' decision and returning to Warrnambool to undertake the position of Director City Infrastructure.

Our Organisation Structure



Governance

Good governance requires Council to operate within the spirit and intent of the legislation outlining its powers, support open and transparent decision-making processes, establish effective frameworks for planning, monitor the efficiency and effectiveness of operations and engage with and advocate for our community as partners in the ongoing growth and development of Colac Otway Shire as the place of choice to live.

Council Elections

For the first time in Victorian Local Government history, all 79 Councils went to the polls on the same date, 29 November 2008. The Colac Otway Shire municipality returned one of its standing Councillors, Cr Chris Smith, along with four former Councillors, Crs Brian Crook, Stuart Hart, Geoff Higgins and Stephen Hart. Elected to Council for the first time were Crs Lyn Russell and Frank Buchanan.

Vale Cr Joe Di Cecco, who passed away on 25 November 2008 after bravely battling illness. Joe will be remembered as one of nature's gentlemen who cared passionately for his community and was strongly committed to the preservation of our natural resources balanced with sustainable tourism and economic activity.

Council's Role

As a statutory body Colac Otway Shire is one of 79 Victorian Councils that derives its role, powers and functions primarily from the *Local Government Act 1989*.

Under the Act:

1. A council is elected to provide leadership for the good governance of the municipal district and the local community.
2. The role of a council includes:
 - a. Acting as a representative government by taking into account the diverse needs of the local community in decision making;
 - b. Providing leadership by establishing strategic objectives and monitoring their achievement;
 - c. Maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner;
 - d. Advocating the interests of the local community to other communities and governments;
 - e. Acting as a responsible partner in government by taking into account the needs of other communities; and
 - f. Fostering community cohesion and encouraging active participation in civic life.

Colac Otway Shire performs this role by setting the strategic direction of the municipality, establishing and guiding policies, setting service delivery standards and monitoring the performance of the organisation on behalf of our community.

Council Plan Framework

One of the duties of a newly elected Council is to generate a Council Plan by the end of June in the year following a Council election and to review it annually thereafter.

The Council Plan is the key strategic document guiding the direction of the Council for its elected term. Colac Otway Shire's Council Plan 2009-2013 was produced after a comprehensive process that included extensive strategic research on the key drivers and trends impacting the current and future growth and welfare of our community, input from Councillors and Council staff, community consultation and consideration of statutory and contractual

requirements (see page 33 for consultation undertaken). The new Council Plan comes into effect on 1st July 2009 and can be viewed on Council's website at www.opalacotway.vic.gov.au/Paper/page.asp?Page_Id=457&tc=0

The 2008/2009 Annual Report is reporting against the final year of the 2005-2009 Council Plan that has successfully guided the growth and development of our municipality over the past four years under the following seven key priority areas:

- Strong Leadership
- Roads & Infrastructure
- Planning & Development
- Health, Recreation & Community Services
- Economic Development
- Environmental Sustainability
- Financial Sustainability

The 2005-2009 Council Plans remains on Council's website and can be viewed using the link provided above.

Decision Making

Council decisions are made in one of two ways:

1. By resolution at Council meetings and Special Committees of Council.
2. By Council officers under delegated authority.

Most decisions of an operational nature have been delegated to officers through the Chief Executive Officer (CEO). This system recognises the CEO's responsibility under the Local Government Act in managing the day-to-day operations of the organisation.

Conflict of Interest

Following the changes to the Local Government Act relating to Conflict of Interest and Assemblies of Council, information was provided to Councillors on the new provisions under the Act.

A copy of the publication *Conflict of Interest In Local Government*, published by Local Government Victoria, details all aspects of the legislation and was provided as a guide for Councillors and staff. Training sessions were also held with Councillors and staff on the Conflict of Interest provisions.

The list of staff required to complete Conflict of Interest returns was reviewed with a number of staff being added.

The Code of Conduct for Council and the Staff Code of Conduct are both in the process of being reviewed to ensure that they are consistent with the changes to the Local Government Act.

Council is confident that with the addition of some new systems and processes, Councillors and staff will be well equipped to recognise, report and deal with any conflict of interest issues arising in their day to day duties.

Local Laws

Council has in place the following Local Laws:

| Local Law | Date Adopted by Council | Date Operational |
|--|-------------------------|-------------------|
| No. 1 Consumption of Liquor in Public Places | 24 August 2005 | 24 September 2005 |
| No. 2 General Local Law | 23 September 2005 | 24 September 2005 |
| No. 3 Livestock Local Law | 21 November 2007 | 22 November 2007 |
| No. 4 Processes of Municipal Government | 24 August 2005 | 24 September 2005 |
| No. 4A Processes of Municipal Government | 13 December 2006 | 18 December 2006 |
| No. 5 Colac Livestock Selling Centre | 24 August 2005 | 24 September 2005 |

Policies, Strategies and Plans

The following policies, strategies and key plans were reviewed and or adopted by Council during 2008/2009:

| Document | Date Adopted |
|---|-------------------|
| Pre-Election Caretaker Policy (revised) | 26 August 2008 |
| Colac Otway Shire Positive Ageing Strategy Research Paper and Action Plan 2008-2012 | 23 September 2008 |
| Planning Scheme Amendment C55 | 28 October 2008 |
| Apollo Bay Harbour Master Plan | 28 October 2008 |
| Council Committees Policy | 25 November 2008 |
| Customer Service Policy/Guidelines | 25 November 2008 |
| Domestic Animal Management Plan 2008 | 25 November 2008 |
| Councillor Support Policy (revised) | 25 February 2009 |
| Installation and Usage of Cattle Grids Policy | 26 May 2009 |
| Road Management Plan (review) | 24 June 2009 |

Elected Representatives

Code of Conduct

Council has a Code of Conduct, adopted in January 2006 (currently under review), which aims to embrace the principles of good governance, guide Councillors' behaviour, accountability and dispute resolution between Councillors. The existing Code is available on Council's web site at www.colacotway.vic.gov.au/Page/page.asp?Page_Id=457&h=0

Council Meetings

Council conducts its business in open and publicly advertised meetings. Ordinary Council Meetings are usually held on the fourth Wednesday of each month, with Council meetings held in Apollo Bay in April and November. On occasions, Special Council meetings are called to consider specific matters. Minutes of the Council Meetings are available on Council's web site at www.colacotway.vic.gov.au/Page/page.asp?Page_Id=265&h=0

Council provides the opportunity for members of the public to ask questions on issues in which Council has a direct interest or responsibility. Question time is held at the start of each Council meeting.

Meetings are conducted in accordance with the meetings procedure provisions of Local Law 4. Reports are prepared independently by staff for both the decision and information of the Council.

Councillors are required to disclose any conflict of interest in any item to be discussed at Council meetings, and are subsequently precluded from any discussion and voting on an item if a conflict of interest exists.

Councillor Attendance at Meetings

The following table indicates meeting attendance for the previous and current Councillors for the reporting period:

| | Number of Council and Statutory Meetings | | Number of Special Meetings | |
|-------------------|--|----------|----------------------------|----------|
| | Eligible to Attend | Attended | Eligible to Attend | Attended |
| Cr Chris Smith | 5 | 5 | 1 | 1 |
| Cr Joe Di Cecco | 5 | 0 | 1 | 0 |
| Cr Tony Graham | 5 | 5 | 1 | 0 |
| Cr Fran Lehmann | 5 | 5 | 1 | 1 |
| Cr Peter Mercer | 5 | 5 | 1 | 1 |
| Cr Warren Riches | 5 | 5 | 1 | 1 |
| Cr Carol Wilmink | 5 | 5 | 1 | 1 |
| Cr Brian Crook | 8 | 8 | 6 | 6 |
| Cr Lyn Russell | 8 | 7 | 6 | 6 |
| Cr Frank Buchanan | 8 | 7 | 6 | 5 |
| Cr Stephen Hart | 8 | 8 | 6 | 6 |
| Cr Stuart Hart | 8 | 8 | 6 | 6 |
| Cr Geoff Higgins | 8 | 8 | 6 | 6 |
| Cr Chris Smith | 8 | 8 | 6 | 6 |

The new Council was sworn in on Monday, 1 December 2008 following the General Election.

The statutory meeting, including election of the Mayor, was held on Friday, 5 December 2008.

Councillor Support and Remuneration

The Councillor Support Policy was revised in February 2009. The Policy provides a broad overview of how the Council provides assistance and support to the Mayor and Councillors in carrying out their roles and official duties. A copy of the policy is available for inspection, as required under Section 75B of the Local Government Act, and is also available on Council's website at www.eo1acotway.vic.gov.au/Page/page.asp?Page_Id=1766&h=0

In line with the policy, support is provided to the Mayor in the form of a Council vehicle and computer equipment and telephones are available for all Councillors.

The Local Government Act 1989 (Section 75) also provides for the reimbursement of 'necessary out of pocket expenses' incurred while performing the duties of a Councillor. Therefore, the Councillor Support Policy also provides for reimbursement of expenses for training, registration fees for conferences and functions, travel and child care.

Following a review of Mayoral and Councillor Allowances a public submission process was undertaken in accordance with Section 74 and Section 223 of the Local Government Act 1989. At the 22 April 2009 Council Meeting, Council set the Mayoral Allowance at \$59,100 and Councillor Allowances at \$19,700. A 9% Superannuation equivalent is also paid to Councillors or to a superannuation fund.

The following table sets out the allowances for the previous and current Council for the reporting period:

| Councillor | Allowance
(including superannuation) | Travel
(paid during 2008/09) | Total |
|-----------------------------|---|---------------------------------|------------------|
| Cr Chris Smith ¹ | \$31,073 | \$8,198 | \$39,271 |
| Cr Warren Riches | \$1,559 | \$2,450 | \$4,010 |
| Cr Peter Mercer | \$3,750 | \$6,476 | \$10,226 |
| Cr Joe Di Cecco | \$3,750 | - | \$3,750 |
| Cr Fran Lehmann | \$3,750 | - | \$3,750 |
| Cr Tony Graham | \$3,750 | \$539 | \$4,289 |
| Cr Carol Wilrink | \$7,500 | \$2,324 | \$9,824 |
| Cr Brian Crook ¹ | \$48,314 | - | \$48,314 |
| Cr Lyn Russell | \$16,105 | \$798 | \$16,903 |
| Cr Frank Buchanan | \$16,105 | \$3,552 | \$19,656 |
| Cr Stephen Hart | \$16,105 | \$6,391 | \$22,496 |
| Cr Stuart Hart | \$16,105 | \$2,645 | \$18,750 |
| Cr Geoff Higgins | \$16,105 | - | \$16,105 |
| Cr Chris Smith | (See above) | | |
| Total | \$183,971 | \$33,383 | \$217,354 |

Notes:

1 Cr Crook elected as Mayor on 5 December 2008, taking over from Cr Smith.
A Councillor vehicle is provided to the Mayor for business and private use.

Committees of Council

The Local Government Act 1989 acknowledges the need for Advisory and Special Committees of Council. These Committees may comprise of Councillors, Council staff and other persons as deemed necessary. The Act also allows for Council, by Instrument of Delegation, to delegate any of its functions, duties or powers to a Special Committee. The current Committees of Council are detailed below:

| Committee | Councillor | Meeting Frequency | Purpose/Comments |
|--|---|---|--|
| Audit Committee
(Advisory Committee) | Cr Stephen Hart
Cr Stuart Hart
(includes 2 independent members) | Quarterly, or more frequently as determined | To review financial and risk management systems and assist Council to carry out its corporate governance responsibilities. It has an independent member as the chairperson. The Chief Executive Officer (CEO) is a non-voting member. |
| Australia Day Committee
(Advisory Committee) | Cr Brian Crook
Cr Lyn Russell
Cr Frank Buchanan
Cr Chris Smith | Once a year in December/January | To review nominations and select Australia Day Award winners in the various categories. |
| Festival & Events Support Scheme
(Advisory Committee)
(includes Events Coordinator and 2 external members) | Cr Brian Crook
Cr Lyn Russell
Cr Frank Buchanan
Cr Chris Smith | Once a year in June, and others as required | To consider the applications received for the Festival & Events Support Scheme and make any recommendations to Council on any strategic directions for specific events or the Support Scheme. |
| Grants/Community Funding Committee
(Advisory Committee) | Cr Brian Crook
Cr Stephen Hart
Cr Stuart Hart
Cr Chris Smith | Once a year in June/July | To consider the applications received for the Community Funding program and make recommendations on any strategic directions for the specific projects or funding programs. |
| Planning Committee
(Special Committee) | All Councillors | Meets the second Wednesday of the month (except December), or more frequently as required | To consider and determine all matters referred to it pursuant to the instrument of delegation, matters relating to strategic issues, receiving regular reports on key performance indicators, and other matters referred to the Committee as seen fit. |
| Small Town Improvement Program Advisory Committee | Cr Lyn Russell
Cr Stuart Hart
Cr Geoff Higgins
Cr Chris Smith | Once a year in May | To consider the applications received for the Small Town Improvement Program. |

The Contracts Committee and the Roads Committee (Advisory Committee) were abolished at the 24 June 2009 Council Meeting.

Council Representation on Other Committees

In addition to the previously listed committees, Councillors represent the Council on the following other committees and groups:

Cr Brian Crook, Mayor

Bernard Trust Committee
COPACC Trust
Great South Coast Municipalities Group
Premier Recreation Reserve Committee
Rural Councils Network (Vic)
Weeds Consultative Committee

Cr Lyn Russell, Deputy Mayor

Australian Local Government Association
Colac Affordable Housing Strategy
Colac Otway Network of Community Centres Geelong
Otway Tourism Board
Otways Tourism Inc.
Rural Financial Counselling Service

Cr Frank Buchanan

Apollo Bay Harbour Redevelopment Community Reference Group
Apollo Bay Leisure Centre Committee
Port of Apollo Bay Consultative Group

Cr Stephen Hart

Barwon Regional Waste Management Committee
Colac Otway Shire Environment Strategy Steering Committee
Corangamite Regional Library Corporation
Lavers Hill Swimming Pool Committee of Management
Municipal Association of Victoria

Cr Stuart Hart

Municipal Emergency Management Planning Committee
Municipal Fire Prevention Committee
Transport Connections Local Advisory Group

Cr Geoff Higgins

Colac Livestock Selling Centre Advisory Committee
Lake Colac Coordinating Committee
Municipal Aerodrome Committee – Colac
Ondit Quarry Consultative Committee
Timber Towns Committee
Tirrengower Drainage Scheme Committee of Management

Cr Chris Smith

COPACC Trust
Dairy Industry Training Committee
Friends of the Botanic Gardens
Lake Colac Coordinating Committee
Old Beechy Line Committee
Victoria Regional Botanic Gardens Network Executive and BGANZ Council
Youth Council

Audit Committee

This is an advisory committee of the Council and exists to:

- 1.1 Assist the Council in its oversight responsibilities by monitoring, reviewing and advising on:
 - The truth and fairness of the view given by the annual financial and performance statements of the Council
 - The Council's accounting policies and practices in accordance with current and emerging, accounting standards
 - The external auditor's performance
 - The independence and performance of the internal audit function
 - Compliance with legal and regulatory requirements and policies
 - Compliance with Council policy framework
 - Internal controls, the control environment and the overall efficiency and effectiveness of financial operations
 - The Council's overall risk management policy and programs
- 1.2 Provide a forum for communication between the Council, management and the internal and external auditors.

The Audit Committee meets at least quarterly and has consisted of the following members over the financial year:

| Audit Committee | Eligible to Attend | Actual Attendance |
|--|--------------------|-------------------|
| Mr Mike Said, Independent Member and Chairperson (EMES Consulting) | 4 | 4 |
| Ms Linda MacRae, Independent Member (Local Solutions Pty Ltd) | 4 | 4 |
| Cr Chris Smith | 2 | 1 |
| Cr Peter Mercer | 2 | 2 |
| Cr Stephen Hart | 2 | 2 |
| Cr Stuart Hart | 2 | 2 |

Mr Mike Said was appointed Chairperson of the Committee in May 2007 and reappointed in June 2009.

Cr Stephen Hart and Cr Stuart Hart were appointed at the Statutory Meeting held in December 2008.

The Chief Executive Officer, General Manager Corporate & Community Services, Manager Organisational Support & Development, Manager Finance & Customer Services and the Senior Accountant attend meetings to assist with information and support.

Outcomes

Over the financial year the Audit Committee has dealt with the following issues:

- Review and endorsement of the 2007/08 Financial Statements, Standard Statements, Performance Statement and Audit Management Letters
- Review of the Auditor General's Report to Parliament on the Local Government: Result of the 2007/08 Financial Audits including the Shire's Financial viability ratios
- Review of the 2008/09 External Audit Strategy and development of an Internal Audit program
- Review of Risk Management Issues and monitoring of the Risk Register developments
- Review of the 2008/09 Audits for SafetyMAP, JMAPP Property and Fidelity Insurance
- Monitoring Excess Annual Leave of staff.
- Review of the Shire's ICT Strategic Plan
- Review Benchmarking/Performance Indicator Information
- Monitoring of Road Management Plan compliance
- Quarterly reporting of Fraud Control Program.
- Review of the Half Year Financial Report and Quarterly Performance Report to Council
- Reviewed the audit scopes, reports and recommendations of internal audit projects, including Statutory Health, Grants Management and Fraud Control Review
- Review of the Legislative Compliance Register including delegations and „Best Value“
- Review of officer responses to the Victorian Auditor General's Reports of Victoria's Planning System and Planning permit enforcement
- Review of the asset lives used for calculating depreciation of the Shire's infrastructure assets
- Review of Waste Management results
- Review of policy for the Recognition of Land Under Roads
- Review of treatment of Landfill Rehabilitation

Council's External Auditor is Coffey Hunt.

Risk Management

Colac Otway Shire is committed to managing risk responsibly by having in place appropriate procedures to reduce the possibility of adverse effects from future events. Mechanisms are in place for the key focus areas of assets, workers, operations, liability and financial sustainability.

Council's Risk Management Policy and Strategy were reviewed in March 2007 in line with the Australian and New Zealand Standard on Risk Management AS/NZS 4360. The Risk Management Strategy provides a systematic approach to identifying, analysing and mitigating risks. Ongoing reviews of policies, internal controls and standards against the Risk Management Strategy are reported to the Audit Committee on a quarterly basis.

A risk profiling project has been undertaken that involved discussions with staff at all levels of the organisation. All risks identified by Council have been populated in the risk register within Interplan®, Council's electronic integrated management system, and allocated to appropriate responsible officers. Risk treatments are incorporated into business planning and reporting functions.

Public & Professional Liability

Civic Mutual Plus (CMP) has moved to a bi-annual audit schedule for Councils ranked in the top one third, with targeted risk assessments occurring in the alternate year. We are pleased to note that Colac Otway Shire was assessed as being in the top one third and therefore this year received only a targeted risk assessment on our Immunisation Services. While this risk assessment wasn't formally scored the auditor commented that "this was on the whole a well managed service".

Property and Fidelity Guarantee Insurance Audits

Council's insurer, Jardine Lloyd Thompson Australia (JLTA) conducts property and fidelity guarantee insurance audits bi-annually, with the most recent audits being conducted in March 2009. This involved a desktop audit of Council's property and asset procedures, plus site visits of randomly selected Council insured properties. The property insurance audit achieved a score of 84.80%, an improvement in performance on the 2007/08 score of 83.67%. The fidelity guarantee audit achieved a score of 57%, which was consistent with the result achieved in 2007/08.

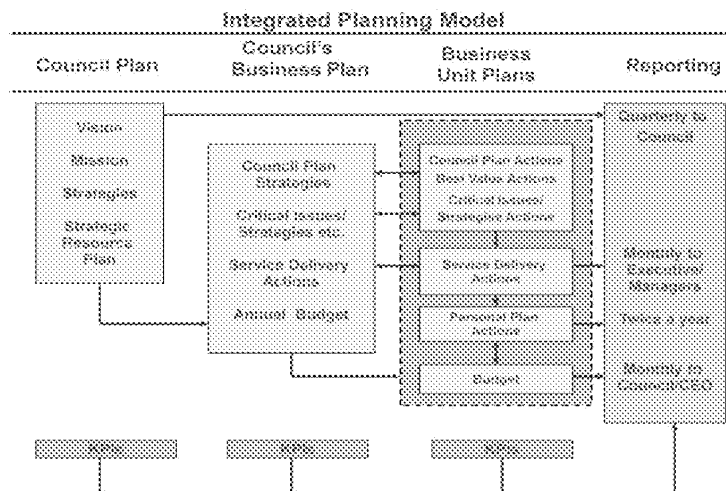
The Year Ahead

Colac Otway Shire will be undergoing the CMP bi-annual audit in the coming financial year. The audit will be conducted by JLTA and will focus on areas of pro-active risk management. The results of this audit, along with Council's claim history, will determine the premium payable for the following year.

A full review of Council's Risk Management policies and procedures will also be undertaken.

Business Planning

Further strengthening of our integrated business planning framework was undertaken this year with the addition of the Task module to our interplan® reporting software. This has allowed further refinement to our planning and reporting processes and links with the pes® module (Personnel Evaluation System). Our key focus remains that of continuing to strengthen the continuity between the Council Plan, annual Business Unit plans and employees' personal plans.



We measure our performance at four stages within the planning, measurement and reporting cycle and report at regular intervals, as shown in the following table:

| Performance Report | Content | Audience | Interval |
|------------------------------|---|---|---|
| Annual Report | Report of operations
Achievement in line with Council Plan strategies
Victorian Local Government Indicators
Legislative compliance
Financial management | Colac Otway community, Council, State Government, businesses, partners and visitors | Annual by 30 September |
| Financial Management | Financial position | Council, CEO and General Managers | Monthly to the Executive and Council |
| Council Plan Strategy Report | Achievement in line with Council Plan strategies | Council, CEO, General Managers and Managers | Quarterly |
| Business Unit Report | Progress according to business unit actions | CEO, General Managers and Managers | Monthly |
| Employee Personal Plans | Progress against personal plan actions | Employee and their Manager | Twice per year |
| Capital Works | Progress according to implementation schedule and expenditure | Council, CEO, General Managers and Managers | Monthly to the Executive and Quarterly to Council |

Continuous Service Improvement

The Best Value provisions outlined in the Local Government Act require Council to review our services against the following principles:

- Specific quality and cost standards for every council service
- Responsiveness to community needs
- Accessibility and appropriately targeted services
- Continuous improvement
- Regular community consultation on all services and activities
- Frequent community reporting

In line with Council's ongoing requirement to continue to review services against the Best Value principles, a process was endorsed in June 2006 whereby the strategic direction for service delivery would be set by Council at the commencement of each service review. The revised process also provides for greater emphasis on benchmarking, community consultation and financial assessments, with the Audit Committee continuing to oversee the Best Value Review schedule.

Sustainable Assets and Capital Works

The key objective of the review was to evaluate and ensure that Colac Otway Shire's Sustainable Assets and Capital Works Business Units operate in a manner consistent with 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 review process involved an active effort to consult as widely as possible. Councillors provided their input via a Strategic Direction Survey and workshops were conducted with the Sustainable Assets and Capital Works staff and with internal and external users of the services.

Benchmarking was carried out with five similar sized Councils to establish performance levels and, where possible, unit costs for key activities and functions. The review identified that while the existing staffing within both Units was relatively stable, with excellent local knowledge and a broad skill base, the organisation was exposed to risk due to the need for additional staff resources. These have been approved and the recruitment process has commenced.

The review has resulted in a strong ongoing commitment by the two Units to evaluate and continuously improve both the standards and delivery of their services through the development and progressive implementation of a Continuous Improvement Plan, which will be incorporated into both Units' annual Business Plans. The review is to be considered by Council in September 2009.

Waste Management

Waste Management Services were reviewed, with a focus on Kerbside collection, Litter collection, Management and Operation of Transfer Stations at Alvie, Apollo Bay and Birregurra, including Bulk Haulage & Landfill at Alvie, and Management of „Drop Off“ Facilities at Gellibrand, Beech Forest, Lavers Hill and Carlisle River.

In an effort to consult as widely as possible, a detailed Community Consultation and Engagement Strategy was approved by Council that involved workshops, focus group meetings and interviews with staff, contractors, community groups and the community at large.

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, the various types of mobile bins and the different costs included in the collection rates made it difficult to get good direct comparisons with the collection rates applied at Colac Otway Shire. However, as provision of all 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. The process is extremely competitive and assures the community that it is obtaining the best price for the services as specified.

The Best Value review, through a process that engaged both Councillors and stakeholder groups, resulted in deriving improved services that would be acceptable to the majority of users. Continuous improvement recommendations form a key component of the review process, with these being incorporated into the next generation of waste management service specifications.

Legislative Compliance

Information Privacy Act 2000

Council has adopted policies relating to information privacy and health records that meet the requirements of the *Information Privacy Act 2000* and the *Health Records Act 2001*. Both Acts include privacy principles that relate to the collection, use and disclosure of information.

Council's Information Policy and Guidelines can be downloaded from our website at www.colacotway.vic.gov.au/Page/Page.aspx?Page_Id=1758&h=1.

At Colac Otway Shire we believe the responsible handling of personal information is a key aspect of democratic governance and we are strongly committed to protecting an individual's right to privacy. One complaint was received during 2008/09 and resolved internally.

Freedom of Information Act 1982

The Act grants the community the right to access certain Council documents. This general right of access is only limited by exceptions and exemptions, which have been prescribed to protect essential public interests and the private and business affairs of people about whom Council holds information.

The Act has four principles:

1. The public has the right of access to information
2. Local governments are required to publish information on the documents they hold
3. People may request that inaccurate, incomplete, out-of-date or misleading information in their personal records be amended
4. People may appeal against a decision not to give access to the information or not to amend a personal record

Written requests for documents must be addressed to Council's Freedom of Information Officer. The request must specify the document required or if unable to do so, give sufficient detail to enable the relevant document to be located, the form of access required and include details of the applicant's contact details. Applications must be accompanied by the prescribed fee. For further information and access to the FOI Access Request Form, see Council's website www.colacotway.vic.gov.au/Page/Page.aspx?Page_Id=590&h=1.

Appeals

Applicants may appeal against a decision made in response to requests for access to documents and amendment of records, or against the cost levied for allowing access to documents. Information about the appropriate process of appeal will be conveyed to the applicant in the initial decision letter. Applicants should consult Part IV of the Act for further information about appeal rights.

FOI Applications Recorded

| | |
|---------|----|
| 2008/09 | 22 |
| 2007-08 | 15 |
| 2006-07 | 12 |
| 2005-06 | 9 |
| 2004-05 | 13 |

Road Management Act 2004

Council, as a road authority, is required under Section 22 of the Act to publish a copy or summary of any direction received from the Minister in its annual report. No directions were received from the Minister in 2008/09.

Domestic (Feral and Nuisance) Animals Act 1994

Under the Act Council is required to create a Domestic Animal Management Plan and to evaluate its implementation in its annual report. The plan was prepared in accordance with the requirements and responsibilities under the Domestic (Feral & Nuisance) Animals Act 1994, Impounding of Livestock Act 1994, the Colac Otway Shire Council's General Local Laws and relevant policies and was endorsed by Council on 25 November 2008.

The plan identifies strategies and actions to implement the vision, aims and objectives for animal management and contains recommendations for a wide range of actions to be undertaken by Council in a programmed approach. These actions will enable Council to maintain a balance between the competing interests of animal management and to accommodate new requirements.

The plan addresses topics including Authorised Officer training, promotion of responsible pet ownership including registration, minimisation of dog attacks, operation of the Pound facility and general service delivery throughout the municipality.

Two examples of how the plan has enhanced responsible pet ownership are the increased number of animals that are now micro chipped and the introduction of a lower registration fee for animals that have been de-sexed and micro chipped. It is expected that these strategies will reduce the number of unwanted pets and see a reduction in the euthanasia rate.

The Domestic Animal Management Plan provides Council with a sound basis from which to plan, coordinate and make decisions to meet the present and future needs of the community. The plan will be reviewed prior to November 2010.

Whistleblowers Protection Act 2001

The Act is designed to encourage and facilitate the disclosure of information about improper conduct by Council officers or Councillors. The Act provides a framework for the investigation and correction of any improper conduct reported. It also provides protection for informants.

The key objectives of the Act are to:

- Promote a culture in which people feel safe to make disclosures
- Protect these people from retribution
- Provide a clear process for investigating allegations
- Ensure that investigative matters are dealt with properly

Council's commitment to the Act is outlined in our procedures, and can be downloaded from Council's website at www.colacotway.vic.gov.au/Pages/page.asp?Page_id=1756&h=1 or obtained from the Colac Shire Offices.

Disclosures may be made either to the Council or directly to the Ombudsman. Disclosures may be made by members of the public, other organisations or Council employees. No disclosures were received in 2008/09.

Equal Opportunity

Colac Otway Shire is committed to the principles of Equal Opportunity. We believe that our staff, volunteers and clients are entitled to be treated on the basis of merit and are able to work in an environment free of harassment and bullying. Accordingly, we are committed to achieving Equal Employment Opportunity and Anti-Discrimination. All staff are entitled to access employment, promotion, training and the benefits of a working environment based on merit, that is, their skills, qualifications, abilities and work performance. Staff are informed of our commitment to the principles of equal opportunity through our staff induction program, Code of Conduct, and regular awareness programs.

National Competition Policy and Compliance -- 2008-2009

Certification by the Chief Executive Officer

Colac Otway Shire Council has complied with the requirements of the National Competition Policy (NCP) for the period 1 July 2008 to 30 June 2009, in accordance with the requirements outlined in *National Competition Policy and Local Government -- A Revised Statement of Victorian Government Policy (January 2002)*; as set out below:

| | |
|--|------------------|
| <p>A. Trade Practices Compliance
 <i>State whether the Council is compliant or non-compliant. If non-compliant, justify or cite actions to redress.</i></p> | <p>Compliant</p> |
| <p>B. Local Laws Compliance
 <i>State whether the Council is compliant or non-compliant. List any local laws made or remade during 2008-09 which impose a restriction on competition:</i></p> | <p>Compliant</p> |
| <p>C. Competitive Neutrality Compliance
 <i>State whether the Council is compliant or non-compliant for all significant businesses. List any significant businesses that are non-compliant:</i></p> | <p>Compliant</p> |

I certify that:

- a) this statement has been prepared in accordance with the 2008-09 National Competition Policy guidelines issued in May 2008 for reporting on National Competition Policy in accordance with *National Competition Policy and Local Government -- A Revised Statement of Victorian Government Policy (January 2002)*; and
- b) this statement presents fairly the Council's implementation of the National Competition Policy.

Signed:



(Chief Executive Officer)

Date: 15 September 2009

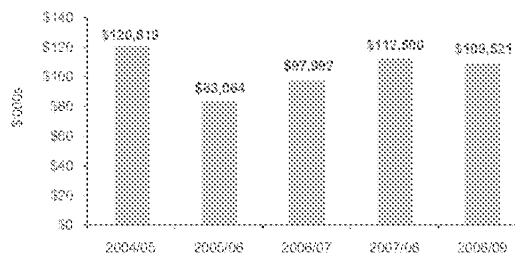
Grants and Donations to the Community

To assist the community undertake cultural, recreational, environmental and community support projects and activities, Council provides grants and donations to community groups under the Community Funding Program. In 2008/09 \$109,521 was allocated to fifty-two organisations across the Shire under three categories: Recreation Facilities, Community Projects and COPACC (Colac Otway Performing Arts Centre).

Community support grants and donations

A five year view of the Community Support Grants and Donations indicates Council has provided a total of \$523,896 to support community groups, with a variety of projects, ranging from minor maintenance to sporting clubs and arts and theatre groups.

Community Grants & Donations

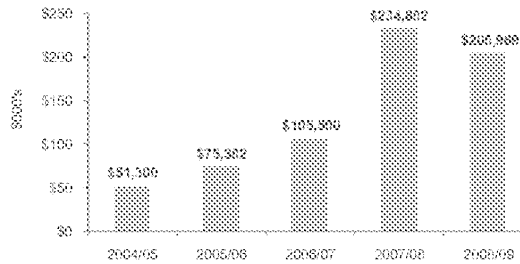


Major Grants and Donations

Over the past five years Council has provided \$673,033 in Major Grants and Donations to support community events and organisations.

Major Grants and Donations made during the 2008/09 year amounted to \$205,969 of the funds provided by Council to support the activities of our community.

Major Grants & Donations



Council Memberships

Council is a member in a number of forums including the following key memberships:

| Organisation | Amount |
|--|------------------|
| Geelong Otway Tourism | \$69,520 |
| G21 - Geelong Regional Alliance | \$36,000 |
| Municipal Association of Victoria | \$24,384 |
| Barwon Regional Waste Management Group | \$11,741 |
| VECCI | \$4,079 |
| Livestock Saleyards Association of Victoria | \$3,140 |
| Timber Towns Victoria | \$2,000 |
| Local Government Professionals | \$1,650 |
| Victorian Association of Performing Arts Centres | \$512 |
| Australian Airports Association | \$386 |
| Total | \$153,711 |

Public Access to Registers and Documents

Under the Local Government Act 1989, Council is required to have the following list of documents available for public inspection. These documents can be viewed at the Colac Otway Shire Offices at 2 - 6 Rae Street, Colac from 8.30am to 5.00pm Monday to Friday.

- Details of current allowances fixed for the Mayor and Councillors
- Details of senior officer's total salary packages for the current financial year and previous year
- Details of overseas or interstate travel undertaken in an official capacity by Councillors or any Council Staff in the previous 12 months
- Names of Council officers who were required to submit a return of interest during the financial year and the dates the returns were submitted
- Names of Councillors who were required to submit a return of interest during the financial year and the dates the returns were submitted
- Agendas and minutes for Ordinary and Special Council meetings held in the previous 12 months
- A list of all special committees established by the Council and the purpose for which each committee was established
- A list of all special committees established by Council which were abolished or ceased to function during the financial year
- Minutes of meetings of special committees established under Section 86 of the Act and held in the last 12 months
- A register of delegations kept under the Local Government Act
- Submissions received under Section 223 of the Act during the previous 12 months
- Agreements to establish a regional library
- Details of all property, finance and operating leases entered into by Council
- Register of authorised officers appointed under Section 224 of the Act
- A list of donations and grants made by the Council during the financial year
- A list of the names of the organisations of which the Council was a member during the financial year
- A list of contracts valued at \$100,000 (or such higher amount as is fixed from time to time) or more which Council entered into during the financial year without first engaging in a competitive process and which are not contracts referred to in 186(5) of the Act

Council's website www.colacotway.vic.gov.au also offers extensive information ranging from Council meeting agendas and media releases to job vacancies and the minutes of Council meetings.

Victorian Local Government Indicators

At the Council Plan level the key performance indicators address outcomes of the Council Plan strategies and actions and the following legislatively prescribed indicators (Victorian Local Government Indicators):

| | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 |
|--|------------------|------------------|------------------|------------------|------------------|
| Affordability | | | | | |
| Average rates and charges per assessment | \$907 | \$956 | \$1,069 | \$1,151 | \$1,228 |
| Average rates and charges per Residential assessment | \$822 | \$878 | \$950 | \$1,090 | \$1,000 |
| Sustainability | | | | | |
| Average liabilities per assessment | \$685 | \$818 | \$698 | \$619 | \$595 |
| Operating result per assessment -- surplus/(deficit) | (\$151) | \$128 | \$71 | \$48 | \$129 |
| Services | | | | | |
| Average operating expenditure per assessment | \$2,482 | \$2,142 | \$2,069 | \$2,246 | \$2,437 |
| Community Satisfaction Survey for overall performance generality of the Council | Index Mean
62 | Index Mean
65 | Index Mean
63 | Index Mean
51 | Index Mean
57 |
| Infrastructure | | | | | |
| Average capital expenditure per assessment | \$428 | \$528 | \$501 | \$630 | \$564 |
| Renewal Gap
Current spending on renewal to Asset base consumed during the year | 42% | 55% | 83% | 97% | 70% |
| Renewal and Maintenance Gap
Current spending on renewal plus maintenance to Asset base consumed during the year, plus maintenance | 56% | 72% | 90%* | 98% | 105% |
| Governance | | | | | |
| Community Satisfaction Survey for Council's advocacy and community representation on key local issues | Index Mean
64 | Index Mean
65 | Index Mean
63 | Index Mean
54 | Index Mean
57 |
| Community Satisfaction Survey for Council's engagement in decision-making on key local issues | Index Mean
61 | Index Mean
64 | Index Mean
62 | Index Mean
45 | Index Mean
51 |


*The figure of 121% appearing in the 2006/07 report was found to be in error





Strong Leadership

Council Plan Objective

Providing strong community leadership, governance and advocacy services which will benefit the community now and into the future.

Council Plan Commitments

-  2008/2009 Actions completed
-  2008/2009 Actions behind schedule
-  Deferred or delayed beyond 2008/2009

| | |
|---|--|
|  | Councillors and Council Officers to advocate strongly to other levels of government on issues of importance to the Shire's communities.
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
|  | 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 <i>While two of the scheduled services were reviewed two others were deferred to 2009/10. This strategy is ongoing and has been incorporated into the Council Plan 2009-2013.</i> |
|  | Undertake a review of the development and implementation of Council's major projects process to establish efficiencies and knowledge to the delivery of Council's Capital Works Program.
<i>Strategy completed.</i> |
|  | Develop, implement and review Council's Volunteer Strategy.
<i>Strategy completed.</i> |

Council exercises leadership by fulfilling its governance responsibilities and by remaining vigilant regarding emerging directions and trends, seeking opportunities where issues of relevance to the community and to the organisation are identified. Providing strong leadership that benefits the community and promotes the efficiency and effectiveness of the organisation is also achieved by working in partnership with the community to achieve agreed goals, consulting on key issues, ensuring transparency of the decision-making process and by promoting a service culture that responds to community needs and aspirations.

Highlights

An Organisational Systems and Processes Review commenced at the end the last financial year. The focus this financial year was the capital works/major projects system review and project management. Project Brief documents have been revised and refined to ensure that all foreseeable risk factors are captured and that the financial impacts of a project address both current and ongoing costs.

Council's Best Value program focuses on continuous service improvement. A rolling five year program allows for a review of all services provided and entails benchmarking against other organisations and consultation with the community and other stakeholders. Continuous Improvement Plans are drawn up containing items identified through the process, with these being scheduled as actions in the relevant Units' business plans. Sustainable Assets, Capital Works and Waste Management all underwent review this year (detailed on page 24).

The highlights of the 2008/2009 financial year are an improved operating position, an increase in the asset base of the Shire and an increase in the level of cash held. These results are also reflected in an improvement in most of the Victorian Auditor General's Financial Indicators. As a result of a major infrastructure project not proceeding during the year, one indicator has moved into a high risk category; however anticipated works in the coming year will see this position reversed. For further information see Financial Sustainability on page 81.

Strong Leadership

Encouraging and supporting the growth and development of our youth is taken very seriously and there are a number of programs provided, or administered, by Council that contribute towards fulfilling this aim.

Youth Council

This year's youth councillors have five mentors who will teach them correct meeting procedures and provide a training ground to learn skills and conduct business.

The Youth Council was set up with the objective of promoting and encouraging the involvement of our young people in the planning, development and implementation of matters that directly affect them and as a forum for the Colac Otway Shire Council to consult with and receive advice from regarding youth programs. The Youth Council meets fortnightly, alternating formal and informal meetings. For further details of Youth Council activities refer to Health, Recreation and Community Services on page 60.



From back left: Tim Smith, Victoria Andras, Ashley Dunn, Jenna Kettle, Tracey Richardson, Taylor Stephens. From front left: Jessica Westlake, Hillary Woodcroft, Brittnee Colbourne, Jake Kennerly. Photo courtesy of the Colac Herald.

Young Ambassador

This award recognises the achievement by a young person in one or more fields of endeavour and gives encouragement to further pursue excellence in their chosen area. The winner of the 2008 Young Ambassador was Emma Power, who is now studying for a Bachelor of Health Sciences (nutrition and dietetics). Emma says of winning the award: "It was an amazing feeling to win the Young Ambassador Award. To actually receive recognition from the Shire and community was a real confidence booster and an award which I greatly appreciate and treasure."

In the nearly 20 yrs that this program has been running, many of the beneficiaries have gone on to be high achievers in their fields of endeavour.



Photo courtesy of the Geelong Advertiser.

Student Awards

A student from each of the five secondary education facilities in the municipality is selected each year by the school to be the recipient of the \$150 Council funded encouragement award. The winners for 2008 were: Jeremy Veenstra, Tracey Richardson, Lakeisha Harding, Nick Allan and Kim Lawson.

Barnard Trust

The scholarship Trust, set up by Francis Louis Barnard, is administered by Council. The Trust funds six students at \$2,000 a year per student for the duration of their course at a tertiary institution. The scholarship winners for 2008 were: Wenqiang Yan, Louise Ilett, Brittany Williams, Ebonnie Forster, Emma Power and Scott Kenyon.

Customer Service - 'It's in our hands'. An even stronger focus was placed on Customer Service, with the appointment of a Customer Service Coordinator. During 2009/10 the focus will be to constantly seek to improve the quality and productivity of the processes, products and services we offer our customers, while maximising the opportunities for the involvement of staff in improving the workplace across all Business Units.

Strong Leadership

Advocacy

Our partnership with the community to achieve agreed goals that benefit the whole of our community, both now and into the future, is taken very seriously. We take on a strong advocacy role on behalf of the community where desired services or infrastructure are beyond our capacity or authority to provide.

Council also engages in partnerships with other significant bodies to ensure benefits to our community:

- We collaborated with the Corangamite Catchment Management Authority to begin the process of developing more accurate mapping of landslip prone areas within the whole of the Shire, building on recent work that was focussed in township areas
- We were involved in meetings of the G21 alliance to further objectives relating to settlement, and have begun scoping a joint project that will look at where future growth across the Geelong region should occur
- We participated in workshops with the Future Coasts project by Department of Sustainability and Environment which is modelling the impacts of predicted sea level rise
- We participated in the Great South Coast group of municipalities to pursue issues of regional interest

Submissions on behalf of the community were also presented to other bodies including:

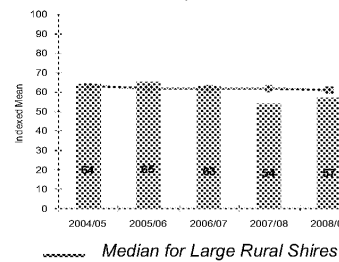
- State Government's proposed changes to zones and overlay controls as part of its 'Making Local Policy Stronger' initiative
- State Government's review of the Planning and Environment Act
- The Draft Coastal Acid Sulphate Soil Strategy
- Department of Planning and Community Development concerning the inadequacy of current planning requirements relating to tourism accommodation in the coastal hinterland and microbreweries in townships

Consultation

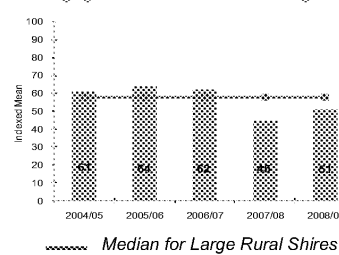
We believe genuine consultation on key issues and engagement with our community leads to Council outcomes that are more reflective of the community's aspirations and improve the quality, accountability and transparency of those decisions.

During the development of the Council Plan 2009-2013 significant information sharing and consultation was undertaken, utilising community forums and surveys, both written and interview. Every effort was made to ensure the community understood the components of the Plan arising from legislation or other tiers of government and to encourage involvement in setting the direction for those components they could influence. A panel of Councillors and Senior Management attended each of the eight community forums held throughout the municipality, with over 132 ratepayers attending. At the same time, the community survey was conducted, resulting in 759 people taking the opportunity to participate and providing 9,000 pieces of information used to guide the strategies and actions of the Council Plan.

Community Satisfaction with Council's Advocacy Role



Community Satisfaction with Council's Engagement in Decision-Making



Strong Leadership

Some other examples of our community consultation over the past year are:

| | |
|--------------------------------------|---|
| Environment & Community Safety | <ul style="list-style-type: none"> • Municipal Fire Prevention Plan • Domestic Animal Management Plan 2008 |
| Finance | <ul style="list-style-type: none"> • Budget Process |
| Governance | <ul style="list-style-type: none"> • Various Council Policies |
| Health and Community Services | <ul style="list-style-type: none"> • Municipal Public Health Plan • Colac Otway Shire Positive Ageing Strategy Research Paper and Action Plan 2008-2012 • Barwon Region Drug Action Plan 2008-2013 |
| Organisation Support and Development | <ul style="list-style-type: none"> • Best Value Reviews |
| Planning | <ul style="list-style-type: none"> • Rural Land Strategy • Kennett River, Wye River & Separation Creek Structure Plans • Various Planning Amendments including C29 (Great Ocean Green) and C55 (Beechy Precinct) |
| Roads and Infrastructure | <ul style="list-style-type: none"> • Special Charge Schemes • Road Management Plan • Installation and Usage of Cattle Grids Policy |

Communication

Communication is critical to effective community engagement and consultation. Council uses a range of communication channels including the local media, our website, newsletters, fact sheets and email networks to keep people informed about Council's activities and services.

We are committed to building partnerships with our community to ensure people have the opportunity to take part in decisions that affect them.

Some of the ways Council kept the community informed of our activities, issues, services and events included:

- Regular columns in local papers including a monthly Mayoral opinion piece, a monthly local laws and pets page, a quarterly economic development update and a monthly Council Column with general information about upcoming events, consultation opportunities and more.
- Monthly meetings between the media and Council's Mayor, CEO and public relations team were instigated to build relationships and allow the media improved access to decision-makers.
- Our website, www.colacotway.vic.gov.au, updated on a regular basis with Council news and important documents
- Proactive engagement of the local media involved issuing an average of eight media releases a week, holding regular media briefings and responding to an average of 13 media inquiries a week
- Published regular advertisements in our local papers, community newsletters and on radio about initiatives and activities

Strong Leadership

Our People

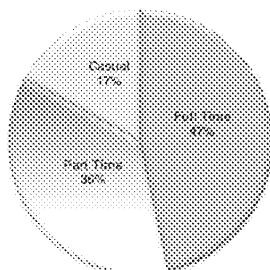
Our staff are our most valuable asset and are the driving force behind the delivery of services and the achievement of our Council Plan strategies. At 30 June 2009 there were 287 staff employed in a variety of permanent full-time, part-time and casual positions.

More than 103 volunteers, Family Day Care contractors and work experience participants support and assist our staff in the delivery of council services. Our volunteers play a key role in tourism promotion, community transport and the delivery of major events. We held a "thank-you" breakfast in December 2008 for Colac Otway Shire workforce volunteers, with 70 volunteers in attendance.

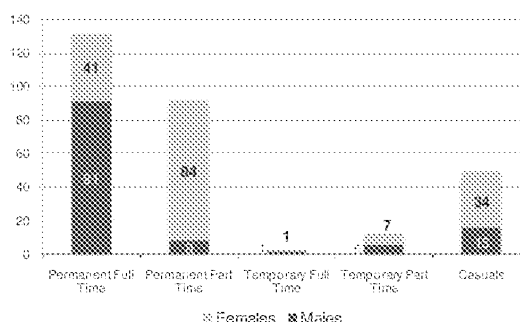
| Equivalent Permanent Full Time (EPT) Staff by Business Unit | |
|---|---------------|
| | EFT |
| Executive (including General Managers) | 5.72 |
| Corporate & Community Services | 0.95 |
| Finance and Customer Services | 14.74 |
| Recreation, Arts & Culture | 21.59 |
| Information Services | 8.05 |
| Organisation Support & Development | 6.22 |
| Health & Community Services | 35.16 |
| Planning & Building | 10.90 |
| Economic Development | 9.77 |
| Environment & Community Safety | 12.93 |
| Infrastructure & Services | 1.05 |
| Major Contracts | 7.00 |
| Capital Works | 2.00 |
| Sustainable Assets | 3.00 |
| Cosworks | 50.04 |
| TOTALS | 189.12 |

Excludes positions vacant as at 30 June 2009

Staff by Employment Status



Staff by Gender and Employment Category



Total Males = 120; Total Females = 167

Highlights

Organisational training and development

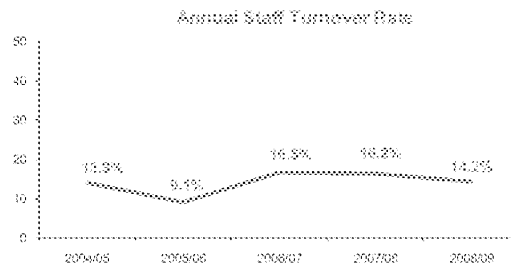
A fundamental principle of good governance is to ensure that we comply with the law. As well as staff receiving specific training on an ongoing basis related to their roles and legislative responsibilities, every second year a key aim of our annual organisation training and development program is the delivery of legislative compliance training. In 2008/09 Council staff participated in training covering Trade Practices Awareness, Performance Management, Health & Safety Representative Training and Health & Safety Refresher Training. In addition, a range of other professional development training was undertaken, which included significant training initiated by Council upgrading to Microsoft Office 2007.

Strong Leadership

Recruitment and Retention

Council continues to experience some difficulties in attracting applications in areas of critical shortage across Local Government and in other industries in Australia, such as Engineering and Planning.

It's pleasing to note that our staff turnover decreased for the first time since 2005/06.



We actively participated in the MAV Rural Council Workforce Planning Working Party, the LG Employment Branding Research Project and with six of the Greater South Coast Councils in an employment marketing campaign in local and national media. Issues around recruitment and retention continue to be addressed through our workforce planning strategies.

By being ideally situated within an hour's drive of major population centres and coastal areas, and by continuing to promote our commitment to staff development and training, we believe Colac Otway Shire is uniquely placed to offer an environment of challenge, growth, broad experiences and lifestyle options.

Appreciating our staff

Council has an ongoing Reward & Recognition Program. This year special mentions were made of 10 employees with 20, 25 & 40 years of service to our community.

20 Years: Karen Borch, Gwenda Cook, Dawn Mason, David Bautovich, John Farnes and Colin Maw

25 Years: Guy Permezel, Greg Anderton and Helen Evans

40 Years: John Neal

Occupational Health & Safety (OH&S)

We are committed to providing a safe and healthy workplace for our staff, contractors, volunteers and visitors. Our OH&S Consultative Committee meets bi-monthly, with all areas of our organisation represented on the committee through designated work groups.

Ongoing OH&S training is an essential element in continuously improving our health and safety performance. In 2008/09 staff participated in a number of training and activities including:

- OH&S Representative 5 Day OH&S course & refresher training
- First Aid training
- Manual Handling Training
- Staff Health and Wellbeing activities

Highlight

A strong performance in injury management and prevention has resulted in a reduction in WorkCover premiums at the close of the 2008/09 financial year.

The Year Ahead

A full review of Council's Risk Management and OH&S policies and procedures.

Strong Leadership

Organisational Support and Development

The Organisational Support & Development (OSD) Unit provides a broad range of services that are integrated across all business units within Colac Otway Shire Council. Managing the key areas of Human Resources, Risk and Corporate Support, OSD staff advise, facilitate and support all Council staff to meet corporate objectives in a planned and structured manner that incorporates sound risk management principles and a high level of employee support.

Highlights

Coordinated and participated in the successful development of the new Council Plan 2009-2013, which included extensive strategic research, Councilor workshops, staff consultation and community consultation and forums. A snapshot of the key information resulting from the strategic research has been included as an attachment to the Council Plan.

Council was awarded the Best Annual Report for its 2007/08 report in the Low Resource Category at the Municipal Association of Victoria Annual Report Awards, as well as awards for Best Reporting on the Governance, Performance and Financial Overview sections within the Annual Report. These awards are a celebration for all staff as they contribute to the Annual Report through the work they do and the achievements accomplished each year.

An extension of Council's Planning software (Interplan[®]) occurred in early 2009. The system was extended to incorporate a Risk Management module to ensure Council's corporate and operational risks were managed in context with delivery of services. The new system enhancement ensures all risks identified by Council are allocated to a responsible officer who develops appropriate risk treatments and incorporates these into their business planning and reporting functions. The Interplan[®] business planning tool was also upgraded to include a task management module. This enhancement allows Council staff at all levels to have clear business objectives, with these being linked to their personal plans.

Best Value reviews completed in 2008/09. Services undergoing a full review were Sustainable Assets, Capital Works and Waste Management. Continuous Improvement Plans were drawn up for each of the services, with actions for each service forming part of their 2009/10 business plans.

Coordinated the annual external risk audit program for compliance with Public Liability, Professional Indemnity, Asset Management Insurances and OH&S Management system accreditation.

A Staff Health & Wellbeing Program was developed and implemented, which included:

- SunSmart/Skin Check session, with 40 staff participating
- Work/Life Balance sessions, attended by 60 staff
- Back Care & Posture sessions, with active participation by 50 staff
- A Healthy Heart Check (Mobile Baker Heart Bus) session, attended by 50 staff
- A bi-monthly Health & Wellbeing Newsletter distributed to Staff. The newsletter provides staff and their families with information on a range of health, safety, work and general lifestyle topics

"Values in Action" Awards were awarded to staff whose peers believed they had demonstrated in the course of their work how the organisation's values of 'Partnership', 'Consultation' and 'Service' are put into action.

All new staff completed a comprehensive induction program that provided information, key human resources policies and procedures, internal systems and processes, risk management and workplace safety.

Strong Leadership

Coordinated the recruitment and selection of 62 position vacancies, processing a total of 530 applications.

Disappointments

- Staff turnover in the OSD Business Unit saw the Unit run with reduced staffing for parts of the financial year, which impacted on the level of services able to be provided

Challenges

- The capacity of the OSD Business Unit to meet organisational demands and expectations with limited resources

The Year Ahead

- Development of new and review of existing OSD policies and procedures
- Development of the Organisational Training Plan
- Ongoing implementation of the Staff Health & Wellbeing Program
- Further develop the use of Council's business planning and management tools
- Progress the Organisational Systems and Processes Review

Strong Leadership

Information Services

The Information Services Unit (ISU) provides a range of services to both the community and internally to Council officers. Services focus on Document Management, Information Communication and Technology (ICT) and Geographic Information System (GIS), supporting the organisation to provide responsive customer service.

Information Services

- \$1,139,499 operating expenditure (\$79 per rateable property)

Highlights

Transition from a physical server technology to the new virtual technology is the most significant hardware activity that has been undertaken. This key infrastructure change has transformed the Council's ICT systems to leading edge.

Adoption of the Information Communications and Technology Strategic Plan (ICTSP) in 2007/08 has provided a strategic direction for short, medium and long term actions for Council systems and applications. The plan sets a roadmap for the Council's ICT systems to 2014 and is reviewed annually to ensure changes in technology or requirements are considered.

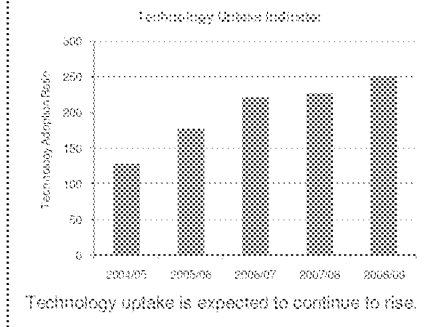
Replacement of Council's core system was the most significant among a range of software applications that were upgraded or replaced. 2000Plus was replaced with the *Civica Authority* application. Authority manages all aspects of finance, including payroll. It is also used for the management of human resources, property and rates, planning, building, health and local laws animals, infringements and permit functions. The Health and Services application was upgraded as part of the core system to ensure continued integration.

ICT

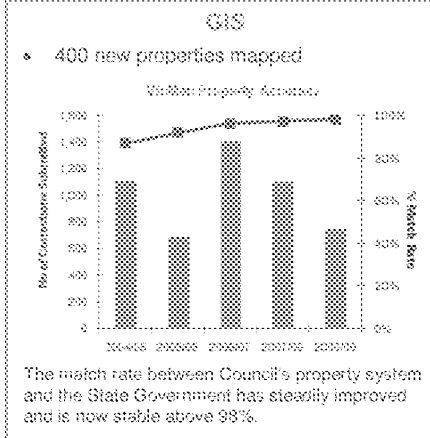
- The information system consists of 15 physical servers, 21 virtual servers and 149 workstations located across 12 work sites
- Received 181,067 emails and sent 86,723

Other software applications upgraded or replaced:

- The Microsoft Office Suite was upgraded from the 2003 version to the current 2007 version
- The e-mail and calendar system was replaced with Microsoft Exchange using Outlook
- Council's electronic meeting agenda and minutes system was replaced with the Info Council application
- Council's valuation software was upgraded to a Web based application



Council's **Wireless Infrastructure** was extended to enhance the connectivity of the Pound. This wireless connection links to the Colac Rae Street data centre providing high speed access to Council data.



Finalisation of the new Multi-Function Devices tender has provided Council with a much improved capability. Print, Copy, Scan and Fax capabilities are now available from each machine, proving more effective, efficient and delivering cost benefits.

The GIS Coordinator has played a central role in gaining three separate funding grants exceeding \$150,000 for the implementation of several initiatives on behalf of a range of Local and State Government

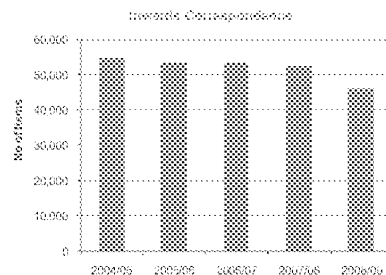
Strong Leadership

stakeholders. These grants were predicated on a shared service arrangement (multiple Council or Agency involvement) and provided the required funds to implement the following initiatives:

1. A shared local government Web GIS presence (founding Councils - Colac Otway, Corangamite and Moyne), that provides community access to Council's GIS data. This initiative was launched on 7 August 2009 by the Gayle Tierney MP, Member for Western Province
2. Providing a GIS based Property Inspection system as part of the Council's Fire Prevention plan
3. Natural Disaster Mitigation Plan, which provided the following outcomes:
 - o A spatially mapped mosaic of the 1946 Aerial photography, which were traditional black and white photographs. The mosaic was used to develop the Landslide mapping database
 - o The Wye River terrain modelling, which assisted with the fire break modelling undertaken by the CFA

Document Management Services

- 137,343 items of both inwards and outwards correspondence processed
- Outgoing mail increased by almost 30,000 items
- Disposal of all eligible 2008 documents in accordance with the Public Records Office Disposal Schedule



Disappointments

- The significant additional workload generated in capitalising on the opportunity to replace 2000Plus, our core system, meant that some priority actions were deferred; the key one being the development of Council's Disaster Recovery plan

Challenges

- Implementation of the Authority product, along with the significant range of software upgrades and enhancements that have been undertaken, create challenges for the organisation
- Each year software enhancements require more server capacity and have higher bandwidth demands. Providing remote links with sufficient bandwidth to the outlying Council facilities becomes more challenging each year
- Council has a limited but improving capability in relation to Disaster Recovery, with the identification of an alternate work area being the most significant barrier to developing a realistic DR plan. Council's decision to proceed with the Joint Use Library has provided an opportunity to strengthen our DR capabilities

The Year Ahead

The ICT Strategic Plan identified over 60 initiatives to be considered over the next four to five years, with significant elements to be implemented in the 2009/10 financial year, including:

- The development of a Disaster Recovery Plan
- Further development and implementation of the Council's Information Services disaster recovery environment and capabilities
- Developing an Electronic Content Management specification in preparation for the replacement of the Council's electronic document library
- The development of a GIS Strategic Plan
- Managing the Civica Authority system implementation - Phase 2

Roads and Infrastructure

Council Plan Objective

Improving and renewing our roads and other infrastructure by allocating additional Council funds and strongly advocating for State and Federal Governments to provide additional funding.

Council Plan Commitments



2008/2009 Actions completed



2008/2009 Actions behind schedule



Deferred or delayed beyond 2008/2009

| | |
|---|--|
| ★ | Continue increased funding of infrastructure asset renewal, particularly on rural road resheeting, drainage, timber bridges and footpaths.
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Advocate for the upgrade of Turlons Track as a major sealed 2WD Touring route.
<i>Strategy completed – Turlons track has been upgraded.</i> |
| ★ | Advocate for the upgrade of the main access roads between Princes Hwy and the Great Ocean Road including the Colac/Forrest Road, Birregurra/Forrest Road, Forrest/Skenes Creek Road and Forrest/Apollo Bay Road and the Colac/Lavers Hill Road consistent with actions contained in the Great Ocean Road Regional Strategy.
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Advocate for the location of the Geelong By-Pass connection with the Princes Highway to enable a continuous 100kmh speed zone.
<i>Strategy completed.</i> |
| ★ | Advocate for the Construction of a dual carriageway Princes Highway from Geelong to Colac and then beyond to the South Australian border.
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Advocate for the development of an alternative heavy vehicle route for the City of Colac
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Advocate for the identification of a designated route for the future location of a Colac By-Pass for the Princes Highway.
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Implement the Road Safety Plan and Council approved road safety initiatives in partnership with VicRoads and other agencies.
<i>Strategy completed.</i> |
| ★ | Advocate for improved infrastructure services – telecommunications.
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Investigate the feasibility of a Regional Saleyards complex with other municipalities in the G21 Region.
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
| ▼ | Develop and implement the Asset Management Plans and Asset Management System for all infrastructure categories.
<i>Development of Asset Management Plans for stormwater and buildings is progressing; however there is a significant workload to complete these plans and resources were not available during the year to complete the plans. This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Manage our roads consistent with Council's Road Management Plan.
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Strategically manage the impacts on Council's local road network giving consideration to emerging industries and changes in transport demands.
<i>Strategy completed.</i> |

Roads and Infrastructure

Capital Works

The Capital Works Unit is responsible for the development, management and monitoring of Council's Capital Works Programs, which for the 2008/09 financial year had a budget of \$10.114 million, of which \$9.664 million related to capital asset works and \$450,000 to major operational projects. The Unit is also responsible for project planning, design and delivery of infrastructure related projects within the Capital Works Program.

Also undertaken are the development and facilitation of Special Charge Scheme projects, engineering advice for developments via the town planning process, active participation in Colac RoadSafe, implementation of Council's Road Safety Strategy and provision of general engineering services to both internal and external customers.

Highlights

Development of a Capital Works and Major Projects Prioritisation model that allows for projects to be listed and prioritised in an objective and consistent manner. The prioritisation model allows for the collation of projects that will form the basis of the 10 year Capital Works and Major Projects Program.

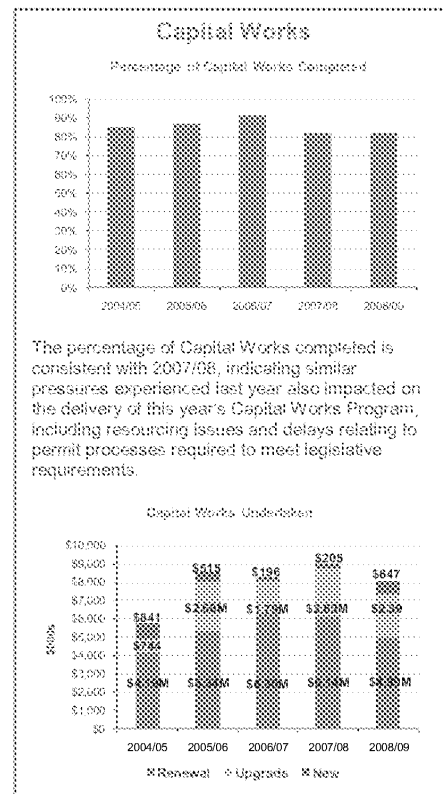
Delivery of more than \$1 million of road rehabilitation and improvement works under the Federal Government's Roads to Recovery program. Projects completed under this program included:

- Rehabilitation and asphaltting of sections of Gallop Street, Colac
- Widening of Deepdene Road at Birregurra Forrest Road Intersection
- Rehabilitation of bridge on Barham River Road, Apollo Bay
- Slip rehabilitation on Hiders Access and Lardner's Track

Major Upgrade works undertaken on Swan Marsh Irrewillipe Road to provide a fully sealed road pavement to support the growth of local industry, e.g. the peat mine and dairy industry, by enabling improved access to the local road network by B-double transport vehicles. This project was made possible through joint funding received from AusLink, VicRoads and Roads to Recovery.

Road Widening works on Larpent Road provided a full width sealed pavement, improving local road access to the Princes Highway for B-Double transport vehicles. It also significantly improved road safety for all road users by increasing pavement width. This will reduce potential conflict between general road users and higher mass heavy vehicles. The project was delivered through joint funding received from Local Roads to Markets and Roads to Recovery.

Finalisation of the construction of the unsealed section of Slater Street, and sealing of the unsealed shoulders of Marks Street. These projects were completed as special charge schemes and were a major achievement for the Unit in providing improved road infrastructure for the local community.



Roads and Infrastructure

Rehabilitation works on Binns Road included gravel resheeting, drainage improvements, slip rehabilitation and reinstatement of sight lines along Binns Road. The works along this road extended from Beech Forest to the Aire River. As well as these improvements, the existing timber bridge across the Aire River was replaced with a new concrete structure. The replacement of the existing bridge and road upgrade supports local industry, particularly the timber industry, as well as providing benefits to other road users through the safety improvements. This project was delivered through funding received from the Better Roads Program.

The review of Council's Road Safety Strategy was completed with a new strategy being adopted by Council. Council's 2009-2012 Road Safety Strategy was jointly developed with Corangamite Shire, allowing for a more robust and aligned strategy that covers the Corangamite Policing district. The strategy is also consistent with VicRoads "Arrive Alive" Strategy 2009-2012.

Project Priority - why select one project over another?

Colac Otway Shire Council is responsible for the provision of civil infrastructure to support the delivery of services to residents and visitors within the Shire, including roads, drainage systems, footpaths, car parks, bridges, traffic facilities, buildings, recreation areas etc.

In order to deliver services, it is important to ensure the required assets or civil infrastructure meets the needs for each service.

Council undertakes capital improvement projects including the renewal of assets, upgrades and in some cases the provision of new assets within the Capital Works Program. Each year the number of projects included for consideration for Council funding is far in excess of the available budget allocated for capital works. As such, it is essential for projects to be prioritised to ensure Council is able to allocate the available funds in the most effective way.

In order to prioritise projects, each project is scored against set criteria. The criteria used to assess projects generally include the following elements:

- **Identified need** – where the project is identified in the Council Plan, strategies or corporate planning documents, or if it is a legislative requirement
- **Cost** – considers the life cycle costs associated with the project giving consideration to future operational costs and maintenance costs
- **External Funding** – looks at whether projects are eligible for external funding (grants)
- **Service Level** – assesses the current and future need for the asset to meet the needs and requirements of the services that it provides
- **Risk** – considers the risks associated with not undertaking the project

By assessing each project with general criteria, it allows an unbiased assessment of a project's priority, enabling Council to allocate the available budget to capital projects that are considered of higher priority or need.

Disappointments

- Overall, 82% of the projects included in Council's 2008/09 Capital Works Program were completed during the course of the period. This is a relatively good result considering that the implementation of some projects were delayed due to permit and other statutory requirements. The most disappointing aspect of this year's project was the large number of carryover projects due to factors outside Council's control
- The difficulty in recruiting staff to current vacant positions has placed significant pressure on the Capital Works Unit, impacting on the ability to deliver services at a consistently high standard

Roads and Infrastructure

Challenges

- Recruitment of staff to fill current vacancies within the structure will pose a challenge, due mainly to the shortage of professional engineers within the industry
- Improved understanding and incorporation of best practice environmental management for works delivery to ensure all works are carried out in a manner that minimises the environmental impact, as well as ensuring areas of high environmental value are not compromised
- Implementation of improved Project Management practices across the organisation to assist with the delivery of annual projects on time, on budget and to the required standard

The Year Ahead

- Finalisation of the project management system and process for integration across the organisation to ensure that project based risks are managed effectively and are delivered to meet time, cost and quality outcomes
- Further development of the 10 year capital works program, including integration with long term financial planning outcomes
- Development of a project reporting system

Sustainable Assets

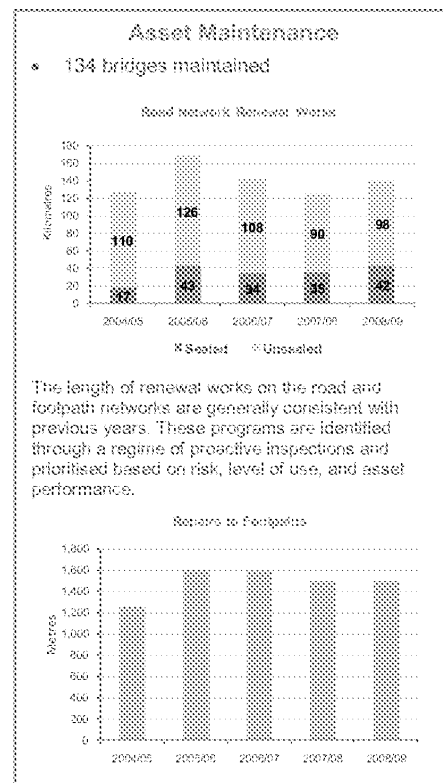
Council is responsible for an extensive range of infrastructure assets such as buildings, roads, bridges, parks, recreational facilities and drainage. The replacement value of these assets is estimated at \$317 million and Council currently spends around \$6.3 million per annum as its commitment to funding renewal needs.

Council has adopted Asset Management Plans for a number of key asset types, which provide a formalised approach to asset management and defines the principles and methodology upon which the long-term Capital Works and Major Projects Program is developed. Asset Management Plans will ensure that Council continues to meet its financial and service obligations in the ongoing management and maintenance of its infrastructure assets.

In 2008/09 Council completed renewal works to the value of \$6.3 million, meeting Council's financial target of 80% matched against a projected renewal expenditure requirement of \$6.135 million.

Achievements

Completion of the 2008/09 Building Renewal Program, delivering improved buildings and facilities to the community. Works included painting and repairs to the Irrewarra Aerodrome Office building, major external painting to the COPACC building, and external repairs and painting to the Apollo Bay Visitor Information Centre.



Roads and Infrastructure

Completion of other building works included in the Capital Works and Major Projects Program were: upgrades of the existing water meter servicing the Memorial Square, replacement of the roof to the Hesse Street Comfort Station, and installation of a safe roof access system to the Rae Street Administration Building.

The review of Council's Road Management Plan as required by legislation was completed during the course of the year. Council also continued to perform well in delivering on its road management commitments by meeting specific measures for Road Management Plan compliance.

Disappointments

- Protracted development of detailed Asset Management Plans for the key asset areas of Buildings and Stormwater Drainage has meant that Council's processes for the management of these asset types are not documented in detail
- Existing Asset Management Systems need review in conjunction with other corporate systems and processes to improve outputs and increase integration
- The present organisational model for the planning of Council's buildings does not clearly define the roles and responsibilities of those actively involved in the management of this important asset category. On occasions this has lead to uncertainty in the delivery of building maintenance

Challenges

- Maintaining a sustainable level of funding to ensure assets/services continue to meet community needs
- Keeping up with latest technology and techniques
- Improving levels of consultation and communication across the organisation and with the community
- Continuing to manage a diverse range of building and community facilities in a environment of increased demand and changing statutory requirements

The Year Ahead

- Continued involvement in the MAV Step Program
- Ongoing development of Council's Asset Management systems, plans, and processes to ensure effective decision making in infrastructure investment and service delivery
- Reviewing and enhancing processes and systems
- Continuing to advocate for increased funding, and investigating and addressing the impacts of cost-shifting

Roads and Infrastructure

Road Management Plan

Council's Road Management Plan is written in response to the *Road Management Act 2004* and is intended to establish a management system for public roads for which Council is responsible. Council's road management functions are based on policy and operational objectives that consider the resource limitations faced by Council in inspecting, maintaining, and repairing its road infrastructure.

To carry out effective maintenance across the whole road network on an equitable basis, the Shire is divided into 24 maintenance zones. Each zone is inspected for routine maintenance requirements on a priority basis, with any defects or safety concerns recorded. By regular inspection and programming, maintenance activities are objectively planned to achieve cost and operational efficiencies. These works may include:

- Patching potholes in sealed and gravel roads
- Repairing broken edges of sealed roads
- Unsealed shoulder maintenance
- Vegetation control works including roadside slashing and clearance of overhanging trees
- Replacing and repairing signs
- Repair and replacement of guideposts
- Grading of gravel roads to restore the shape and compactness of the surface

A similar inspection and maintenance system has also been developed and implemented for Council's footpath network.

Port of Apollo Bay

Colac Otway Shire has been responsible for the management and maintenance of the Port of Apollo Bay since accepting responsibility from the Port of Geelong in 1995. This role is funded by the Department of Sustainability and Environment (DSE) and provides a safe facility for commercial and recreational users.

Highlights

Risk Mitigation Projects - Council was successful in gaining Risk Mitigation Funds through DSE under the risk Mitigation Program. The program is aimed at improving public safety, protection of significant assets of high value and addressing of environmental risks associated with port operations. The following three projects were successful in gaining funding support:

Upgrade of Slipway Rails – With the upgrade of the Marina in 2007 there has been an increased use of the slipway facility. Some of the bigger boats using the facility require the rails to be upgraded for safety purposes.

Long Term Dredging Options and Sand Management Study – Council's dredging vessels are becoming outdated and are struggling to fulfil the dredging requirements at the harbour. The proposed study will focus on long term dredging requirements, taking into account the cost effective dredging options, plant upgrade or replacement, options for minimising movement of sand towards harbour entrance etc.

Breakwater Re-armouring Works – The proposed re-armouring works are aimed at strengthening the weak section of breakwater adjoining the Bunbury groyne area. This will minimise the risk of this section failing under strong wave action, safeguarding harbour assets in high tide conditions.

Future Coasts Program – DSE, in consultation with local ports, has embarked upon a number of innovative projects aimed at improving the Coastal Planning Process and flood assessments for assets deemed to be vulnerable. These initiatives include developing a Digital Elevation Model (DEM) that has greater accuracy and resolution, and a flood visualisation tool.

Roads and Infrastructure

Disappointments

- Additional Capital funding required from Department of Sustainability and Environment (not received) for replacement of ageing infrastructure and assets
- Unexpected high costs associated with marine construction limited the reinforcement of the breakwater wall

Challenges

- Risk Mitigation Projects entail extensive investigation and consultation, prolonging the commencement phase of projects
- The limited number of contractors available for specialist marine work and the travelling distances incurred, including mobilisation of heavy equipment, significantly increases construction costs
- The sand management and dredging works that need to be undertaken in the Apollo Bay harbour will require significant project management due to the complex nature of the processes involved in this project

The Year Ahead

- Ongoing implementation of Safety and Environmental Management Plan (SEMP)
- Prepare design for extension of the slipway facility
- Review of harbour fees and charges
- Continue with public consultation on all major developments at the harbour and matters of interest
- Continue with user induction initiatives
- Continue improvements with harbour signage
- Explore funding opportunity with DSE and other Government bodies

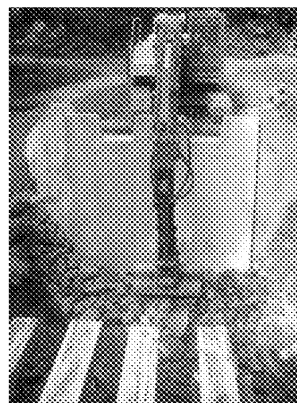
Contract Management

Highlights

During 2008/2009, a total of 21 tenders were prepared, 14 contracts were awarded, and 20 major quotations were sought for infrastructure works across a range of project areas including:

Construction and Civil Works

- Bridge Road Bridge design and construction at Aire River, with works completed in March 2009
- Road construction works as a part of the Special Charge Scheme for Pound Road, Colac
- Redevelopment of the Central Reserve Hockey Fields
- Tender prepared and awarded for Aged & Disabilities Food Services (meals on wheels) - Colac
- Tenders invited for construction of the Birregurra Skate Park
- The 2008/2009 annual bituminous sealing contract was completed
- Works were undertaken by quotation for:
 - Footpath construction in Birregurra, Colac, Lavers Hill and Apollo Bay
 - Apollo Bay Information Centre refurbishment, COPACC painting (internal and external) and fit-out and completion of Infrastructure and Services offices
 - Quotes were obtained for the refurbishment of the Swan Marsh Hall



Elms Road bridge under construction at Aire River

Roads and Infrastructure

Use of Consultants

- Sealed road condition survey
- Bridge inspections
- Drainage study for Elliminyt
- Completion of a regional trails masterplan
- Completion of a "living at home assessment practice manual"
- Pavement investigation and design report
- Design and marking of bituminous sealing works
- Tenders were prepared and invited for Birregurra and Forrest Structure Plans and a rural living strategy
- Tenders and contracts were arranged for engineering consultancy services
- Tenders for town planning and building services

Major Plant & Equipment

- Tenders were invited and purchase arranged for a backhoe/loader, 4 wheel drive out front mower, three 3 tonne tip-trucks and a five cubic metre capacity tip-truck

Waste Management

- Tenders invited for Gellibrand landfill rehabilitation works
- Tenders were invited for construction of a waste transfer station at Apollo Bay
- Quotations obtained and works completed for the construction of a mattress recycling shed and weighbridge servicing at Alvie Landfill
- Council's major waste and recycling contracts were extended for an additional twelve months to September 2010, with necessary Ministerial approval

Service Contracts

- Supply and service of Council's Multi-Function Devices (photocopiers/printers) was awarded for a period of five years
- Property maintenance services tender for the frail, aged and disabled continued
- Cleaning services for municipal buildings and public conveniences continued, with one year remaining on this contract
- Property valuation services contract continued, providing necessary rating information

Challenges

- The growing requirements for project approval and environmental and heritage factors prolongs the preparation of the project and can increase costs
- Explore online tendering options for greater efficiency in managing the tendering process and to increase accessibility for contractors
- Increasing contractors' awareness of Council's risk management and occupational health and safety requirements so that Council's exposure to public liability is minimised

The Year Ahead

- Improvements to tendering process and documentation
- Continued implementation of Occupational Health & Safety, and Risk Management policies to ensure a hazard-free work environment
- Completion of a number of projects including:
 - Birregurra Skate Park construction
 - Apollo Bay Transfer Station construction
 - Alvie Recreation Reserve development
 - Eastern Reserve netball court redevelopment

Roads and Infrastructure

Livestock Selling Centre

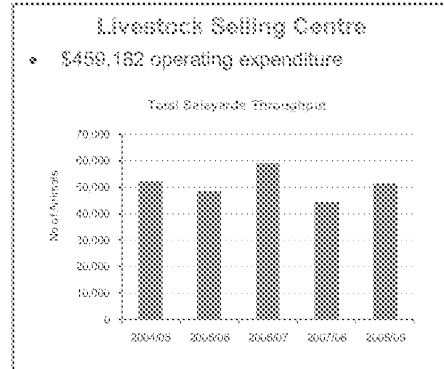
The Colac Livestock Selling Centre provides facilities for weekly sales of livestock in the region. Through a scheduled maintenance program for the facility and progressive upgrades Council is able to provide a quality service to users.

Highlights

Store Cattle sales raised by 10% due to farmers clearing stock and improved weather conditions compared with the previous year.

Installation of front gates to improve security and increase safety at the facility. This involved the construction of an automatic gate with a key card register, monitoring system and camera surveillance system, which will ensure that the facility can have 24 hour monitoring of activities on site.

Timbers were replaced in 30 holding pens as part of the programmed works to maintain the facility in top working order.



Challenges

- Council will face considerable challenges at the Livestock Selling Complex in the years ahead as the continuing drought causes cattle producers to destock, which will have an adverse effect in the short term future

The Year Ahead

- Investigate overhead walkways to separate cattle from buyers
- Investigate the effectiveness of anaerobic dams for compliance with Barwon Water
- The replacement of a major air compressor is required to improve efficiency of the selling ring area













Planning and Development

Council Plan Objective

Undertake a comprehensive review of the Colac Otway Planning Scheme including a rural zones review and the preparation of an updated Municipal Strategic Statement and Local Planning Policy Framework to address the recommendations arising from the Planning Scheme Review.

Sustainable development through the implementation of the Lake Colac Management Plan and the redevelopment of Apollo Bay Harbour.

Council Plan Commitments

|  | 2008/2009 Actions completed |  | 2008/2009 Actions behind schedule |
|---|--|---|---|
|  | Deferred or delayed beyond 2008/2009 |  | Council resolution not to continue the strategy |
|  | Undertake a comprehensive review of the Colac Otway Planning Scheme and prepare an updated Municipal Strategic Statement (MSS) and Local Planning Policy Framework to address the recommendations arising from the planning scheme review.
<i>Strategy completed. Gazetted by the State Government in June 2009.</i> | | |
|  | Prepare a Developer Contributions Plan which will facilitate developer contributions towards the provision of social and physical infrastructure.
<i>Stages 1 & 2 of this program have been completed with Council resolving in November 2007 not to proceed with the development of the Plan until a comprehensive capital works program is in place.</i> | | |
|  | Develop and implement a Sustainability Action Plan for the organisation and the Community.
<i>Strategy completed.</i> | | |
|  | 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.
<i>Strategy completed. Colac Structure Plan completed and adopted by Council in February 2007.</i> | | |
|  | Continue the development of the Colac Botanic Gardens.
<i>Strategy completed.</i> | | |
|  | Improve the Eastern Entrance to Colac.
<i>This project was proposed to be undertaken through the Community Planning Project. This was due to the need for clarification of community requirements, the need to establish a process for effective implementation and resolution of the significant funding issues involved. Council resolved in December 2008 not to proceed with a Community Plan and the Colac Eastern Entrance project is not included in the Council Plan 2009-2013.</i> | | |
|  | 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.
<i>Strategy completed. Apollo Bay Structure Plan completed and adopted by Council in April 2007.</i> | | |
|  | 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.
<i>Strategy completed. Neighbourhood Character Study and subsequent amendments completed and incorporated into the Colac Otway Planning Scheme in February 2007. The Structure Plan was adopted by Council in February 2008, and revised in February 2009. Authorisation has been sought from State Government to exhibit a planning scheme amendment.</i> | | |

Planning and Development

| | |
|---|---|
| ★ | <p>Priorities identified for the Hinterland are incorporated into the review of the Colac Otway Planning Scheme and the Economic Development and Environment Priority areas. These include the completion of the Neighbourhood Character Studies, Structure Plans, policy development and a review of the impact of the transfer of agricultural land to forestry use.</p> <p><i>Strategy completed. The Rural Land Strategy was adopted by Council in September 2007, and its outcomes have been incorporated into the Planning Scheme Review by Amendment C55 in June 2009.</i></p> |
| ★ | <p>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.</p> <p><i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i></p> |
| ★ | <p>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.</p> <p><i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013. Master Plan adopted in October 2008 and confirmed again early in 2009. Officers working with State Government to seek external funding for the next steps which will include further site investigations and a planning scheme amendment.</i></p> |
| ◆ | <p>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.</p> <p><i>Council resolved in December 2008 not to proceed with a Community Plan.</i></p> |
| ▼ | <p>Prepare Structure Plans that provide long-term vision and planning and development framework for the townships of Birregurra and Forrest.</p> <p><i>These Structure Plans did not commence until May 2009 due to difficulties recruiting for strategic planning staff. The projects will not be completed until 2010. This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i></p> |

Planning

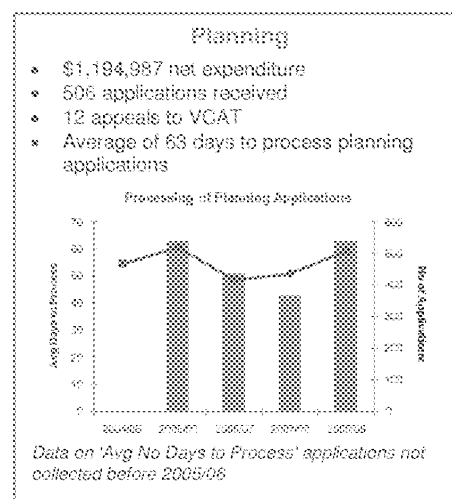
The Planning Unit is responsible for administering the *Planning and Environment Act 1987* through the Colac Otway Planning Scheme, as well as other related legislation such as the *Subdivision Act 1988*. Services include provision of planning advice and property information, processing subdivision plans, assessment and decisions on planning permit applications, representation of Council at VCAT hearings, and enforcement of planning permit conditions and Planning Scheme provisions.

Also undertaken is a range of strategic projects that result in amendments to the Planning Scheme to provide guidance on decision making. Input is provided into State and regional initiatives, and amendments undertaken to rezone land when required. The Planning Scheme is reviewed every four years to improve its performance.

Highlights

Strategic Planning

Implementation of Planning Scheme Review and Strategic Studies – Amendment C55. Planning Scheme Amendment C55 is the culmination of several years strategic work by Council, and was adopted by Council in October 2008, coming into effect in June 2009. It introduced a new Municipal Strategic Statement (i.e. local policies) and changes to zones and overlays. Specifically, it implemented the Colac and Apollo Bay Structure Plans and Rural Land Strategy. It will further streamline and significantly improve the effectiveness of the Colac Otway Planning Scheme.



Planning and Development

Commencement of Colac and Apollo Bay Car Parking Study. A Car Parking Study for the commercial areas of Colac and Apollo Bay commenced in January 2009 with parking surveys and an assessment of future retail floor space demand for the centres. The Study will examine parking rates applied under the Planning Scheme as well as management and location of parking areas.

Amendment C12 Revision of Flooding Controls. Amendment C12 was exhibited in October 2008 to update existing flood mapping in the Planning Scheme, and to introduce exemptions for some minor building works. Council considered submissions to the amendment in June 2009 and resolved to forward them to a Panel for consideration.

Updates to Erosion Management Overlay Mapping. Officers have worked with stakeholders to implement more up to date maps of landslide susceptibility in areas where there is urban development in the Shire. The Corangamite Catchment Management Authority have provided maps with greater accuracy for places such as Colac South, Forrest, Birregurra and Apollo Bay, which will reduce permit requirements in those areas. Amendments have been drafted to amend the Planning Scheme maps and alter the schedule to the Erosion Management Overlay. The amendments will proceed in 2009/10.

Statutory Planning

Consideration of Sea Level Rise in Decision Making. The revised Victorian Coastal Strategy 2008 included a new requirement that planning decisions take into account an expected 0.8 m rise in sea level associated with climate change. Coastal Vulnerability Assessments are required to be undertaken where it is considered there may be a risk to development from sea level rise. Council had already taken this approach to development around Apollo Bay and the changes are consistent with the current practice. Officers are working with the State Government 'Future Coasts' project team, which is modelling sea level rise to ensure that appropriate statutory mechanisms are introduced to reflect this risk.

Consistent decisions under the 60 day statutory timeline. Council has a statutory requirement under the Planning & Environment Act 1987 to decide on planning applications within 60 days. At times this can be an onerous requirement especially in response to highly detailed and technical applications. In 2008/09 the average time frame for planning application decisions varied, being higher late in 2008 due to difficulties replacing staff, but reducing early in 2009 to an average of 63 days for the year.

Increased focus on Planning Enforcement. Council engaged a Planning Enforcement Officer late in 2008, resulting in increased capacity to respond to illegal activities such as non-compliance with planning permit conditions, buildings without a planning permit and unauthorised native vegetation clearance. There has been a significant increase in identification and resolution of these activities, as well as a proactive program of monitoring implementation of planning permits that are issued.

Development of stable Planning team. It has been difficult recruiting for planners over a number of years due to competition in the market place and scarcity of planners, however significant progress was made in 2008/09 to attract experienced staff and to fill most vacant positions. This has allowed a greater degree of consistency in advice and decision making as well as improved customer response.

Disappointments

- There was some increase in planning permit processing times late in 2008 due to difficulties recruiting to fill several vacancies, which had some impact on customer service levels
- The global financial crisis increased pressure on the Planning Department to approve applications expeditiously

Planning and Development

- The poor quality of planning permit applications and high rate of requests for further information unnecessarily prolonged the planning process
- State Government changes to native vegetation controls relating to roadsides were introduced with little consultation or advance notice late in 2008, resulting in extensive planning permits being required, adding significant burden to planners' workloads
- There were delays to commencement of the Rural Living Strategy, Birregurra and Forrest Structure Plans and Colac and Apollo Bay Car Parking Strategy due to difficulty recruiting for strategic planning staff vacancies

Challenges

- Reach agreement with DSE to achieve exemptions from permit requirements for roadside vegetation maintenance and streamline maintenance and planning processes
- Better educate stakeholders and work with the development industry in regard to planning requirements and processes, including improvements to access to information
- Improve the quality of planning permit applications to reduce the overall processing time of applications
- Retain experienced staff and fill remaining staff vacancies
- Respond to changes in planning controls in coastal and hinterland areas arising from the Bushfire Royal Commission process
- Appropriately consider the potential impacts of sea level rise and coastal acid sulphate soils on development proposals in an environment where there is limited information available

The Year Ahead

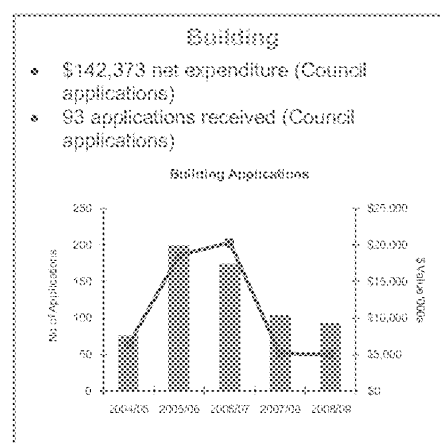
- Undertake the next Four Year Planning Scheme Review
- Exhibition of an amendment to implement the Kennell River, Wye River & Separation Creek Structure Plans
- Undertake a Rural Living Strategy
- Prepare structure plans for Birregurra and Forrest
- Complete the Colac and Apollo Bay Car Parking Study
- Complete amendments updating provisions relating to landslip and flooding
- Continue to upgrade procedures and finalise process mapping
- Work with the State Government "Future Coasts" project team to develop policy responses and statutory controls for areas vulnerable to sea level rise in the Shire

Building

Our Building Services Unit ensures that buildings in the Colac Otway Shire are constructed and maintained to acceptable standards by enforcing compliance by land owners with building legislation and safety standards. The Unit also provides general building advice, determines 'report and consents' for variations to siting requirements, and processes building permit applications in competition with private Building Surveyors, including mandatory inspections for all new works.

Highlights

- Building permits processed in an average of 29 days, down from 39 in 2006/07



Planning and Development

- Proactive monitoring of compliance with swimming pool fencing standards instigated that more closely meets Council's legislative obligations
- Essential Safety Act inspections commenced with completion of Council owned buildings
- A new fee was introduced for resolving illegal buildings, providing a disincentive for non-compliance with building requirements
- Significant increase in the level of enforcement of illegal buildings including higher numbers of Building Notices and Orders, with a high degree of coordination with Planning enforcement

Disappointments

- Despite a significant increase in monitoring of essential safety and swimming pool fencing requirements, there is still a significant backlog of inspections to be undertaken to meet Council's legislative obligations
- There continues to be a high occurrence of illegal buildings/structures
- The number of building permit applications has dropped due to competition with private building surveyors and the global financial crisis, and thus the income received has reduced

Challenges

- Adjustment to changes that have arisen to the Building Code since the 2009 Victorian Bushfires, which has increased the level of assessment concerning fire risk
- Continue to be responsive to complaints about safety issues and illegal structures and resolve long standing instances of non-compliance
- Continue to develop a systematic approach to essential safety measures and swimming pool fencing inspections that increases the level of compliance in priority areas according to relative risk
- Proactively educate the community about the need for compliance with building regulations

The Year Ahead

- Finalise a review of the building service to ensure that regulatory requirements are being appropriately resourced
- Increase the number of inspections relating to essential safety measures in the private sector, including education and awareness raising of land owner obligations
- Complete an audit of swimming pools in the Shire to ensure that fencing requirements are monitored in the annual program











Health, Recreation and Community Services

Council Plan Objective

Providing and promoting quality health, recreation and community services by working in partnership with local health, aged care, welfare, youth, housing, education providers, sporting groups and employment organisations to promote community wellbeing.

Council Plan Commitments

-  2008/2009 Actions completed
  2008/2009 Actions behind schedule
 Deferred or delayed beyond 2008/2009
  Council resolution not to continue the strategy

| | |
|---|--|
|  | Advocate for the development of a Hydrotherapy Pool located at the Bluewater Fitness Centre. Council considered a number of options regarding warm water exercise facilities and determined to take no further action in investigating hydrotherapy pools. However, Council will take the opportunity to continue to advocate for the need of hydrotherapy for people within the Shire when available. |
|  | Coordinate, implement and support youth initiatives across the Shire.
<i>The Colac Otway Youth Council and the FFreeZA Committee provide opportunities for youth to be involved in the development of a range of activities. The FFreeZA Committee specifically provide several music related events within the Shire over the year. This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
|  | Ensure that Health and Wellbeing programs are available and accessible to all residents.
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
|  | Continue to support strong integration between the Colac Otway Shire and Health Services within the Shire.
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
|  | Assess the impact and demand implications of an ageing population.
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
|  | Develop a sustainable approach for our sporting grounds.
<i>Council's Regional Recreation Reserves Contribution Scheme provides financial support to the Committees of Management of the eleven regional reserves acknowledging the volunteer support provided. These funds have resulted in significant works that otherwise would have taken longer to achieve. This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
|  | Continue the renewal of Council's Playground Program.
<i>The accessible pathway from the car park to the Liberty Swing at the Botanic Gardens has been completed. The redeveloped Barwon Downs Playground provides various pieces of playground equipment in close proximity to the tennis courts. This playground redevelopment was completed in partnership with the Barwon Downs Progress Association and the local community. This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
|  | Implement the signage recommendations from the Colac Municipal Precinct Signage Access report.
<i>Strategy completed.</i> |
|  | Review and implement the recommendations of the Colac Otway Shire Arts and Culture Strategy.
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
|  | Develop, implement and review Council's Festival and Events Strategy.
<i>Active participation in trial CFA/DSE Guidelines associated with a Wildfire Risk Management approach to events. This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |

Health, Recreation and Community Services



Investigate strategies to fund and develop Central Reserve and Bluewater Fitness Centre Precinct.

The numerous user groups of the Central Reserve have contributed to the development of the Central Reserve Master Plan, which will assist to steer the future directions of the Reserve, particularly for facility improvements. Draft plans for the proposed Bluewater Fitness Centre Stadium redevelopment have been developed through consultation with the Centre user groups. Funding considerations are currently being reviewed for implementation of these design recommendations. This strategy is ongoing and is incorporated into the Council Plan 2009-2013.

Recreation, Arts & Culture

Recreation, Arts and Culture services are responsible for the provision and development of programs, services and facilities that promote and support a broad range of options for recreation, arts, events, health and fitness in partnership with the community and various key stakeholders.

Highlights

Recreation

Regional Trails Master Plan Project, involving eight other surrounding local governments and seven State Government departments, has identified the regional iconic trails. Stretching from Queenscliff to the South Australian boarder the regions trails have been considered together with future possible trail opportunities. This Master Plan will assist the regions land managers in the future development, maintenance and management of trails. The Barwon South West Regional Trails Master Plan has been nominated for a Parks Leisure Australia Planning Award.

Recreation

- \$850,557 net expenditure (\$59 per rateable property)
- The concrete slab for the Joint Use Library in Queen Street Colac has been poured and the facility is expected to be operational in July 2010

Facility Improvements. Securing State Government funding is always competitive particularly in light of the bushfires and the economic climate; however Colac Otway Shire's Recreation Unit has secured significant State Government funding to undertake community recreation facility improvements across the Shire. Aivie Recreation Reserve Facility redevelopment, Eastern Reserve Netball Court development, Lake Colac Oval improvement, Birregurra Bowling Club Synthetic Surface installation and Forrest Netball Court Redevelopment projects will be completed over the coming year.

The Central Reserve Hockey Fields have been redeveloped resulting in an improved level surface, new irrigation and drainage. These multi-purpose fields will now have the capacity to cater for a range of sports.

Three cricket wickets have undergone significant improvements works in accordance with the Colac Otway Cricket Strategy. Warrion, Colac Eastern and Central Reserve Colac have all been levelled and relayed. These works were funded by the Colac Otway Shire in partnership with the Colac and District Cricket Association.



Redevelopment of the Hockey Fields at Central Reserve, Colac

Partnership with Leisure Networks. The partnership opportunity between Council and Leisure Networks provides a consistent and face to face mechanism to train and develop community recreation groups and encourage the sharing of best practice. Over the last 12 month period, Council in partnership with Leisure Networks has conducted a series of

Health, Recreation and Community Services

workshops for sports and recreation groups within the Colac Otway Shire covering such topics as funding and grant writing, liquor licensing, working with children's checks and club promotion.

Old Beechy Rail Trail. An action plan has been developed for the Old Beechy Rail Trail for the coming five years including, but not limited to:

- Trail maintenance and management
- Trail (and associated infrastructure) capital development
- Marketing: Access and programmed use (e.g. events and community activities)
- Possible expansion/development opportunities
- Risk Management

Recreation Week was held in November for one week with a large number of Clubs being involved. Community members were offered the opportunity to *Come 'n' Try* activities, which were free of charge. Due to the success of this event it may be run again next year.

Playgrounds are busy, important spaces throughout the Shire. The Barwon Downs community now have a very impressive playground offering a range of activities for all ages. This playground is located in close proximity to the Barwon Downs Tennis Courts within the main township park and is shaded by nearby established trees.

The Beech Forrest Community is also home to a new playground installed in January 2009, providing local children and families stopping in this historic township for a break with an opportunity to use this new facility, whilst enjoying the local park and surrounds.

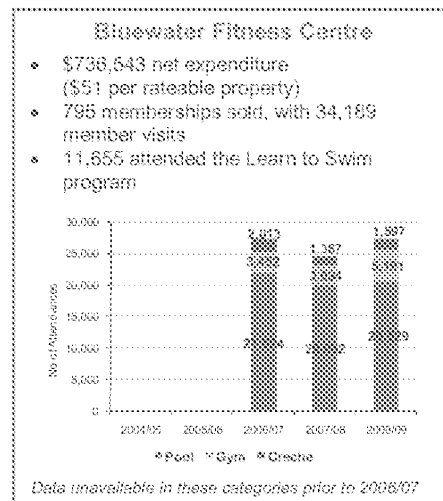
The Birregurra Playground is to be redeveloped in 2009/2010 and this will commence with community consultation. The playground is located within the township park, which is used on a regular basis for the Community Markets and the annual Birregurra Festival.

Ongoing maintenance and inspections of all the playgrounds within the Shire continue on a regular basis. All of the playgrounds within the Shire are independently inspected twice yearly to consider all safety and risk aspects of the equipment provided. These inspections also include the three skate parks within the Shire located at Colac, Apollo Bay and Forrest.

The Bluewater Fitness Centre continues to be a hive of activity by all ages and abilities. The gym offers the latest in fitness training equipment and this is matched with the dedicated, qualified staff who develop tailored programs for individual needs.

The Stadium at Bluewater Fitness Centre is heavily used for seasonal sport and school physical education purposes. Further to funding secured from the Federal Government in late 2008, various stadium improvement works have been undertaken. Roof repairs, development of a small program/meeting room, new air handling in the program rooms and foyer, improvements to the corridor and viewing to the squash courts have all been possible through this funding. These works will provide further comfort for users and visitors of the Centre and offer additional space for health and wellbeing programs.

Capital works completed included the replacement of the main pool filters and pumps and replacement of the toddler pool tiles. Various aquatic industry and first aid courses have been conducted. These



"It's great to see money well spent that will improve the centre. It is a valuable asset to the community"

Alan Taxis, Colac

Health, Recreation and Community Services

training opportunities provide support to those needing to update qualifications and greater access for local people interested in gaining entry to the health and fitness industry.

Arts and Culture

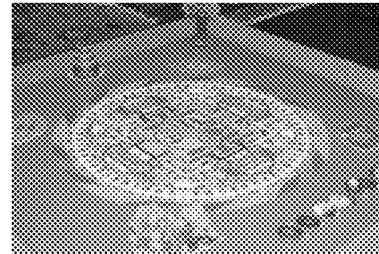
The Colac Otway Performing Arts and Cultural Centre (COPACC) subscription season sell-outs were recorded for *Menopause the Musical*, one performance of *Milli, Jack and the Dancing Cat*, a children's theatre production, two performances of *Check Out!* for early primary school children, the *Melbourne Comedy Festival Roadshow*, and a school's performance by the *Australian Army Band Melbourne*.

COPACC

- \$355,525 net expenditure (\$25 per rateable property)
- 1,049 events were held at COPACC attracting in excess of 39,000 people
- 2008/09 has been a record year for income generated from meetings and conferences.
- 12 exhibitions conducted in the COPACC foyer over 2008/2009

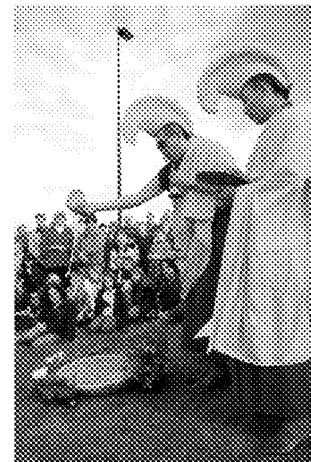
COPACC presented a total of 24 shows in its Colac Herald Subscription Season, MixxFM Comedy Season, and The Echo Morning Music Season, with 5,152 people attending these performances.

COPACC presented its first Outreach Programme in July 2008 - a comedy *The First Step on a Tram is Hell*, presented in conjunction with the not-for-profit Otway Hinterland Events at Lavers Hill Hall. More than 80 people attended the performance, which will help fund more performances in the Otways.



Intrigately designed Sand Mandala

More than 2,000 people attended the *Footsteps from the Roof of the World* six day residency at COPACC, which featured five Tibetan monks leading chanted meditations, giving talks about their ancient culture and traditions. The monks created an intricate sand mandala over six days. More than 650 children attended educational workshops during the cultural exhibition.



Ceremony to dissolve the Sand Mandala

"Absolutely fascinating and informative. Thank you for giving us the opportunity to learn of Tibet." Lois

"Thank you for showing us such beauty and peace, and other culture" Janine

"Amazingly peaceful and friendly, thank you so much." Sue

"Very interesting, the beauty, the detail, the aura of peace." Anne

Colac Otway Shire has made significant investments in the upgrading of the Civic Hall which has been refurbished and now features professional theatre lighting, which will assist with the presentation of COPACC shows and attract more business. A cinema screen has also been purchased for the Civic Hall.

COPACC has increased its number of regular hirers during the past financial year, with a catering company, an education institution and two dance schools all hiring the venue at least weekly.

Health, Recreation and Community Services

Significant Partners

The State Government, through the Department of Planning and Community Development, have provided much support to the Recreation, Arts and Culture Unit through funding to undertake facility improvements and developments, program support to deliver FReeZA and to review library services in Colac.

COPACC has strong partnerships with the Colac Otway Shire corporate community, evidenced by strong sponsorship. The Centre's major sponsors are the Colac Herald, MixxFM, Corangamite Catchment Management Authority and the Echo.

COPACC has also partnered with Arts Victoria in the *Test Drive the Arts* program, which is a proven audience-building model that has been offered in the UK, New Zealand and throughout Australia. This program allows people who haven't attended a live performance in the past three years to apply for free tickets to a performance with one of 28 companies or venues across Victoria, including COPACC.

COPACC is also in the second year of a three year Local Partnerships Memorandum of Understanding, which includes funding to boost the performing arts program.

Youth in the Colac Otway Shire benefit through the ongoing partnership between Council and the Department of Planning and Community Development resulting in the delivery of the FReeZA program. *"What I enjoy most about FReeZA are the opportunities it provides. I want to work in the music industry in the future, and this is a great step to reaching that goal. Being able to work with bands and on a festival are experiences I would not have been able to do if it weren't for FReeZA."*

Chloe, FReeZA Committee Member 2009

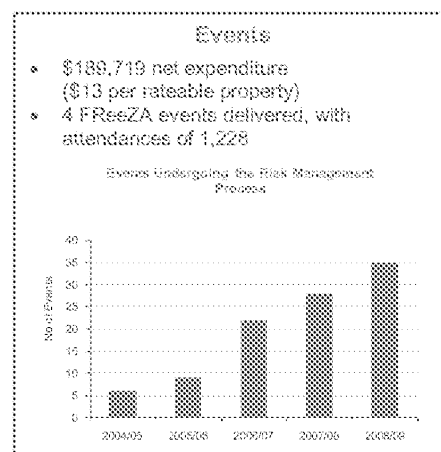
"Events – Make them your Business!" This project was approved by Rural Councils Victoria and is an initiative of the Small Towns Victoria Program funded by Regional Development Victoria. The program is coordinated by the Municipal Association of Victoria (MAV) and aims broadly to address the issues facing small rural communities in Victoria.

The project specifically aims to equip business and community groups with information and skills to maximise the impact of events, including the economic, marketing, promotional and public relation advantages that they afford. It will target the townships of Colac, Birregurra, Forrest and Apollo Bay.

Australia Day 2009. The annual Australia Day event moved from Colac and Apollo Bay to the locality of Forrest. A traditional Australia Day was conducted with the inclusion of local indigenous visitors and children's games such as egg and spoon races. Australia Day 2010 will be held in Birregurra.

Apollo Bay Music Festival 2009. Music lovers from far and wide converged on township of Apollo Bay to celebrate the annual Apollo Bay Music festival. This event brings together an eclectic mix of musicians from the south west of Victoria, interstate journeymen and women, nationally-known music icons and a spicy mix of international visitors.

Otway Odyssey 2009. 1,750 riders competed over the 100 km, 50 km and 15 km courses. The 100 km marathon course starts in Apollo Bay on the Great Ocean Road, heads up into the Otways and over a large portion of the Forrest mountain bike trail network. This event has grown in stature and reputation and is full of epic tales, mechanical mishaps and satisfied mountain bike riders.



Health, Recreation and Community Services

Colac Otway Youth Council continues to provide the youth of Colac Otway Shire with a voice with the current civic leaders. Since induction in March the Colac Otway Shire Youth Council have marched in the Anzac Day Service and placed a wreath at the Colac Shrine. The Youth Councillors have participated in various community service activities including serving morning tea at Morning Music at COPACC and attended Mercy Aged Care for an afternoon of games and conversation with elderly residents. The significant project for the Youth Council planned for 2009/10 is the painting of the Colac Skate Park.

"Youth Council gives you the opportunity to talk to people in the community. It gives you chances you never thought you had and broadens your horizons. You have a sense of fulfilment and pride when you know you've made a difference, and Youth Council gives you that." Hilary Woodroff

"Since being on Youth Council I have had a chance to help the community." Tim Smith

"Being on Youth Council has been a great opportunity. It has helped me in a leadership role and it is good being able to help the community." Vicki Andes

"My years as a Youth Councillor have been the best I'll ever experience with a constant opportunity for growth and a strong sense of belonging." Jeana Kettle

The Primary School Leadership Talks, South West Local Learning Education Network Careers Day, FReeZA Battle of the Band and Regional Final are other activities that the Colac Otway Youth Council will be involved in over the remainder of 2009.

Disappointments

- Staff recruitment continues to be a challenge particularly for Bluewater Fitness Centre regardless of the provision of training and development support
- Learn to Swim enrolments are down on previous years
- The average show attendance figures have fallen slightly for COPACC presented shows. This has been attributed to the global economic crisis which has impacted on discretionary spending
- The number of commercial operators hiring COPACC to present touring productions has fallen marginally in 2008/09, largely due to the economic downturn
- With the raging summer bushfires during the Summer of 2009, some events were affected by reduced visitor numbers and new challenges facing event organisers

Challenges

- One of the major challenges for COPACC is to maintain and grow its market share in terms of performing arts audiences
- COPACC is beginning work on the delivery of a new business plan, intended to consolidate its existing client base and to grow the business particularly in the regional business events market
- Planning for community Events acknowledging risks associated with fire and extreme heat will result in the development of new procedures focussing on increased safety for attendees, participants and event organisers
- Improved Event Applications process to streamline the requirements for event organisers and service clubs to deliver compliant, effective community events
- Recruiting new FReeZA committee members for 2009/10 given an anticipated departure of current members who are currently completing Year 12

Health, Recreation and Community Services

The Year Ahead

It is with much excitement that we will watch the development of the Joint Use Library located off Queen Street, Colac. This facility is proposed to be operational by July 2010 and will provide a range of community, recreation and educational programs and services.



Mayor Brian Crook (left) and Richard Crooper (right), Principal of Colac Secondary School at the pouring of the slab for the Joint Use Library

Recreation

The year ahead will result in significant facility improvements including:

- Redevelopment of the Alvie Recreation Reserve Clubrooms and Netball Courts
- A new netball court, shelter and training lighting at the Forrest Recreation Reserve
- The installation of a synthetic surface for the Birregurra Bowling Club
- A drought tolerant surface including new irrigation for the Lake Colac Oval
- New netball courts and lighting at Eastern Reserve

These projects are being undertaken in partnership between State Government, Council and the respective Clubs and Associations. The respective Clubs are to be congratulated on their financial and volunteer contributions to these projects.

Further strategic planning will be undertaken in relation to soccer facilities across the region, cycling and facility design for both Central Reserve and the Bluewater Fitness Centre stadium. This planning will be undertaken in consultation with the relevant stakeholders.

Bluewater Fitness Centre

- Over the coming year the focus will primarily be on the design development for the proposed redevelopment of the Stadium, which will improve the facility to address growing demands on indoor sport
- Reviews of the health and fitness programs at the Centre will continue. These reviews assist with the development of new programs, ensuring a broad range of options are on offer for all ages, abilities and interests

Arts

- Explore the development of an Art in Public Spaces policy

COPACC

- Secure more funding from State and Federal Government grant programs to assist in the delivery of COPACC programs
- Develop a diverse performing arts program to encourage greater participation by both residents and visitors

Events

- Collaboration between the Events Unit and COPACC will result in the presentation of exciting and new events in 2009/10. New events will be sponsored for the first time through the Festival and Events Support Scheme such as The Heritage Festival, World Refugee Day and Colac Country Music Festival
- In collaboration with key agencies and event organisers, develop a Heat Policy and medical planning to support communities when conducting events
- In collaboration with Surf Coast Shire and the City of Greater Geelong, participate in the CFA and DSE Trial Guidelines for Wildfire Risk Management for community events

Health, Recreation and Community Services

Aged & Disability Services

Council's Aged & Disability Services Unit provides assessment, care management, maintenance and support services for frail older people, younger people with moderate to severe disabilities, and their carers. The primary focus of the Aged & Disability Services Unit is to support people at home and to prevent premature or inappropriate admission to residential care. The program and its services enable people with moderate to high level care needs to remain living independently at home and in the community.

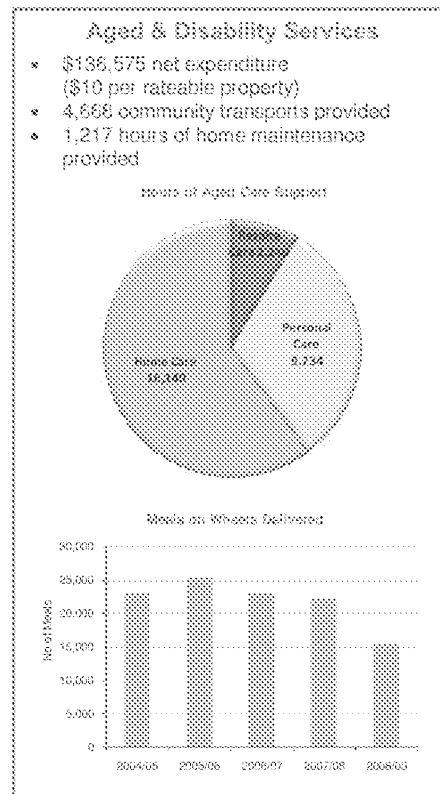
Highlights

Barwon South Western Region HACC Assessment Manual. Council's Aged & Disability Services Coordinator oversaw the development of a regional HACC Assessment Manual to meet the future requirements of the HACC Assessment Services agencies operating within the Barwon South Western Region. An alliance of agency members was formed to provide an equitable and consistent approach to achieving best practice for assessing clients. Alliance members included the City of Greater Geelong, Colac Otway Shire, Surf Coast Shire, Borough of Queenscliffe, Moynes Shire, Southern Grampians Shire, Glenelg Shire, Corangamite Shire, Warrambool City Council, Barwon Health, Bellarine Community Health Inc, Otway Health & Community Services and Timboon & District Healthcare Services.

The monthly Out & About' tours continue to be well utilised and are generally oversubscribed. Each month there are a number of new faces that join a regular group. The tours operate within a two hour distance from Colac, with lunch included at the destination. All trips are accompanied by a staff member to support every need of the travellers.

The Seniors Festival week was extended for an extra week to encompass the number of activities that were available to the seniors through Colac Otway Shire. Some of the highlights were a meal provided by the Apollo Bay RSL staff, an evening Harness Racing meeting in Ballarat and a tour of the MCG. All were great successes, with over 400 seniors participating in activities. Congratulations and thank you to all the staff who make this week a wonderful experience each year.

Draft sketch plans have been developed for an office, storage facilities and a new toilet block at the Kanyana Centre. A local architect has been engaged to develop working drawings after consulting with members from the Kanyana Seniors, USA and The Meeting Place to make sure that all ideas are included. The court yard at the rear of the centre has been cleared and ready for an upgrade. These activities follow the installation of a new kitchen last year.



Rural Care

We continue to increase services for the rural community sector who require Aged & Disability Services. Up to 180 people have received a range of services in 2008/09. This involved some 724 visits, taking more than 600 direct care hours. Weekend personal care and medication has seen a higher demand for this service during 2008/09. The demand for rural services has increased the mileage cost to the unit and this continues to be monitored closely. The unit is actively seeking to recruit community care staff in rural locations to counter some of the travel costs and travel time.

Health, Recreation and Community Services

Training for assessment and community care staff has been very active. Eight community care workers have completed Certificate IV in Aged Care and Disabilities, two staff have completed their Service Coordination Certificate IV and the Coordinator and two Service Delivery Team Officers completed 6 modules towards their Diploma in Community Welfare Work specific to HACC Assessments. Other training courses staff undertook included Acquired Brain Injury, First Aid Level 2 and CPR updates. A number of day courses, which were well attended, were instigated by the Home & Community Care Training Advisory Committee (HACCTAC).

The community transport car continues to be in demand. Medical treatment and appointments in Geelong and Melbourne continue to be well used. The community car also transports rural clients into Colac for medical appointments, rehabilitation programs and dialysis. The community bus has a busy schedule during the working week as it transports people to the Colac Area Health Day Activity program, centre based meals, well-being programs and for three evenings a week it is used to support The Meeting Place with activities and the transport of people to and from home.

Disappointments

- Unsuccessful in obtaining additional Commonwealth Community Aged Care Packages to assist in providing services for people with complex and high level needs
- Unable to re-establish an admission and discharge coordination process with Colac Area Health's acute services

Challenges

- Recruiting and retaining community care workers to replace those who are retiring
- Limited information being provided on HACC clients' needs by external discharge staff, which impacts on Council providing appropriate services in a timely manner

The Year Ahead

- Develop regional Medication and Personal Care Protocols policies and procedures to be adopted by alliance members
- Work with the CFA on the Community Safety and Inclusion Partnership project to develop a support strategy for vulnerable people in fire prone areas to access information and meetings on fire safety
- Review the content and format of the Client Hand Book provided to each new client
- Review of all Aged & Disability Services Policies, Procedures and Work Instructions
- Re-establish arrangements with Colac Area Health Acute services to support information flow on HACC client admission and discharge
- Continue with the Knock out the Risks project in Partnership with Colac Area Health to support the frail and aged
- Complete the Seniors Eco-Wise project being conducted in partnership with Environment Victoria

Maternal and Child Health

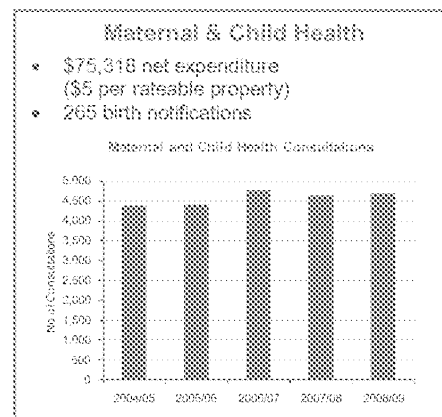
The Maternal & Child Health Service provides support for families with children aged from birth to school age. Key priorities of this program are home visiting to families in need, support and reassurance to mothers and families, developmental assessments of children, appropriate referrals and the provision of information and parent education.

Health, Recreation and Community Services

Highlights

The Maternal & Child Health Service now has a revised Service Activity Framework. This comprises three key components; assessment, health promotion and intervention and identifies the core activities for the ten universal consultations that the Maternal & Child Health Service should offer to all children and their families. All Council Maternal & Child Health Nurses have completed the further professional development training programme required to implement the MCH Key Ages and Stages Framework.

St John of God Health Care's Raphael Centre in Geelong has commenced a satellite service in Colac to help mothers experiencing anxiety or depression during pregnancy and in the two years following childbirth. This service commenced in April and is able to help families work through the changes and challenges of parenting.



Disappointments

- Breastfeeding rates did not increase as hoped; however, strategies are being developed with Colac Area Health staff to improve support initiatives

Challenges

- A new approach to conducting Key Ages & Stages developmental assessments has been developed by the Department of Education and Early Childhood Development. The new approach will have the benefit of providing consistent and validated information for women across the State. The challenge will be in learning and delivering on this new method

The Year Ahead

- Establish a pram walking group, proposed to be launched in late spring
- Review family and children's buildings throughout the Shire to support universal access for kindergarten
- Implement the action identified in Council Service Improvement Plan negotiated with the Department of Education and Early Childhood Development

Children and Family Services

The Family Day Care Unit supports families by coordinating quality care for children from birth to twelve years in the homes of Carers who contract their services to Council. Other activities include supporting other early years agencies, planning for current and future early years services and assisting with the needs of migrant and refugee families.

Highlights

Council's Family Day Care Unit has been **successful in gaining a provisional licence**, as per Victorian Regulations, to operate a Family Day Care Scheme. This licence will be transferred to a full licence within one year.

Health, Recreation and Community Services

The Coordinator and Field Officer attended a **National Conference in Hobart** along with staff and Carer's from all States and Territories of Australia. The conference focused on all aspects of Children's Services with a strong message on planning for the future and the education of children.

Council continues to work in partnership with Glastonbury and other agencies to **develop an integrated model for early years services** within Colac.

Disappointments

- The development of the Colac Family and Children's Centre has been delayed

Challenges

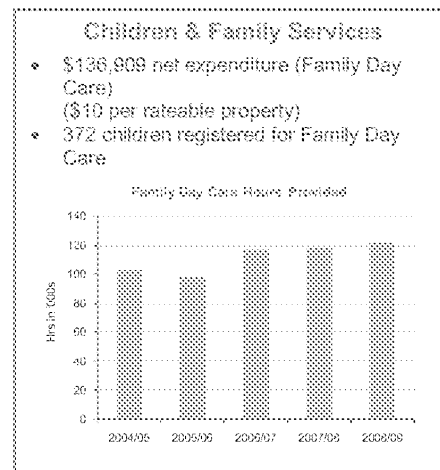
- Being able to plan for and implement administration and service requirements in the new Children's Regulations being introduced in Victoria
- Research and plan how to introduce Universal Access so that children can receive 50% more time at kindergarten (10 hours to 15 hours per week by 2013)
- Understand and implement the recommendations from the national reform on early years childhood development

The Year Ahead

- Attain the Provisional Licence for providing Family Day Care services
- Work with Glastonbury and other agencies on developing the Colac Family and Children's Centre
- Review all policies and procedures by December 2009
- Complete a Capacity Assessment Report and Plan to guide the development of Universal Access to kindergartens in Colac Otway
- Complete the Colac Otway Early Years Plan
- Plan for a consistent approach to introduce initiatives from the National Reform on early childhood development, including the Early Years Blueprint, the MAV/DEECD Bilateral Agreement, the national Early Years Childhood Development Strategy, quality reforms in the Early Years Learning Framework and its Regulatory Impact Statement

Environmental Health

The Environmental Health Services Unit carries out a range of activities to ensure public safety including: inspection of food premises, investigation of health related issues such as septic tanks and water discharge, enforcement of EPA guidelines, immunisation services, investigating reports of infectious disease outbreaks for the origin of the disease, emergency planning for a public health response and public health promotion and education.



Health, Recreation and Community Services

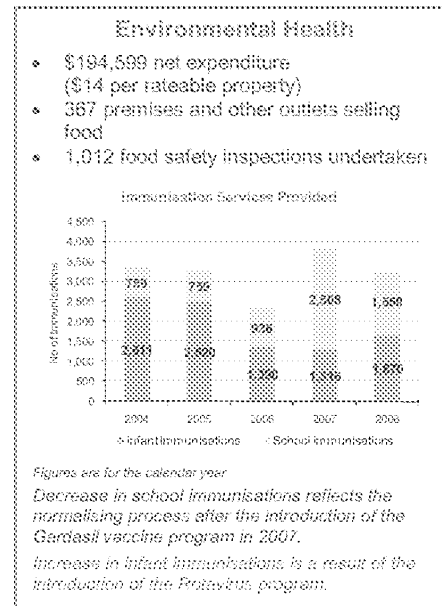
Highlights

Pandemic flu Plan completed and initiated for the current Swine flu outbreak where necessary. The plan is currently being revised to conform with a regional Flu Action Plan that will allow the respective councils to apply for funding for education and printing of coordinated pamphlets and advice.

Disaster recovery training extended, revised and practised for last year's fire season. This places the health department in a much better and competent position to provide relevant disaster recovery services.

Completed a review of the performance of septic tank systems in the Separation Creek and Wye River townships. Defective systems were identified and measures taken to rectify them. Information gathered also allowed positive input into recommendations for waste water control in those areas.

Participation in judging food at two community festivals in Forrest and Gellibrand by Council's Food Safety Officer raised the profile of food safety in the community and promoted Council's involvement in the community.



Challenges

- In response to the Swine Flu pandemic a vaccine has been produced and Victoria will receive 5 million doses to be distributed starting in September 2009. This will be a challenge as Council will most likely be responsible to vaccinate 'at risk' children in the 10–19 age groups through the school immunisation program, and may be required to provide mass immunisation for the general community. The government is still deciding on which 'at risk' groups have priority and the method of vaccine distribution.
- The Food Act will be amended in 2010 with the addition of a new category of food premises and a centralised registration of food vending vehicles. Although the changes will not greatly affect the way in which the health department works, it will require different registration and recordkeeping procedures.

The Year Ahead

- Continue with planning for a flu pandemic
- Further refine recovery response in fire related context.

Rural Access

Rural Access is a State Government initiative which aims to enhance the capacity of rural and regional communities in Victoria to plan and develop strategies that mobilise and increase opportunities for people with disabilities to influence Council.

Rural Access operates from Community Building principles and uses Access and Inclusion as the platform to engage with community, increase community participation and provides a cross government response across a range of divisions including Infrastructure (Building and Facilities), Employment, Communication, Tourism, Events, Community Consultation,

Health, Recreation and Community Services

Organisational Capacity, Transport and policy directions with regards to the positive ageing strategies youth and early years.

Highlights

The Antz Pants all-abilities amateur theatre troupe from The Meeting Place performed at the *Having a Say Conference* in February 2009 on behalf of the Disability Services Commissioner (DSC). The performance delivered the message that *'It's OK to complain'* to participants at the conference. The *Having a Say Conference* is the largest conference attended by people with disabilities in Australia, with this year's conference attracting over 1,000 participants.

The **Healthy Lifestyles Project** is a partnership between Council, Colac Area Health (CAH), Colac Disability Network and Leisure Networks. It leads the way in guiding and supporting Colac's disability sector with a coordinated approach to consistent nutritional practice and physical activity for the benefit of clients. During the year Rural Access participated in a number of partner projects including *Healthy Lifestyles Step into Summer* pedometer challenge, which included involvement from Bluewater Fitness Centre, Colac Otway Disability Accommodation, Otway Community College and Colanda during Recreation Week and International Day for People with Disability.

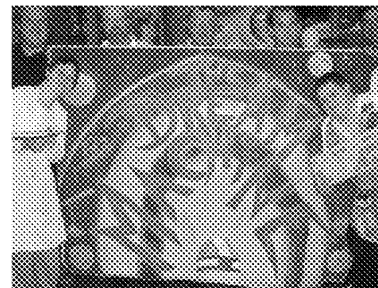
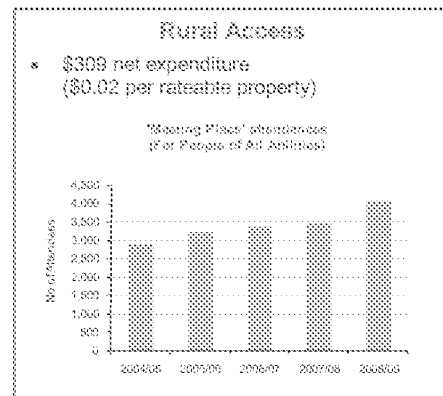
Internet Training for People with Disability Pilot

Project. Colac Otway Shire was chosen as one of the six organisations across Victoria to auspice the *Internet Training for People with a Disability Pilot Project*. This project is part of the Victorian Government's *Connecting Communities*; the second wave policy which recognises that due to a range of barriers, the level of internet uptake in Victoria is unequal across the communities.

This is a particularly relevant project given that ABS data indicates that only 42% of Colac Otway adults have broadband internet access at home. This is 19% below the Victorian average of 61% and the lowest in the Barwon West region (DPCD, Community Indicators, 2007). The *Internet Training for People with a Disability* project will address disadvantage within the community, specifically for people with a disability, with funding providing the necessary skills, equipment and access to the internet.

The broad partnership approach is an inclusion strategy to increase access to the IT training, which is offered at the Neighbourhood House on weekdays (evenings and mornings), the Botanical Gardens on Saturdays and Cass House as a residential setting option.

International Day of People with Disability was celebrated with a cabaret and awards evening that were well supported by the community. The Mayor presented a business award for Good Access and community members were presented with achievement awards for Sporting, Employment, Community Service and General Personal achievement.



The cast of the Antz Pants theatre troupe with a poster of the play they wrote and performed

Health, Recreation and Community Services

Disappointments:

- Key partnership commitments to The Healthy Lifestyles project are on hold until DHS funding allocation is resolved

Challenges

- Changes to funding arrangements by the Department of Human Services, from 'block' funding for disability services to Individual Support Packages, may revise The Meeting Place operations
- Increase the focus on access and inclusion at the inception of projects to enhance community participation

The Year Ahead

- Development of the Colac Otway Shire Access and Inclusion plan
- Review funding of The Meeting Place, in partnership with the Department of Human Services to develop a long term strategy for The Meeting Place
- Auspice and Provide Internet Training for people with disabilities
- Continue to develop community partnerships
- Re-establish the Colac Access Reference Group (CARG) to ensure community engagement, community building principles and community consultation are considered in Council infrastructure and events proposals regarding access and inclusion

Transport Connections Project

Transport Connections is more than just transport. Funded by the State Government, Transport Connections is about finding new ways to make participation in community life easier for rural communities who have limited transport options. The project is a joint partnership between Colac Otway Shire and Surf Coast Shire.

The Transport Connections Coordinator works with community groups and transport providers to develop innovative solutions to transport disadvantage through use of existing transport resources and services. Through partnerships, the Community Engagement and Local Action Plans focus on rural isolation, youth, aged and disability transport needs.

Transport Connections links with other local projects including CFA 'Community Safety and Inclusion Partnership Project - accessible transport', Victorian Council of Social Service 'Transport and Disadvantage Report', Neighbourhood Renewal 'Whole of Government Agreements', Regional Trails Master Plan, and shared pathways 'TravelSmart' and Local Area Access Program.

Highlights

Colac Otway Shire communities have contributed enthusiastically to identifying community transport needs and tailoring local connections to existing public transport.

4,603 passengers travelled on the Colac-Lorne summer bus over the 9 week period. Community support was so successful that the Department of Transport will now operate the Colac-Lorne summer bus from Christmas 2009 to Easter 2010.



Cr Brian Crook and Trina Ebeling, Transport Connections Coordinator, at the 'Making the Transition' exhibition on sustainable alternatives

Health, Recreation and Community Services

Two Ministerial launches in 2008: Gayle Tierney, Member for Western Victoria launched the new Colac Transit bus shelters in August and Peter Batchelor, Minister for Community Development launched the Colac-Lorne summer bus in November.

The Apollo Bay-Colac Wednesday bus averaged 12 passengers per trip. Operating one day a week since starting on 1 July 2009. The bus provides transport connections to a range of medical, recreational, social and retail options within Colac.

53% of passengers on the Colac-Lorne summer bus were under 18 years of age. This youth focus was assisted by Transport Connections updates on the Colac Otway Shire website.

Disappointments:

- Passenger numbers on the City Transit bus were lower than anticipated

Challenges

- Supporting Council initiatives to develop sustainable, accessible, low carbon footprint alternatives
- Advocating sustainability and accessibility for the Colac town bus operated by Department of Transport
- Supporting Council's advocacy for increased V/Line services between Warrnambool and Geelong to assist Colac passengers with accessible public transport for specialist medical needs, university and TAFE students, and other commuters. Shorter term measures such as bus services will be helpful while longer term infrastructure is being developed

The Year Ahead

- Coordinate Local Advisory Groups to prioritise local transport initiatives
- Cressy-Beeac loop and Colac-Cororooke-Beeac loop to connect with Beeac-Colac transport for medical, social, recreational and retail services
- December 2009 Ministerial launch of the Colac-Apollo Bay summer bus

Economic Development

Council Plan Objective

Driving economic development by:

- *Progressing the regeneration of our small towns.*
- *The promotion of our Shire's local business and the attraction of new business.*
- *Working to attract more tertiary education opportunities and skilled and unskilled employees to our Shire.*

Council Plan Commitments



2008/2009 Actions completed



2008/2009 Actions behind schedule



Deferred or delayed beyond 2008/2009

| | |
|---|--|
| ★ | Review the impacts of population growth and the need for workforce planning.
<i>Research completed in 2005 and updated in 2008/2009 review of the Economic Development and Tourism Strategy. This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Continue Implementation of Small Town Improvement Program in partnership with community groups
<i>This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Continue support for and attract additional Major Events to be held within the Municipality.
<i>Strategy completed.</i> |
| ★ | Continue to implement the Economic Development and Tourism Strategy.
<i>Strategy completed.</i> |
| ★ | Undertake a review of Council funding of tourism activities.
<i>Strategy completed.</i> |
| ★ | 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.
<i>Strategy completed.</i> |
| ★ | Advocate for the provision of a natural gas supply for Birregurra and extension of coverage for the whole of the Colac urban area.
<i>Strategy completed.</i> |
| ★ | Work with the State Government to explore the possible co-uses of the Colanda site.
<i>State Government has completed a review of Colanda. Colac Otway has been consulted as a key stakeholder. This strategy is ongoing and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Support an increase in nature based tourism opportunities across the Shire.
<i>Strategy completed. Nature Based Tourism Committee set up including State and local authorities and tourism industry.</i> |
| ★ | Complete implementation of Old Beechy Rail Trail and undertake promotion of the Trail.
<i>Strategy completed.</i> |

The Economic Development Unit works with business, government and community partners to help develop a sustainable local economy. It does this by focusing on four main areas: supporting local business development, providing services for tourism, delivering capital works projects, and promoting investment in local communities.

Over 2008/09 the Economic Development Action Agenda 2009 -- 2013 was developed to guide the resources of the Economic Development Unit over the next four years in the key areas of

- Climate Change
- Business Development
- Regional Development Planning
- Marketing and Promotion
- Infrastructure
- Economic Development Leadership

Economic Development

Highlights

Business Development

In 2008/09 approximately 160 people attended Business Training and Development Forums on a wide range of topics to help them begin or grow their businesses. Special forums were held in response to the Global Financial Crisis and changes in Government legislation and incentives.

- Keep Colac Working – to explain new State and Federal Government funding and tender projects for local contractors
- Surviving Economic Crisis – in partnership with WHK to explain business taxation and new Government incentives, insurance and business planning
- Industrial Relations – In partnership with Colac Otway Work Force to explain the new "Fair Work" legislation

Business 'round table' discussions were facilitated for:

- Federal Minister for Finance Lindsay Tanner
- State Minister for Industrial Relations Martin Pakula
- Consultation with Council on the development of the Economic Development Action Agenda 2009 – 2013

The Action Agenda process also included the Business Expansion and Retention program (BEAR) in partnership with Colac Community Hub to consult with over 60 individual local businesses.

Business Week included:

- The ANZ Business Breakfasts
- The Economic Development Unit – Report to the community on the 2007/08 performance
- Powercor Colac Otway Business Awards with Otway Business Inc

Commenting on a campaign to maintain the Turf Club status as a training venue:

"The help we got from ... the Shire Economic Development Unit in helping us with our submission was excellent. I think that showed that it wasn't just a turf club issue, it was the whole city."

*Jim Ryan
President, Colac Turf Club*

Other Business Development Activities:

- Facilitated cooperative relationship between Otway Business Inc and Otways Tourism to create the successful Colac and the Otways TV advertising
- Completed establishment of the on-line Colac Otway Business Data base
- Established Working Women's Network
- Participation in the G21 Agribusiness Network Development Project
- Participation in the G21 Water Security for Industry Project
- Participation in the South West Dairy Strategic Plan
- Implemented the "Life's Good on the Farm" program through the Dairy Industry Training Group to encourage young people into the Dairy Industry

Tourism Services

Information services are provided to visitors to encourage them to stay longer in our region and spend more locally to support local business and the community.

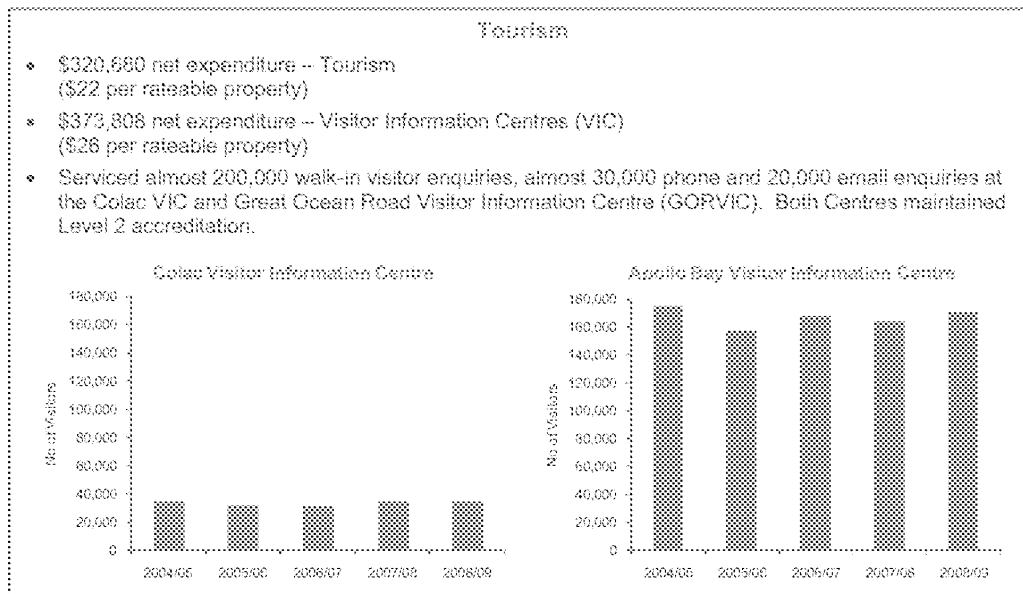
In 2008/09 a number of initiatives have resulted in increased income to the Visitor Information Centres that reduces the cost of the Centres to Council

- Increased access to internet for travellers
- Paid advertising for Tourism Operators
- Promotion of the Book Victoria web based booking service
- Improved the range of retail stock and displays to attract more visitors to buy in the Centres

Economic Development

The Economic Development Unit has worked closely with Otways Tourism and Geelong Otway Tourism to guide development and promotion of the Tourism Industry both locally and within the Region.

Visitor numbers to Colac Otway Shire continue to be comparatively strong due to the strength of the Great Ocean Road and its attraction to international visitors.



Capital Works Projects

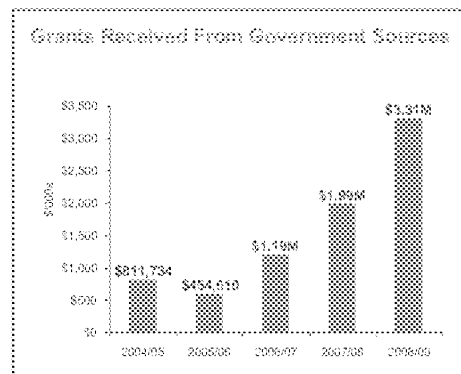
The Unit develops and manages capital works projects that have a direct impact on economic development, including:

Lake Colac

Facilitated and supported the Lake Colac Coordinating Committee, a community Council and State Government body that works on improving the lake and its environs.

Apollo Bay Harbour

The Apollo Bay Harbour Precinct Master Plan has been completed following the participation of the community Council and State Government in a five day Enquiry by Design consultation process. The next step is a Planning Scheme Amendment to incorporate the Master Plan into the Colac Otway Planning Scheme. It is expected that implementation of the Master Plan would take place over a 20 year period with a combination of public funds and private investment.



"The Inquiry by Design has just been amazing for me as a resident for 50 odd years in Apollo Bay and a commercial fisherman. The Enquiry has certainly satisfied the needs of all people that use the harbour. I believe this has been the best thing I've seen in all the years looking after the local people and the business people of Apollo Bay."

Nick Polgeist
Manager Apollo Bay Fishermans Coop

Economic Development

Community Development

Worked with small communities throughout the Colac Otway Shire developing and implementing local Township Master Plans and implementing local priorities through the Small Town Improvement Program. This Program contributed \$80,000 to small town capital works projects during 2008/09 and was utilised to leverage matching funds from State and Federal Governments.

We have worked in partnership with:

- Local community organisations on the development of an Affordable Housing Strategy and the formation of a local Affordable Housing Advisory Group. This will guide Council's approach to working with community, business and other levels of government on the issues of housing affordability
- The Community Hub on:
 - Consultation on the Economic Development Action Agenda 2009 – 2013
 - Community Enterprise – Hub Inc. 'Plan B' Consultation Services and 'Copy to Go'
 - Neighbourhood Renewal

Disappointments

- The next stage of the Apollo Bay Harbour Precinct Master Plan has not yet been able to attract government funding
- Capital works projects on the Lake Colac Foreshore have not been implemented due to a delay in the approval of the Lake Colac Cultural Heritage Management Plan

Challenges

- Understanding the transition to a carbon trading economy and working with business to recognise growth potential from climate change initiatives such as a Carbon Pollution Reduction Scheme (CPRS) and Emissions Trading Scheme (ETS)
- Improving Colac Otway Shire access to tertiary education and training
- Colac does not have access to tertiary education and training as do other similar sized towns. Council's challenge is to work with educational institutions to improve access, which will have benefits for the wider community

The Year Ahead

- Implement key initiatives in the Economic Development Action Agenda
- Detailed plans for the upgrade and development of Colac CBD
- Implement strategies to improve the take up of the Book Victoria web-based accommodation booking system by local tourism operators Centres
- Implement the Lake Colac Master Plan
- Funding for the Apollo Bay Harbour Precinct Master Plan Amendment to the Planning Scheme
- Develop new projects under the Small Town Improvement Program
- Improved business development and networking opportunities for local business

Environmental Sustainability

Council Plan Objective

Providing support to local communities to enable them to address local environment priorities, whilst working with State and Federal Government environment bodies to address major environmental issues.

Council Plan Commitments

-  2008/2009 Actions completed
  2008/2009 Actions behind schedule
 Deferred or delayed beyond 2008/2009

| | |
|---|--|
|  | Focus on the Control of weeds on both Council and privately owned land.
<i>This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |
|  | Implementation of approved recommendations from the three Towns Stormwater Management Strategy (concept Study).
<i>This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |
|  | Pursue waste water issues in the towns of, Colac East, Birregurra, Cressy, Beecac, Forrest, Gellibrand, Kermet River, Separation Creek, Wye River.
<i>Cressy and Gellibrand delayed due to sewerage planning for Birregurra, Separation Creek and Wye River. This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |
|  | Determine a location for the development of an Apollo Bay Transfer Station.
<i>Strategy completed. Land for new site purchased.</i> |
|  | 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.
<i>Awaiting a regional report on hard waste collection. This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |
|  | Investigate options for a future waste management system to be implemented following completion of the existing contracts in September 2009.
<i>Strategy completed. New contract negotiated that will deliver new technology for treatment of waste.</i> |
|  | Raise awareness of environmental issues through increased community engagement and improved access to information.
<i>This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |
|  | 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).
<i>This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |
|  | 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.
<i>This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |
|  | Working in partnership with other responsible authorities and environmental groups to improve facilitation of environmental projects.
<i>This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |

Environment

Colac Otway Shire is regarded as one of the most environmentally diverse municipalities in Victoria. It comprises spectacular coastal areas, lush rainforested hinterlands and vast open plains with rare native grasslands. The diverse environments of the Shire provide the basis for the social and economic integrity of the local community and have values that are recognised at state, national and international level. Therefore, it is important that the environmental values within the Shire are protected from degradation and, where possible, enhanced and restored. Accordingly, Council aims to protect and enhance environmental assets in the Shire, promote sustainable use of natural resources, strengthen partnerships with key stakeholders and build community capacity through environmental education and awareness raising programmes.

Environmental Sustainability

It is important to highlight that environmental management is carried out across the organisation and although the Environment Unit is an important element to Council's environmental management it works closely with other business units to achieve multiple benefits from Council programmes.

Highlights

Council is committed to tackling climate change by implementing actions set out in the Greenhouse Action Plan (GAP) 2006-2008 and the Sustainable Water Use Plan (SWUP) 2007. Council committed a further \$30,000 in 2008/09 to sustainability improvements and received an award from Cities for Climate Protection Australia in February 2009 for achieving Milestone 4 in a five-milestone program. Council has implemented and then quantified greenhouse gas reduction actions from its local action plan, including: delamping, installing timers, heating and air-conditioning management, more energy efficient office equipment and a more fuel efficient light vehicle fleet.

Local Communities taking local action. Council has coordinated a diverse range of events aimed at getting a broad range of people directly involved in local environmental projects. Events were organised for National Threatened Species Day, World Wetland Day, World Environment Day and National Tree Planting Day. With support from organisations such as Barwon Water, Lions Club of Colac, disability groups and a range of other community groups we have been able to engage more than 1,500 people in environmental education in 2008/09.

Council promoted and actively participated in Earth Hour by organising a Free Family Movie Night on 28 March 2009 at the Colac Cinemas. The movie was powered by 100% accredited and certified renewable energy and over 100 people attended. Earth Hour reached more than one billion people in 1,000 cities around the world and is a powerful example of local action having a global impact.

Implementation of the Lake Colac Revegetation and Weed Control Plan, adopted in March 2009, has led to the removal of exotic trees along the banks of Barongarook Creek between the Murray Street Bridge and the foot bridge. Re-vegetation with indigenous species will be undertaken in September 2009. This initiative will improve the health of both the creek and the lake by reducing the incidence of blue-green algae outbreaks and making a better habitat for native animals. Community response has been very positive
Odyssey

Forestry Auditing has been carried out by Council under the Code of Practice for Timber Production (2007) for the first time. The Code of Practice applies to all private land in the State that is being used for timber production. The Code allows local governments to monitor plantation management and, where appropriate, undertake compliance works. The auditing process will help timber producers and the community work

Environment

- \$457,587 net expenditure (\$32 per rateable property)

Greenfleet

Council has introduced a new fleet policy that supports the purchase of more fuel efficient vehicles; however the vehicles still emit harmful greenhouse gases.

To manage this Council has off-set nearly 250 tonnes of carbon emitted by the fleet through joining Greenfleet.

Greenfleet, in partnership with the Upper Barwon Landcare Network, will plant 17 trees per vehicle to absorb the equivalent amount of carbon that is expected to be emitted over one year. The trees will be planted within the municipality and be monitored by the Upper Barwon Landcare Network to ensure they remain healthy.

Lake Colac

When Lake Colac dried out completely in February 2009, native Fairy Grass (*Sporobolus caroli*) grew on the banks and created a mess, and a possible fire hazard. A workshop was organised by Council in June to learn from the experiences of people who managed fairy grass in other areas to identify possible management actions for Lake Colac. A key outcome was that a working group would be formed comprising a local landowner, and officers from Council, Department of Sustainability and Environment, Parks Victoria and Corangamite Catchment Management Authority to examine the possible management actions, particularly as the Fairy Grass is expected to be a problem again next summer given the continuing drought conditions.

Environmental Sustainability

together to enhance protection of environmental assets and improve an important regional industry.

Environmental Performance

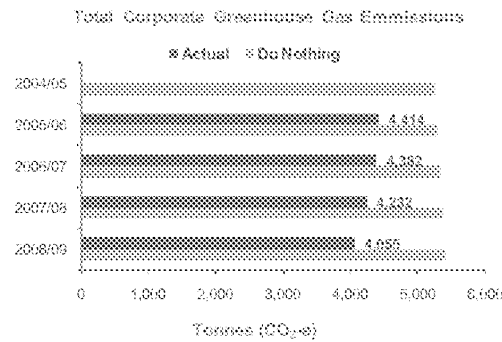
Work commenced on the development of an Environment Strategy that will provide direction for environmental activity for the next eight years. The strategy will influence all Council operations, policies and procedures. Performance indicators and targets from the Environment Strategy will allow Council to measure progress and successes and report on these to the broader community.

Council is working towards an environmental performance report. A significant amount of baseline data has been collected over the past five years and is now formally being collated. These figures will be used as a basis for measuring environmental performance improvements e.g. energy efficiency, water conservation, waste reduction and native vegetation offsets/gains

Environmental awareness is increasing across the organisation and is reflected in the changes to the Fleet Policy and the new Procurement Policy, both of which require environmental considerations to be taken into account.

2010 target for greenhouse gas emissions achieved ahead of time

In 2000 Council completed an inventory from which a baseline figure for corporate emissions was calculated by CCP Greenhouse software at 5,084 tonnes. A 20% reduction target was set at 4,067 tonnes, to be achieved by 2010. We are extremely pleased to note that this target was reached in 2008/09, calculated at 4,055 tonnes by Planet Footprint.



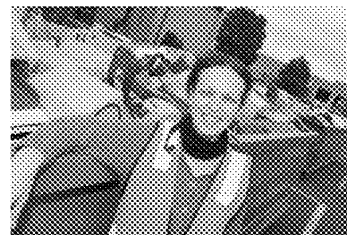
Data unavailable from 2001 to 2005/06

Source: Planet Footprint, ICLM CCP

'Do Nothing' comparison depicts the 2010 CCP forecast level of emissions at 5,491 tonnes if Council had continued with a 'business as usual' approach

Other notable environmental performance improvements include:

- Organisational Greenhouse footprint tracking and reporting including vehicle fuel consumption, street lighting, energy use and waste
- Created an Environmental Infrastructure Officer position to ensure all capital and maintenance works are environmentally sound and comply with all guidelines and regulations
- Achieved runner up Eco-Buy award for purchasing 100% green power for 95% of Council facilities, resulting in zero greenhouse emissions from those facilities during 2008/09
- Commissioned the first photovoltaic solar power generation system for a renewable energy supply to Council's Colac Visitor Information Centre (VIC). The VIC will house an interpretative display to educate and encourage broader use of renewable energy options
- Waste Wise certification of Council's main office, with plans in place for other Council facilities to achieve this status during 2009/10. Examples of actions undertaken to continually improve waste minimisation include:
 - Workstation split bins to efficiently capture office paper for recycling
 - Cigarette butt bins at high use Council facilities to minimise this significant litter stream entering our natural waterways
 - E-waste collection on World Environment Day
- Water audits completed for four of the top ten Council facilities based on annual water consumption. Commenced implementation of audit recommendations e.g. installation of rain water tanks at the Lake Colac public amenities. Rainwater tanks will also be installed at the Bluewater Fitness Centre and Colac Livestock Selling Centre during 2009/10



Council's Sustainability Officer, Dara Novak in front of the 15 Tonnes of e-waste collected for recycling on World Environment Day. Photo courtesy of the Colac Herald.

Environmental Sustainability

Disappointments

- Delays in launching the Private Forestry web tool has meant that the anticipated benefits of improved accuracy and consistency of industry information required by Council to approve forestry operations has not been realised

Challenges

- The ongoing challenge for Council is to protect and enhance the environment within the Shire and promote sustainable use of natural resources by working in partnership with key agencies local communities

The Year Ahead

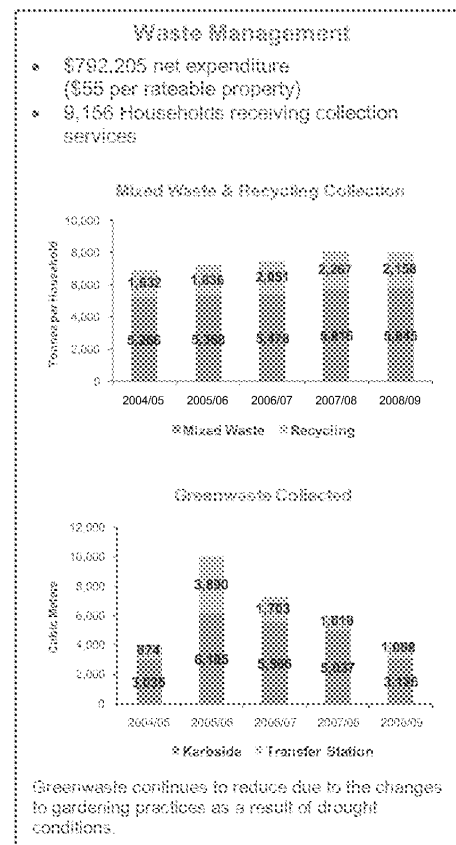
- Ensure a comprehensive strategic direction for Environmental Management throughout all levels of Council operations through the finalisation of an Environment Strategy in December 2009
- Maintaining and ensuring compliance with the Code of Practice for Timber Production for Forestry Operators operating within the Shire
- Continuing to improve the condition of Lake Colac and the adjoining creeks through the removal of Elm trees and revegetation with indigenous species
- Implement additional strategic and innovative Energy Conservation and Water Conservation initiatives across the organisation
- Continue to engage the community in environmental events to raise awareness and build the capacity of the community to protect the environment

Waste Management

Council's main waste management focus is on reducing the volume of waste going to landfill, educating our community to develop Waste Wise practices and further development of reuse and recycling options. Council is working closely with the Barwon Regional Waste Management Group on strategies to achieve significant waste reductions, in consultation with our stakeholders and the community.

Waste management services provided include:

- Household kerbside and litter waste collection services (Contracted Service)
- Transportation of waste to regional landfill and recycling facilities (Contracted Service)
- Management of Transfer Station and Landfill (Contracted Service)
- Operation of waste drop-off facilities (Contracted Service)
- Waste education
- Kerbside waste bin inspections
- Organics processing facility (includes sorting and decontamination)



Environmental Sustainability

Highlights

A new recycling contract, to be signed in early in the next financial year and will commence in July 2010. This will see a new recycling plant in the Barwon region with updated technology to maximise recovery of recyclable material and so minimise waste to landfill. The new contract will provide significant cost savings to Council.

A Mattress Recycling shed was constructed with funding assistance from Sustainability Victoria at the Alvie Transfer Station for the storing of mattresses, which can then be recycled instead of going to landfill.

New Recycling Process

Significant work has been undertaken exploring options for processing facilities to reduce waste to landfill. Barwon Regional Waste Management Group (BRWVG), on behalf of Council, is closely monitoring outcomes from a total waste treatment plant in Western Australia. Pending expected results, Council will formalise negotiations, which would see 75% of future waste diverted from landfill.

Council delivered waste education workshops as part of a wider environmental campaign in partnership with Sustainability Victoria and the Australian Conservation Foundation. Workshops covered a wide range of topics including waste reduction, 'what can I put in my recycling bin', light bulb disposal and composting. In addition Council sponsored school visits to the BWVG waste education facility in Geelong, which allows the students through visual displays and 'hands on' activities to experience how waste impacts our environment.

An Electronic Waste Collection was successfully held on World Environment Day, 5 June 2009, at both Apollo Bay and Colac. A combined total of 15 tonnes of e-waste and small electrical appliances were collected and forwarded to Geelong for reuse and recycling.

Disappointments

- Contamination levels in organic waste continues to fluctuate despite an ongoing public education program; however it is expected that the move to a new waste system in late 2010 will address this issue

Challenges

- The ongoing challenge for Council is to provide a greater range of affordable recycling options as an alternative to landfill and to change the community's focus from recycle to reduce

The Year Ahead

- Finalisation of Waste Management Contract specifications, tendering and awarding of contract early in 2010
- Construction of the Apollo Bay transfer station
- Ongoing implementation of Council's long-term landfill rehabilitation program with Gellibrand landfill scheduled to be rehabilitated 2009/10
- Finalisation of test trial for Regional organic waste treatment plant by November 2010

Local Laws

Council continues to deliver Local Laws services to enhance the safety and well-being of residents through effective enforcement and pro-active regulatory services. Ongoing community engagement is undertaken to educate, provide information and increase awareness of civic responsibilities.

Environmental Sustainability

Highlights

The Domestic Animal Management Plan was created as per the requirements of the Domestic (Feral & Nuisance) Animals Act 1994 and endorsed by Council on 25 November 2008. This plan guides Council's direction for domestic animal management over the next three years. There is growing recognition that enforcement of laws will not, on its own, result in lasting, voluntary changes in behaviours. The Plan will enable the Colac Otway Shire Council to move towards creating a better environment that encourages responsible pet ownership, where people and their animals integrate harmoniously and safely into the community.

Local Laws

- \$334,400 net expenditure (\$23 per rateable property)
- 4,781 Dogs registered
- 1,575 cats registered
- 160 Dogs(140) & cats(20) returned to their owner
- 40 Cats & 20 dogs euthanised
- 761 Permits (various) issued

Rehousing of suitable unclaimed dogs and cats from the Council Pound continued to be of high importance for Local Laws staff, with 54 dogs & cats being given a second chance of life with their new owners in 2008/09.

Domestic Animal Registration Fees were reviewed to promote responsible pet ownership and a new fee structure was introduced to reward pet owners who de-sexed and micro-chipped their pets.

Permit processes relating to A-Frames, display goods, street furniture etc were improved through Local Laws Officers fostering a better working relationship between Council and business operators.

Fire Prevention Duties were performed by Local Laws Officers by way of assistance to the Municipal Fire Prevention Officer. Non-compliance once again decreased indicating that awareness of fire prevention matters has increased.

School Crossing Supervisors attended regular meetings to discuss common concerns and the development of best practice procedures relating to risk assessment and service delivery at school crossings.

Disappointments

- The number of unclaimed impounded animals is still an issue and highlights the problem of people getting a dog or cat when they are either unable to afford the upkeep or are incapable of caring for the pet. The number of de-sexed and micro-chipped animals being registered is still below a satisfactory level

Challenges

- Working in partnership with the community to develop and administer local laws that make the Shire a safer and better place to live

The Year Ahead

- The implementation of a Communication Plan designed to raise the profile of the Local Laws Unit within the Community
- Introduce a media campaign to encourage desexing and micro-chipping of domestic animals
- Local Laws staff to undertake training in Certificate IV Government Statutory compliance and Certificate IV in Animal Control & Regulation
- Implement Council's Domestic Animal Management Plan

Environmental Sustainability

Municipal Fire Prevention

Council is charged with a positive duty for fire prevention under the *Country Fire Authority Act 1958*. Council must have a plan which is regularly audited to ensure compliance; the audit is undertaken by the CFA. Council must undertake inspections, issue permits, conduct works and coordinate fire prevention programs under its obligations.

Highlights

A comprehensive fire inspection process minimised the threat of fire across the Shire last summer by reducing the build up of flammable material on land. Council also undertook slashing of grass on its own properties including road reserves.

More extensive slashing works were carried out on roadsides that were identified as strategic breaks.

Municipal Fire Prevention

- \$141,409 net expenditure (\$10 per rateable property)

Fire Prevention duties included carrying out inspections across the whole of Shire and where necessary, issuing Fire Hazard Notices. The inspection process was highly visible and resulted in exceptional compliance levels minimising the Fire Risk over summer.

Council managed landholder compliance for fire hazards via an Inspection Process. The following is a snapshot of the process for the 2008/09 Fire Danger Period:

- Over 8,000 courtesy letters were sent to landholders in 'at risk' areas
- From Courtesy letter stage less than 0.65% of 'at risk' properties required enforcement
- Inspections were carried out identifying over 1,300 properties that required service of a Fire Prevention Notice to remove hazards
- 52 of the 1,300 received infringement notices and invoices for costs associated with hazard removal

Disappointments

- Where fire notices were issued there was resistance to comply. Although it is disappointing it is only the second year of this programme being implemented and the inspection process was more rigorous in 2008/09 than in 2007/08 due to improved technology being used

Challenges

- Implementing the recommendations in the Teague Royal Commission interim report given limited resources available
- Further improvements to the fire inspections process through use of more advanced mobile information collection technology

The Year Ahead

- The Municipal role in the Integrated Fire Management Planning process will be clarified by involvement through formation of a new Municipal Fire Management Planning Committee that will be a sub-committee of the Municipal Emergency Management Planning Committee
- Carry out the inspection process for the 2009/10 Fire Danger Period
- Work with other government agencies and the community to develop plans that align with the interim findings of the Teague Royal Commission

Financial Sustainability

Council Plan Objective

Ensuring the financial sustainability of the Council whilst maintaining service delivery and reducing debt.

Council Plan Commitments



2008/2009 Actions completed



2008/2009 Actions behind schedule



Deferred or delayed beyond 2008/2009

| | |
|---|--|
| ★ | Ensure our Financial Plan is sustainable.
<i>This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Ensure our debt is managed and levels are maintained below prudential guidelines.
<i>This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Advocate for increased State Government recognition and funding as compensation for the Shire's larger than average area of non-rateable land.
<i>This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | 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.
<i>This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | 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.
<i>This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |
| ★ | Maintain internal audit program based on the outcomes of the Risk Assessment Audit.
<i>This is an ongoing strategy and is incorporated into the Council Plan 2009-2013.</i> |

Highlights

Implementation of new financial management systems commenced in the second half of the year. These will enhance Council's ability to manage and monitor services and works.

Reduction in Loan Liability. For the fifth consecutive year Council did not undertake any new loan borrowings. Total loan liability has reduced from \$4.87 million in 2003/04 to \$2.46 million in 2008/09. It is however expected to increase to \$5.41 million in the 2009/10 year as Council funds the Apollo Bay Waste Transfer Station and the Joint Use Library.

| Financial Sustainability | |
|--------------------------|--|
| • | 98% Rates collected by year end |
| • | 14,335 Property assessments |
| • | 1,991 Pension rebates |
| • | 164 Drought relief concessions |
| • | 846 Land information certificates issued |
| • | 29,850 Debtor invoices issued |
| • | 6,055 Supplier payments processed |
| • | 18,057 Receipts issued |

Completion of statutory financial information by due dates. Council is required to complete a wide variety of statutory financial returns and information during the financial year such as:

- Annual Council Budget
- Annual Report
- Annual Grants Commission Return
- Monthly Business Activity Statement
- Annual Fringe Benefits Tax Return
- Annual Certification of Remuneration

Council met all of its statutory obligations by the due dates.

2009 Property revaluations were completed for all properties within the municipality.

Financial Sustainability

Challenges

- Guiding and assisting the organisation through the transition from old systems and processes to new best practice financial management

The Year Ahead

- A review of services provided and policies administered by the Finance and Customer Service Unit will be undertaken through the course of the year, with a particular focus on the procurement function.
- Continue implementation of actions identified in the best value review of Customer Services and Property & Rates
- A major focus of the coming year is the bedding down of the new corporate and financial IT system that has been implemented across the organisation

FINANCIAL PERFORMANCE

In brief

- Achieved a \$1.85 million surplus for the period, which was \$1.63 million above budget expectations. This large variation is partly due to Commonwealth grants being received early
- Ended the 2008/09 financial year with a cash balance of \$9.65 million
- Increased Non-Current Assets by \$11 million

Operating Results

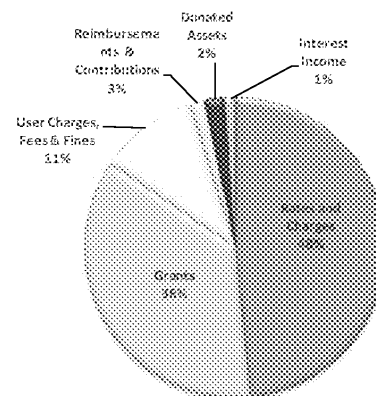
Council achieved a \$1.85 million surplus for the 2008/09 financial year. This is the third successive year that we have achieved a surplus, which is a tremendous result given the increasing demands placed upon Council services and tightening of revenue opportunities during the year. One of the major challenges of Council will be to maintain ongoing surpluses to fund infrastructure renewal requirements.

Revenue

Council's total revenue for the 2008/09 year was \$36.33 million as per the Standard Income Statement.

A breakdown of Council's revenue sources highlights that 95% of Council's income comes from three income categories:

- Rates and Charges 48%
- Grants 36%
- User Charges, fees and fines 11%



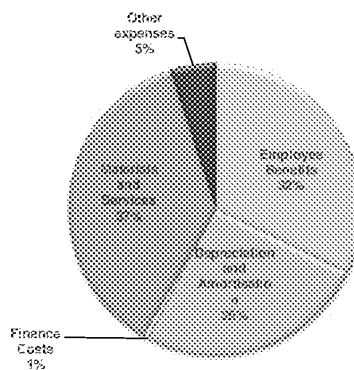
Financial Sustainability

Expenditure

Council's total expenses for the 2008/09 year were \$34.94 million as per the Standard Income Statement (excluding net loss on disposal of assets).

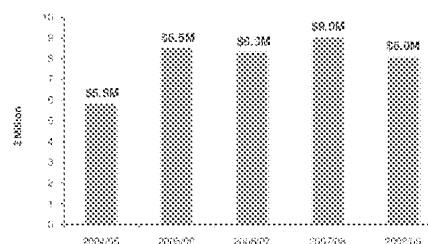
A breakdown of Council's expenses highlights that 94% relates to three expenditure categories.

- Employee Benefits 32%
- Materials and Services 37%
- Depreciation and Amortisation 25%



Capital Works

During the financial year, Council spent \$8.03 million on Capital Works projects. The amount spent on Capital Works in the last four years has increased significantly to address the major issue of the Infrastructure Renewal Gap.



Assets

Council's total assets are \$248 million, an \$11 million increase over the previous year. The major components of assets are:

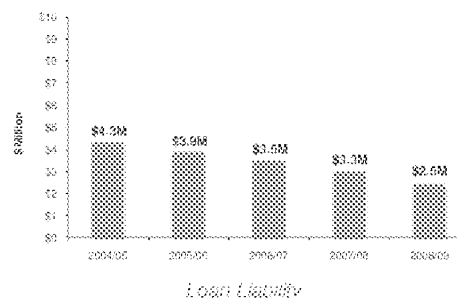
- Property, plant, equipment and infrastructure (land, buildings, roads, bridges etc)
- Cash Assets (mainly short term investments)

Together these asset categories account for 99% of all assets.

Liabilities

Council's liabilities include loans, amounts owed to suppliers, amounts owed to employees for leave entitlements and provisions for landfill rehabilitation.

Council's loan liability levels continued to decrease during the year. Current debt levels mean that we are operating well within the Victorian State Government prudential ratio limits.



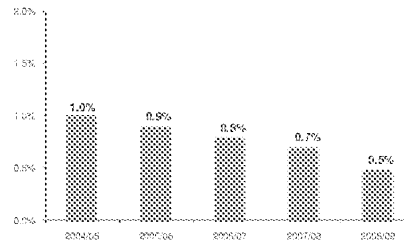
Financial Sustainability

FINANCIAL INDICATORS

All of the following indicators show an improved financial position over the last five year period:

Debt Servicing Ratio

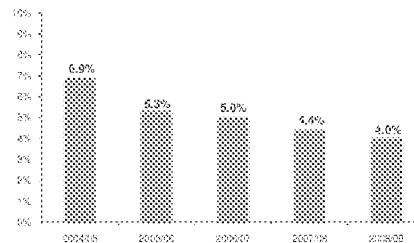
The Debt Servicing Ratio essentially shows how much Council spends on maintaining our outstanding debts compared with how much revenue Council earns. The lower the ratio, the better off Council is. These debt-servicing costs refer to the payment of interest on loan borrowings, finance lease interest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



The ratio has reduced significantly over the five year period, with Council's ratio of 0.5% being well under the prudential limit of 5% set by the Victorian State Government.

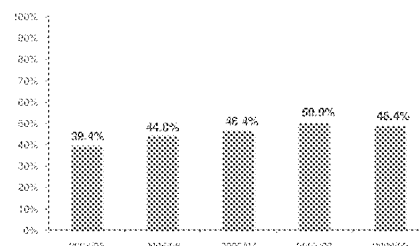
Debt Commitment Ratio

The Debt Commitment Ratio is used to illustrate how much of Council's revenue is used to fund Council's existing debt for the year. This includes the payment of loan principal and interest, finance lease principal and interest. The rate at which the ratio either increases or decreases is a reflection of Council's debt redemption strategy. The debt commitment ratio expresses the percentage of rate revenue utilised to pay interest and redeem debt principal.



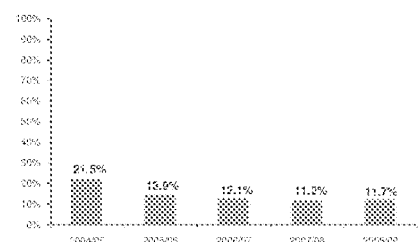
Revenue Ratio

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



Debt Exposure Ratio

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



Overall, the ratio has reduced since 2002/03. The 2008/2009 ratio of 10.9% is well under the limit of 50% set by the Victorian State Government.

Financial Sustainability

VICTORIAN AUDITOR GENERAL – FINANCIAL SUSTAINABILITY INDICATORS

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

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

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

- Operating Result – a measure of whether Council generates enough revenue from all sources to cover operating costs (including the cost of replacing assets, reflected in depreciation expense)
- Liquidity – a measure of whether Council has sufficient working capital to meet short term commitments
- Self-Financing – a measure of whether Council generates sufficient operating cash flows to invest in asset renewal and to repay any debt it may have incurred in the past
- Indebtedness – a measure of whether Council is overly reliant on debt to fund capital programmes
- Investment Gap – a measure of whether Council has been replacing assets at a rate consistent with the rate they are being consumed

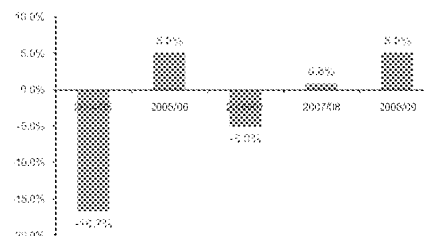
The following information indicates positive movement in each of the indicators:

| Indicators | Colac Otway Result | Risk Levels | | |
|-------------------------|--------------------|----------------------------|-------------------------------|-------------------|
| | | High | Medium | Low |
| Underlying Result Ratio | 5.0% | Negative 10% or less | Between negative 10% and zero | Greater than zero |
| Liquidity Ratio | 225.6% | Equal to or less than 100% | Between 100% and 150% | Greater than 150% |
| Indebtedness Ratio | 21.1% | Greater than 60% | Between 40% and 60% | Less than 40% |
| Self-Financing Ratio | 31.5% | Less than 10% | Between 10% and 20% | Greater than 20% |
| Investment Gap Ratio | 90.2% | Equal to or less than 100% | Between 100% and 150% | Greater than 150% |

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

Underlying Result Ratio

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

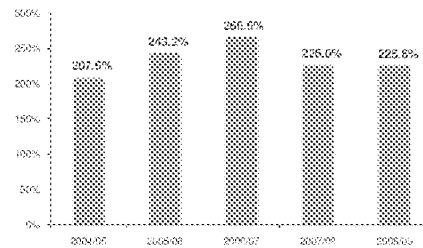


Financial Sustainability

Liquidity Ratio (or Working Capital Ratio)

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

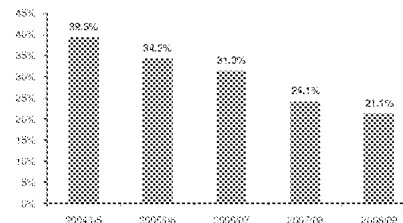
Council's Working Capital Ratio is higher than forecast due to receiving government grants for 2009/2010 in advance and the expenditure for some Capital Works being carried forward to 2009/2010.



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

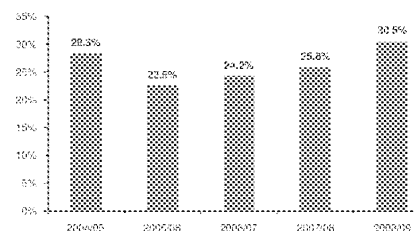
Indebtedness Ratio

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



Self Financing Ratio

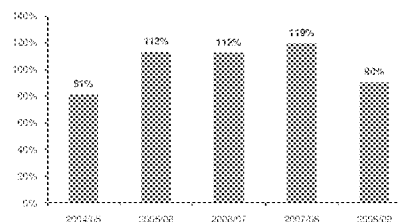
Results indicate that the Shire is generating enough cash from operations to fund the acquisition of new assets and the renewal of existing assets. This is also a positive result for Council and falls within the 'Low' risk category of the Victorian Auditor General Risk assessment for financial sustainability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



Investment Gap Ratio

The graph shows that Council had made major improvements in the prior three years in funding the renewal of the Shire's existing assets.

As a result of the delay in construction of the Apollo Bay Transfer Station, the ratio falls into the high risk category of the Victorian Auditor General's risk assessment. However, anticipated works in the coming year will see this position reversed.



Financial Sustainability

UNDERSTANDING THE FINANCIAL STATEMENTS

Introduction

The Financial Report is a key report by the Colac Otway Shire. It shows how Council performed financially during the 2008/2009 financial year and the overall position at the end of the financial year (30 June 2009).

Council presents its financial report in accordance with the Australian Accounting Standards. Particular terms required by the Standards may not be familiar to some readers. Colac Otway Shire Council is committed to accountability. It is in this context that the following explanations have been developed to assist readers understand and analyse the financial report.

What is contained in the Annual Financial Report?

Council's financial report has two main sections, namely the Report and the Notes. There are four Statements and thirty-eight notes. These are prepared by Council staff, examined by the Council Audit Committee and Council, and are audited by the Victorian Auditor-General.

The four Statements included in the first few pages of the report are the Income Statement, Balance Sheet, Statement of Changes in Equity and a Cash Flow Statement.

The Notes detail Council's accounting policies and the make-up of values contained in the Statements.

1. Income Statement

The Income Statement measures Council's performance over the year and shows if a surplus or a deficit has been made in delivering services.

The Statement includes all sources of income, less all operating expenses incurred in delivering Council services. This includes depreciation or the writing down, of the value of buildings, roads, footpaths, drains and all other infrastructure assets, which are used to deliver Council services. These assets are depreciated over the life of the asset as they are consumed. Capital costs or new assets purchased or created during the year are excluded from the Statement but, as indicated above, are depreciated as they are used.

The Statement is prepared on an 'accrual' basis. This means that all income and costs for the year are recognised even though the income may not yet be received (such as interest on bank deposits) or expenses not yet paid (invoices not yet received for goods and services already used).

If the Statement is in a deficit situation, this means that Council is not creating sufficient surplus to replace infrastructure assets at the time when they need to be replaced. Continual deficits may indicate concern about Council's ability to be financially viable in the longer term.

The key figure to look at is the surplus/(deficit) for the year. A deficit means that the expenses were greater than revenue.

2. Balance Sheet

The Balance Sheet is an important financial statement. This one page summary is a snapshot of the financial situation as at 30 June 2009. It shows what the Council owns as Assets and what it owes as Liabilities. The bottom line of this Statement is Net Assets. This is the net worth of Council, which has been built up over many years.

Financial Sustainability

The assets and liabilities are separated into Current and Non-Current. Current means those assets or liabilities, which will fall due or be consumed in the next 12 months. The components of the Balance Sheet are described below.

Current and Non-Current Assets

- Cash includes cash and cash equivalents i.e. cash held in the bank, petty cash and term deposits
- Receivables are monies owed to Council by ratepayers and others
- Investment in Associate is the investment in the Corangamite Regional Library Corporation
- Other assets include inventory and accounts which have been prepaid
- Property, Plant and Equipment, Infrastructure is the largest component of Council's worth and represents the value of all land, buildings, roads, vehicles, equipment, and other items which have been invested in by Council over many years

Current and Non-Current Liabilities

- Payables are those to whom Council owes money as at 30 June 2009
- Provisions include Employee Benefits, which is the accounting term for accrued Long Service and Annual Leave provisions. Landfill rehabilitation works are also grouped under provisions
- Interest Bearing Liabilities includes loans, which are repaid over a set period of time, and Lease Liabilities that are leases of assets where ownership of the asset is transferred to the Council

Net Assets

This term is used to describe the difference between the value of Total Assets and the value of Total Liabilities. It represents the net worth of Council as at 30 June 2009. The net value of the Council is also synonymous with Total Equity.

Total Equity

- Asset Revaluation Reserve is the difference between the previously recorded value of property and infrastructure assets and their current valuations
- Other Reserves are allocations of the Accumulated Surplus to specific projects
- Accumulated Surplus is the value of all net assets accumulated over time

3. Statement of Changes in Equity

During the course of the year, the value of Total Ratepayers Equity as set out in the Balance Sheet changes. This Statement shows the values of such changes and how these changes arose.

The main reason for a change in equity stem from:

- The 'profit and loss' from operations, described in the income Statement as the Operating (deficit) for the year
- The use of monies from Council's reserves
- Revaluation of assets; this takes place every three years as a matter of course. It also occurs when existing assets are taken up in the books for the first time

Financial Sustainability

4. Cash Flow Statement

The Cash Flow Statement summarises Council's cash payments and cash receipts for the year. This Statement is presented according to a very specific Accounting Standard and needs some care in analysis. The values may differ from those shown in the Income Statement because the Income Statement is prepared on an accrual accounting basis.

Cash in the Statement refers to bank deposits and other forms of highly liquid investments that can readily be converted to cash.

Council's cash arises from, and is used in, three main areas:

Cash Flow from Operating Activities

- Receipts – All cash received into Council's bank account from ratepayers and others that owed money to Council. Receipts also include the interest assets from Council's cash investments. It does not include the costs associated with the sale of assets
- Payments – All cash paid by Council from its bank account to staff, creditors and other persons. It does not include the costs associated with the creation of assets

Cash Flow from Investing Activities

The accounting term Investing Activities relates to payments for the acquisition of assets, such as new plant, roads and other long-term revenue producing assets; and the proceeds from the sale of assets such as plant, and land.

Cash Flow from Financing Activities

This is where the receipt and repayment of borrowed funds are recorded.

The bottom line of the Cash Flow Statement is the Cash at End of Financial Year. This shows the capacity of Council to meet its debts and other liabilities.

Notes to the Accounts

The Notes are a very important and informative section of the report. The Australian Accounting Standards are not prescriptive in a lot of issues. Therefore, to enable the reader to understand the basis on which the values shown in the Statements are established, it is necessary to provide details of Council's accounting policies. These are described in Note 1.

Apart from the accounting policies, the Notes also give details behind many of the summary figures contained in the Statements. The Note numbers are shown beside the relevant items in the Income Statement, Balance Sheet, Statement of Changes in Equity and the Cash Flow Statement.

Where Council wishes to disclose other information, which cannot be incorporated into the Statements, then this is shown in the Notes. Other Notes include:

- The cost of the various functions of Council
- The breakdown of expenses, revenues, reserves and other assets
- Transactions with persons related to Council
- Comparisons of Budget to Actual results
- Financial performance indicators

The Notes should be read at the same time as, and together with, the other parts of the Financial Statements to get a clear picture of the accounts.

Financial Sustainability

Statements by Principal Accounting Officer and Councillors

The Certification of the Principal Accounting Officer is made by the person responsible for the financial management of Council that, in her/his opinion, the Financial Statements have met all the statutory and professional reporting requirements.

The Certification of Councillors is made by two Councillors on behalf of Council that, in their opinion, the Financial Statements are fair and not misleading. The Chief Executive Officer also endorses and signs the certification.

Auditor General's Report

The Independent Audit Report is the external and independent opinion on the Financial Statements. It provides the reader with a totally independent opinion on the Financial Statements. The opinion covers both the Statutory and professional requirements and also the fairness aspects of the Financial Statements.

COLAC OTWAY SHIRE COUNCIL

STANDARD STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2009

COLAC OTWAY SHIRE
ANNUAL FINANCIAL REPORT

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NOTES TO THE STANDARD STATEMENTS

Note 1 Basis of preparation of Standard Statements

The Colac Otway Shire Council is required to prepare and include audited Standard Statements within its Annual Report. Four Statements are required - a Standard Income Statement, Standard Balance Sheet, Standard Cash Flow Statement and a Standard Statement of Capital Works, together with explanatory notes.

These statements and supporting notes form a special purpose financial report prepared to meet the requirements of the Local Government Act 1989 and Local Government (Finance and Reporting) Regulations 2004.

The Standard Statements have been prepared on accounting bases consistent with those used for the General Purpose Financial Statements and the Budget. The results reported in these statements are consistent with those reported in the General Purpose Financial Report.

The Standard Statements are not a substitute for the General Purpose Financial Statements. They have not been prepared in accordance with all Australian Accounting Standards or other authoritative professional pronouncements.

The Standard Statements compare the Council's financial plan, expressed through its budget, with actual performance. The Local Government Act 1989 requires explanation of any material variances. The Council has adopted a materiality threshold of 10 per cent. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

The budget figures included in the Statements are those adopted by the Council on 30 July 2008. The budget was based on assumptions that were relevant at the time of adoption of the budget. The Council set guidelines and parameters for revenue and expense targets in this budget in order to meet the Council's business plan and financial performance targets for both the short and long term. The budget did not reflect any changes to equity resulting from asset revaluations, as their impacts were not considered predictable.

Detailed information on the actual financial results are contained in the General Purpose Financial Report. The detailed budget can be obtained by contacting council or through the council's website

The Standard Statements must be read with reference to these documents.

| STANDARD INCOME STATEMENT | | | | | |
|--|------|---------------|---------------|----------------|-------------|
| FOR THE YEAR ENDED 30 JUNE 2009 | | | | | |
| | Note | ACTUAL | BUDGET | VARIANCE | VARIANCE |
| | | \$ | \$ | \$ | % |
| REVENUE | | | | | |
| Rates and Charges | | 17,602 | 17,602 | 0 | 0% |
| User Fees | | 3,855 | 3,863 | (8) | (0%) |
| Contributions and Reimbursements | 1 | 588 | 443 | 145 | 33% |
| Contributions - Non-monetary assets | 2 | 792 | 139 | 653 | 470% |
| Grants - Recurrent | 3 | 8,961 | 7,476 | 1,485 | 20% |
| Grants - Non-recurrent | 4 | 4,105 | 3,096 | 1,009 | 33% |
| Other revenue | | 426 | 420 | 6 | 1% |
| TOTAL REVENUE | | 36,329 | 33,039 | 3,290 | 10% |
| EXPENSES | | | | | |
| Employee Benefits | | 11,250 | 10,875 | (375) | (3%) |
| Materials and Services | 5 | 12,869 | 11,671 | (1,198) | (10%) |
| Depreciation and Amortisation | | 8,902 | 8,430 | (472) | (6%) |
| Finance Costs | | 185 | 191 | 6 | 3% |
| Plant Expenses | | 396 | 427 | 31 | 7% |
| Grants and Donations | | 142 | 156 | 14 | 9% |
| Other Expenses | 6 | 1,209 | 922 | (287) | (31%) |
| TOTAL EXPENSES | | 34,953 | 32,672 | (2,281) | (7%) |
| Net gain (loss) on disposal of assets | 7 | (210) | 0 | (210) | (100%) |
| Share of result of investment in associate | 8 | 28 | 0 | 28 | 100% |
| Found assets | 9 | 1,414 | 0 | 1,414 | 100% |
| Property, Plant and Equipment written off | 10 | (763) | (150) | (613) | (409%) |
| SURPLUS (DEFICIT) FOR THE YEAR | | 1,845 | 217 | 1,628 | 750% |

| VARIANCE EXPLANATION | | |
|----------------------|--|---|
| Note | Item | Explanation |
| 1 | Contributions and Reimbursements | Higher than budgeted contributions from special charge schemes due to the completion of projects carried forward from the previous financial year. |
| 2 | Contributions - Non-monetary assets | Higher sub-division activity. |
| 3 | Grants - Recurrent | Early receipt of Grants Commission and Local Roads Grant for \$1.2m for the first quarter 2009/10 that was not budgeted for. |
| 4 | Grants - Non-recurrent | Receipt of Government Grants in advance eg Federal Stimulus Funding, Joint Use Library Funding and Joint Use Hockey Ground Grant. At the time the budget was prepared there was no indication that this additional funding would be available. |
| 5 | Material and Services | Unbudgeted expenditure on Eliminyt Gas Scheme and additional expenditure in various Council services eg Bluewater Fitness Centre and additional costs associated with roadworks rehabilitation. |
| 6 | Other Expenses | Provision was made for the rehabilitation of the Cressy-Shelford Road that was not previously budgeted for. |
| 7 | Net gain (loss) on disposal of assets | Council does not budget to make a profit from the sale of assets, unless otherwise known. |
| 8 | Share of result of investment in associate | Council has not traditionally budgeted to record a profit or loss from the activities of the Coranagamite Regional Library Corporation (CRLC). The CRLC is expected to break even. |
| 9 | Found assets | Recognition of buildings owned by Council not previously identified and included in the asset register. |
| 10 | Property, Plant and Equipment written off | The property written off relates to building assets previously recorded in the asset register of Council. These assets were deemed not to be controlled by Council and were therefore removed from the list of Council's assets. The 2008/09 year has also seen higher asset written down values of disposable assets, including plant. |

| STANDARD BALANCE SHEET | | | | | |
|---|------|------------------|------------------|--------------------|---------------|
| AS AT 30 JUNE 2009 | | | | | |
| | Note | ACTUAL
\$'000 | BUDGET
\$'000 | VARIANCE
\$'000 | VARIANCE
% |
| CURRENT ASSETS | | | | | |
| Cash and cash equivalents | 11 | 9,651 | 3,883 | 5,768 | 149% |
| Trade and other receivables | 12 | 2,055 | 2,510 | (455) | (18%) |
| Inventories | | 94 | 91 | 3 | 3% |
| Other assets | 13 | 139 | 78 | 61 | 78% |
| TOTAL CURRENT ASSETS | | 11,939 | 6,562 | 5,377 | 82% |
| NON-CURRENT ASSETS | | | | | |
| Investment in associates | | 486 | 448 | 38 | 8% |
| Property, Plant and Equipment, Infrastructure | 14 | 235,502 | 200,085 | 35,417 | 18% |
| TOTAL NON-CURRENT ASSETS | | 235,988 | 200,533 | 35,455 | 18% |
| TOTAL ASSETS | | 247,927 | 207,095 | 40,832 | 20% |
| CURRENT LIABILITIES | | | | | |
| Trade and other payables | 15 | 1,910 | 1,046 | (864) | (83%) |
| Trust fund and other deposits | 16 | 242 | 0 | (242) | 0% |
| Employee entitlements | | 2,104 | 2,019 | (85) | (4%) |
| Provision for landfill & road rehabilitation | 17 | 703 | 121 | (582) | (481%) |
| Interest Bearing Loans and Borrowings | | 305 | 305 | 0 | 0% |
| TOTAL CURRENT LIABILITIES | | 5,264 | 3,491 | (1,773) | (51%) |
| NON-CURRENT LIABILITIES | | | | | |
| Employee entitlements | 18 | 247 | 270 | 23 | 9% |
| Provision for landfill rehabilitation | | 2,258 | 2,351 | 93 | 4% |
| Interest Bearing Loans and Borrowings | | 2,157 | 2,157 | 0 | 0% |
| TOTAL NON-CURRENT LIABILITIES | | 4,662 | 4,778 | 116 | 2% |
| TOTAL LIABILITIES | | 9,926 | 8,269 | (1,657) | (20%) |
| NET ASSETS | | 238,001 | 198,826 | 39,175 | 20% |
| EQUITY | | | | | |
| Accumulated Surplus | | 92,218 | 92,513 | (295) | (0%) |
| Asset Revaluation Reserve | 19 | 141,508 | 104,417 | 37,091 | 36% |
| Other Reserves | 20 | 4,275 | 1,896 | 2,379 | 125% |
| TOTAL EQUITY | | 238,001 | 198,826 | 39,175 | 20% |

| VARIANCE EXPLANATION | | |
|----------------------|--|--|
| Note | Item | Explanation |
| 11 | Cash and cash equivalents | Higher cash balances due to lower capital spending and Government grants received in advance. |
| 12 | Trade and other receivables | Movement in receivables consistent with prior year. Budgeted amount over estimated in current year. |
| 13 | Other Assets | Increase in prepayments due to early payment of insurance costs. |
| 14 | Property, Plant & Equipment, Infrastructure | The budget did not factor in the valuation of the roads, buildings and land that have occurred over the last two financial years. |
| 15 | Trade and other payables | With the conversion to new finance software a larger amount of accrued expenses were recognised. This occurred due to systems closing down earlier than would normally have been the case. |
| 16 | Trust Fund and other deposits | Trust deposits were not budgeted for. |
| 17 | Provision for landfill & road rehabilitation | Activities planned for the rehabilitation of landfill sites was not fully completed during the year. As they are still to be completed over the next twelve months the level of the current provision is higher than was budgeted for. Provision was made for expenditure on rehabilitation of the Cressy-Shelford Road. |
| 18 | Employee entitlements | Increase in Long Service Leave and Annual Leave Provisions due to increase in number of employees and changes in calculation factors. |
| 19 | Asset Revaluation Reserve | The budget did not factor in the valuation of the roads, buildings and land that have occurred over the last two financial years. |
| 20 | Other Reserves | The overall change in reserve levels over the course of the year was expected to be minimal. The variation from budget is a result of landfill rehabilitation works not undertaken, an increase in the plant replacement reserve due to major plant items being held over the next financial year, recognition of the Saleyards reserve for the first time, the waste management reserve transfer being higher than anticipated and a substantial increase in the recreational lands reserve due to increased developer contributions. |

| STANDARD CASH FLOW STATEMENT | | | | | |
|--|------|------------------|------------------|--------------------|---------------|
| FOR THE YEAR ENDED 30 JUNE 2009 | | | | | |
| | Note | ACTUAL
\$'000 | BUDGET
\$'000 | VARIANCE
\$'000 | VARIANCE
% |
| CASH FLOWS FROM OPERATING ACTIVITIES | | | | | |
| Rates and Charges | | 17,857 | 17,560 | 297 | 2% |
| Government Grants | 3,4 | 12,960 | 10,572 | 2,388 | 23% |
| Council User charges and reimbursements received | | 3,590 | 3,942 | (352) | (9%) |
| Contributions and donations received | 1,2 | 717 | 443 | 274 | 62% |
| Council payments to employees | | (11,503) | (10,785) | (718) | 7% |
| Council payments to suppliers | 5 | (10,830) | (12,357) | 1,527 | (12%) |
| Interest received | | 426 | 420 | 6 | 1% |
| Council Grants and Donations Paid | | (142) | (156) | 14 | (9%) |
| Net GST refund/(payment) | | (67) | 0 | (67) | 100% |
| Other payments | 21 | (1,699) | (897) | (802) | 89% |
| NET CASH INFLOW FROM OPERATING ACTIVITIES | | 11,309 | 8,742 | 2,567 | 29% |
| CASH FLOWS FROM INVESTING ACTIVITIES | | | | | |
| Payments for Property, Plant & Equip., & Infrastructure | 22 | (8,027) | (9,663) | 1,636 | (17%) |
| Proceeds from Sale of Property, Plant & Equip., & Infrastructure | 23 | 760 | 550 | 210 | 38% |
| NET CASH OUTFLOW FROM INVESTING ACTIVITIES | | (7,267) | (9,113) | 1,846 | (20%) |
| CASH FLOWS FROM FINANCING ACTIVITIES | | | | | |
| Repayment of interest bearing loans and borrowings | | (518) | (518) | 0 | 0% |
| Lease payments | | (26) | (26) | 0 | 0% |
| Trust funds and deposits | 24 | (74) | 0 | (74) | (100%) |
| Finance costs | | (185) | (191) | 6 | (3%) |
| NET CASH OUTFLOW FROM FINANCING ACTIVITIES | | (803) | (735) | 0 | 0% |
| Net increase (decrease) in cash and cash equivalents | | 3,239 | (1,106) | 4,345 | (393%) |
| Cash and cash equivalents at the beginning of the year | 25 | 6,412 | 4,989 | 1,423 | 29% |
| CASH AND CASH EQUIVALENTS AT THE END OF THE YEAR | | 9,651 | 3,883 | 5,768 | 149% |

| VARIANCE EXPLANATION | | |
|----------------------|--|---|
| Note | Item | Explanation |
| 21 | Other payments | Provision was made for the rehabilitation of the Cressy-Shelford Road that was not previously budgeted for. |
| 22 | Payments for Property, Plant and Equipment & Infrastructure | A number of capital works projects were not completed due to various factors such as, the ability to obtain planning approval, negotiations for acquisitions and contracts taking longer than expected and delays in obtaining cultural heritage approval for projects. The major project that makes up the bulk of the variance is the Apollo Bay Waste Transfer Station. This large project was delayed due to negotiations for the land acquisition. |
| 23 | Proceeds from Sale of Property, Plant and Equipment & Infrastructure | The major item that contributes to the variance from budget is the sale of 101 Queen Street Colac for approximately \$300,000. The sale of this site was not considered at the time the budget was prepared. |
| 24 | Trust funds and deposits | Cash movements resulting from Trust funds and deposits are not traditionally budgeted for and so a variation from budget is expected. |
| 25 | Cash and cash equivalents | A net decrease in funds was expected to occur for the year. The actual result, due to projects not being undertaken (e.g. carry over items) and the additional funds received from the Commonwealth government as part of the federal stimulus package and the early receipt of grants has seen a net increase in cash funds. |

STANDARD STATEMENT OF CAPITAL WORKS

FOR THE YEAR ENDED 30 JUNE 2009

| CAPITAL WORKS AREA | Note | ACTUAL | BUDGET | VARIANCE | VARIANCE |
|-------------------------------|------|--------------|--------------|--------------|------------|
| | | \$'000 | \$'000 | \$'000 | % |
| Land | 26 | 0 | 1,000 | 1,000 | 100% |
| Buildings | 27 | 1,024 | 623 | (401) | (64%) |
| Plant and Machinery | | 1,184 | 1,200 | 16 | 1% |
| Furniture and Equipment | 28 | 175 | 302 | 127 | 42% |
| Roads and Streets | | 4,755 | 4,803 | 48 | 1% |
| Bridges | 29 | 455 | 565 | 110 | 19% |
| Footpaths, Kerb & Channelling | | 229 | 250 | 21 | 8% |
| Parks and Gardens | 30 | 96 | 531 | 435 | 82% |
| Drainage | 31 | 111 | 390 | 279 | 72% |
| Total Capital Works | | 8,029 | 9,664 | 1,635 | 17% |
| Represented by: | | | | | |
| Renewal | | 4,868 | 6,135 | 1,267 | 21% |
| Upgrade | | 2,606 | 3,521 | 915 | 26% |
| New | | 555 | 8 | (547) | (6,838%) |
| Total Capital Works | | 8,029 | 9,664 | 1,635 | 17% |

VARIANCE EXPLANATION

| Note | Item | Explanation |
|------|-------------------------|---|
| 26 | Land | Carry over of Apollo Bay Transfer Station to the 2009/10 financial year. |
| 27 | Buildings | Purchase of former Skills Connect building at rear of COPACC and renovation works to the building. |
| 28 | Furniture and Equipment | Less furniture and equipment acquired reached the asset recognition threshold. With the stricter adherence to the threshold limits and less actual furniture and equipment being purchased, a lower level of expenditure occurred in this area. |
| 29 | Bridges | Completion of Binns Road bridge to be carried over to the 2009/10 financial year. |
| 30 | Parks and Gardens | Projects to be completed in 2009/10 financial year, including Botanic Gardens works and Birregurra skate park works. |
| 31 | Drainage | Lower maintenance requirements than budgeted. |

**STANDARD STATEMENTS
FOR THE YEAR ENDING 30 JUNE 2009**

CERTIFICATION OF STANDARD STATEMENTS

In my opinion the accompanying standard statements have been prepared on accounting bases consistent with the financial statements and in accordance with the Local Government Act 1989, and the Government (Finance and Reporting) Regulations 2004.

Brett Exelby *Brett Exelby*
Principal Accounting Officer

Date: *23 September 2009*
Colac

In our opinion the accompanying standard statements have been prepared on accounting bases consistent with the financial statements and in accordance with the Local Government Act 1989, and the Government (Finance and Reporting) Regulations 2004.

As at the date of signing, we are not aware of any circumstances which would render any particulars in the standard statements to be misleading or inaccurate.

We have been authorised by the Council on 23 September 2009 to certify the Standard Statements in their final form.

Stephen Hart *SH*
Councillor

Date: *23 September 2009*
Colac

Stuart Hart *Stuart Hart*
Councillor

Date: *23 September 2009*
Colac

Rob Small *Rob Small*
Chief Executive Officer

Date: *23 September 2009*
Colac

Colac Otway Shire Council
Financial Statements
For the Year Ended 30 June 2009

Colac Otway Shire Council
Financial Statements
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Income Statement
For the Year Ended 30 June 2009

| | Note | 2009
\$'000 | 2008
\$'000 |
|---|-------|-----------------|-----------------|
| Revenue | | | |
| Rates and charges | 2 | 17,602 | 16,384 |
| User fees | 3 | 3,855 | 3,601 |
| Contributions - Cash | 5 (a) | 397 | 863 |
| Contributions - Non-monetary assets | 5 (b) | 792 | 425 |
| Grants - Recurrent | 4 | 8,961 | 7,121 |
| Grants - Non-recurrent | 4 | 4,105 | 3,697 |
| Reimbursements | 6 | 191 | 280 |
| Other revenue | 7 | 426 | 579 |
| Total revenue | | <u>36,329</u> | <u>32,950</u> |
| Expenses | | | |
| Employee benefits | 8 | (11,250) | (10,058) |
| Materials and services | 9 | (12,869) | (12,476) |
| Depreciation and amortisation | 10 | (8,902) | (7,508) |
| Finance costs | 11 | (185) | (220) |
| Other expenses | 12 | (1,747) | (1,692) |
| Total expenses | | <u>(34,953)</u> | <u>(31,954)</u> |
| Net gain/(loss) on disposal of property, plant and equipment, infrastructure | | (210) | (98) |
| Share of net profits/(losses) of associates and joint ventures accounted for by the equity method | 13 | 28 | 18 |
| Found assets | 14 | 1,414 | - |
| Property, plant and equipment, infrastructure written off. | | (763) | (237) |
| Surplus/(deficit) for the year | | <u>1,845</u> | <u>679</u> |

The above income statement should be read with the accompanying notes.

Balance Sheet
As at 30 June 2009

| | Note | 2009
\$'000 | 2008
\$'000 |
|---|------|----------------|----------------|
| Assets | | | |
| Current assets | | | |
| Cash and cash equivalents | 15 | 9,651 | 6,412 |
| Trade and other receivables | 16 | 2,055 | 2,022 |
| Inventories | 17 | 94 | 90 |
| Other assets | 18 | 139 | 78 |
| Total current assets | | <u>11,939</u> | <u>8,602</u> |
| Non-current assets | | | |
| Investments in associates accounted for using the equity method | 13 | 486 | 458 |
| Property, plant and equipment, infrastructure | 19 | 235,502 | 228,126 |
| Total non-current assets | | <u>235,988</u> | <u>228,584</u> |
| Total assets | | <u>247,927</u> | <u>237,186</u> |
| Liabilities | | | |
| Current liabilities | | | |
| Trade and other payables | 20 | 1,910 | 696 |
| Trust funds and deposits | 21 | 242 | 316 |
| Provisions | 22 | 2,807 | 2,250 |
| Interest-bearing loans and borrowings | 23 | 305 | 544 |
| Total current liabilities | | <u>5,264</u> | <u>3,806</u> |
| Non-current liabilities | | | |
| Provisions | 22 | 2,505 | 2,540 |
| Interest-bearing loans and borrowings | 23 | 2,157 | 2,462 |
| Total non-current liabilities | | <u>4,662</u> | <u>5,002</u> |
| Total liabilities | | <u>9,926</u> | <u>8,808</u> |
| Net Assets | | <u>238,001</u> | <u>228,378</u> |
| Equity | | | |
| Accumulated surplus | | 92,218 | 91,896 |
| Reserves | 24 | 145,783 | 136,482 |
| Total Equity | | <u>238,001</u> | <u>228,378</u> |

The above balance sheet should be read with the accompanying notes.

**Statement of Changes in Equity
For the Year Ended 30 June 2009**

| | Note | Accumulated | | Asset | Other |
|---|-------|----------------|---------------|----------------|--------------|
| | | Total | Surplus | Revaluation | Reserves |
| | | 2009 | 2009 | 2009 | 2009 |
| 2009 | | \$'000 | \$'000 | \$'000 | \$'000 |
| Balance at beginning of the financial year | | 228,378 | 91,896 | 133,730 | 2,752 |
| Surplus(deficit) for the year | | 1,845 | 1,845 | - | - |
| Net asset revaluation increment(decrement) | 24(a) | 7,778 | - | 7,778 | - |
| Transfers to other reserves | 24(b) | - | (2,067) | - | 2,067 |
| Transfers from other reserves | 24(b) | - | 544 | - | (544) |
| Balance at end of the financial year | | 238,001 | 92,218 | 141,508 | 4,275 |

| | Note | Accumulated | | Asset | Other |
|---|-------|----------------|---------------|----------------|--------------|
| | | Total | Surplus | Revaluation | Reserves |
| | | 2008 | 2008 | 2008 | 2008 |
| 2008 | | \$'000 | \$'000 | \$'000 | \$'000 |
| Balance at beginning of the financial year | | 198,385 | 91,879 | 104,417 | 2,089 |
| Surplus(deficit) for the year | | 679 | 679 | - | - |
| Net asset revaluation increment(decrement) | 24(a) | 29,313 | - | 29,313 | - |
| Transfers to other reserves | 24(b) | (1,816) | (1,239) | - | (577) |
| Transfers from other reserves | 24(b) | 1,817 | 577 | - | 1,240 |
| Balance at end of the financial year | | 228,378 | 91,896 | 133,730 | 2,752 |

The above statement of changes in equity should be read with the accompanying notes.

Cash Flow Statement
For the Year Ended 30 June 2009

| | Note | 2009
Inflows/
(Outflows)
\$'000 | 2008
Inflows/
(Outflows)
\$'000 |
|---|------|--|--|
| Cash flows from operating activities | | | |
| Rates | | 17,857 | 16,384 |
| User charges and other fines (inclusive of GST) | | 3,590 | 5,098 |
| Grants (inclusive of GST) | | 12,960 | 11,111 |
| Reimbursements and Contributions (inclusive of GST) | | 717 | 727 |
| Interest | | 426 | 579 |
| Net GST refund/payment | | (67) | 1,347 |
| Payments to suppliers (inclusive of GST) | | (11,503) | (10,910) |
| Payments to employees (including redundancies) | | (10,830) | (14,644) |
| Other payments | | (1,841) | (1,168) |
| Net cash provided by (used in) operating activities | 25 | <u>11,309</u> | <u>8,524</u> |
| Cash flows from investing activities | | | |
| Payments for property, plant and equipment, infrastructure | 19 | (8,027) | (8,968) |
| Proceeds from sale of property, plant and equipment, infrastructure | | 760 | 560 |
| Net cash provided by (used in) investing activities | | <u>(7,267)</u> | <u>(8,408)</u> |
| Cash flows from financing activities | | | |
| Finance costs | | (185) | (224) |
| Trust funds and deposits | | (74) | 40 |
| Lease payments | | (26) | (22) |
| Repayment of interest bearing loans and borrowings | | (518) | (486) |
| Net cash provided by (used in) financing activities | | <u>(803)</u> | <u>(692)</u> |
| Net increase (decrease) in cash and cash equivalents | | 3,239 | (576) |
| Cash and cash equivalents at the beginning of the financial year | | 6,412 | 6,988 |
| Cash and cash equivalents at the end of the financial year | 26 | <u>9,651</u> | <u>6,412</u> |

Financing arrangements - see note 27

Restrictions on cash assets - see note 28

The above cash flow statement should be read with the accompanying notes.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Introduction

- (a) The Colac Otway Shire Council was established by an Order of the Governor in Council on 20 September 1994 and is a body corporate.

The Council's main office is located at 2-6 Rae Street Colac Victoria 3250.

- (b) The purpose of the Council is to:
- provide for the peace, order and good government of its municipal district;
 - to promote the social, economic and environmental viability and sustainability of the municipal district;
 - to ensure that resources are used efficiently and effectively and services are provided in accordance with the Best Value Principles to best meet the needs of the local community;
 - to improve the overall quality of life of people in the local community;
 - to promote appropriate business and employment opportunities;
 - to ensure that services and facilities provided by the Council are accessible and equitable;
 - to ensure the equitable imposition of rates and charges; and
 - to ensure transparency and accountability in Council decision making.

This financial report is a general purpose financial report that consists of an Income Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement, and notes accompanying these financial statements. The general purpose financial report complies with Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act* 1989, and the Local Government (Finance and Reporting) Regulations 2004.

Note 1 Significant accounting policies

(a) **Basis of accounting**

This financial report has been prepared on the accrual and going concern bases.

This financial report has been prepared under the historical cost convention, except where specifically stated in notes 1(d), 1(h), 1(k) and 1(s).

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

All entities controlled by Council that have material assets or liabilities, such as the Port of Apollo Bay, have been included in this financial report. All transactions between these entities and the Council have been eliminated in full. Please see note 39 for further details.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 1 Significant accounting policies (cont.)

(b) Change in accounting policies

In accordance with AASB1045 "Land Under Roads" the Council has elected to recognise land under roads acquired after 30 June 2008 using the deemed cost basis. This equated to income recognised of \$89,000 for the current financial year.

(c) Revenue recognition

Rates, grants and contributions

Rates, grants and contributions (including developer contributions) are recognised as revenues when the Council obtains control over the assets comprising these receipts.

Control over assets acquired from rates is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates.

A provision for doubtful debts on rates has not been established as unpaid rates represents a charge against the rateable property that will be recovered when the property is next sold.

Control over granted assets is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and are valued at their fair value at the date of transfer.

Income is recognised when the Council obtains control of the contribution or the right to receive the contribution, it is probable that the economic benefits comprising the contribution will flow to the Council and the amount of the contribution can be measured reliably.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were undischarged at balance date, the unused grant or contribution is disclosed in note 4. The note also discloses the amount of unused grant or contribution from prior years that was expended on Council's operations during the current year.

A liability is recognised in respect of revenue that is reciprocal in nature to the extent that the requisite service has not been provided at balance date.

User fees and fines

User fees and fines (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

A provision for doubtful debts is recognised when collection in full is no longer probable.

Sale of property, plant and equipment, infrastructure

The profit or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer.

Interest and rents

Interest and rents are recognised as revenue on a proportional basis when the payment is due, the value of the payment is notified, or the payment is received, whichever first occurs.

(d) Inventories

Inventories held for distribution are measured at cost adjusted when applicable for any loss of service potential. Other inventories are measured at the lower of cost and net realisable value.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 1 Significant accounting policies (cont.)**(e) Depreciation and amortisation of property, plant and equipment, infrastructure, intangibles**

Buildings, land improvements, plant and equipment, infrastructure, heritage assets, and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Road earthworks are not depreciated.

Straight line depreciation is charged based on the residual useful life as determined each year.

Major depreciation periods used are listed below and are consistent with the prior year unless otherwise stated:

| | Period |
|---------------------------------------|----------------|
| Property | |
| Land | |
| Buildings | |
| buildings | 50 - 100 years |
| Plant and Equipment | |
| plant, machinery and equipment | 3 - 10 years |
| fixtures, fittings and furniture | 3 - 21 years |
| leased plant and equipment | 5 - 10 years |
| Infrastructure | |
| Roads | |
| roads and streets | 12 - 60 years |
| road kerb, channel and minor culverts | 35 - 80 years |
| bridges | 50 - 70 years |
| footpaths and cycleways | 30 - 80 years |
| drainage | 100 years |
| parks, open space and streetscapes | 10 - 100 years |

(f) Repairs and maintenance

Routine maintenance, repair costs, and minor renewal costs are expensed as incurred. Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

(g) Borrowing costs

Borrowing costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council. Except where specific borrowings are obtained for the purpose of specific asset acquisition, the weighted average interest rate applicable to borrowings at balance date, excluding borrowings associated with superannuation, is used to determine the borrowing costs to be capitalised.

Borrowing costs include interest on bank overdrafts, interest on borrowings, and finance lease charges.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 1 Significant accounting policies (cont.)**(h) Recognition and measurement of assets****Acquisition**

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the amount for which the asset could be exchanged between knowledgeable willing parties in an arm's length transaction.

Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction, and an appropriate share of directly attributable variable and fixed overheads.

The following classes of assets have been recognised in note 19. In accordance with Council's policy, the threshold limits detailed below have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year:

| | <u>Threshold Limit</u> |
|---------------------------------------|------------------------|
| | \$ |
| Property | |
| Land | |
| land | 1,000 |
| land under roads | 1,000 |
| Buildings | |
| buildings | 5,000 |
| leasehold building improvements | 1,000 |
| <u>Plant and Equipment</u> | |
| plant, machinery and equipment | 1,000 |
| fixtures, fittings and furniture | 1,000 |
| leased plant and equipment | 1,000 |
| <i>Infrastructure</i> | |
| Roads | |
| roads and streets | 10,000 |
| road kerb, channel and minor culverts | 10,000 |
| bridges | |
| footpaths and cycleways | 10,000 |
| drainage | 10,000 |
| parks, open space and streetscapes | 5,000 |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 1 Significant accounting policies (cont.)

(h) Recognition and measurement of assets (cont.)

Revaluation

Subsequent to the initial recognition of assets, non-current physical assets, other than plant, machinery, parks and gardens & land under roads, are measured at their fair value, being the amount for which the assets could be exchanged between knowledgeable willing parties in an arms length transaction. At balance date, the Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date the class of asset was revalued.

In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets excluding parks and gardens on a regular basis every three years. The valuation is performed either by experienced council officers or independent experts.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

Land under roads

Land under roads acquired after 30 June 2008 is brought to account using the cost basis. Council does not recognise land under roads that it controlled prior to that period in its financial report.

(i) Cash and cash equivalents

For the purposes of the cash flow statement, cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of three months or less, net of outstanding bank overdrafts.

(j) Investments

Investments, other than investments in associates, are measured at cost.

(k) Accounting for investments in associates

Council's investment in associates is accounted for by the equity method as the Council has the ability to influence rather than control the operations of the entities. The investment is initially recorded at the cost of acquisition and adjusted thereafter for post-acquisition changes in the Council's share of the net assets of the entities. The Council's share of the financial result of the entities is recognised in the income statement.

(l) Tender deposits

Amounts received as tender deposits and retention amounts controlled by Council are recognised as Trust funds until they are returned or forfeited (refer to note 21).

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 1 Significant accounting policies (cont.)

(m) Employee benefits

Wages and salaries

Liabilities for wages and salaries and rostered days off are recognised and measured as the amount unpaid at balance date and include appropriate oncosts such as workers compensation and payroll costs.

Annual leave

Annual leave entitlements are accrued on a pro rata basis in respect of services provided by employees up to balance date.

Annual leave expected to be paid within 12 months is measured at nominal value based on the amount, including appropriate oncosts, expected to be paid when settled.

Annual leave expected to be paid later than one year has been measured at the present value of the estimated future cash outflows to be made for these accrued entitlements. Commonwealth bond rates are used for discounting future cash flows.

Long service leave

Long service leave entitlements payable are assessed at balance date having regard to expected employee remuneration rates on settlement, employment related oncosts and other factors including accumulated years of employment, on settlement, and experience of employee departure per year of service.

Long service leave expected to be paid within 12 months is measured at nominal value based on the amount expected to be paid when settled.

Long service leave expected to be paid later than one year has been measured at the present value of the estimated future cash outflows to be made for these accrued entitlements. Commonwealth bond rates are used for discounting future cash flows.

Classification of employee benefits

An employee benefit liability is classified as a current liability if the Council does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the period. This would include all annual leave and unconditional long service leave entitlements.

Superannuation

A liability is recognised in respect of Council's present obligation to meet the unfunded obligations of defined benefit superannuation schemes to which its employees are members. The liability is defined as the Council's share of the scheme's unfunded position, being the difference between the present value of employees' accrued benefits and the net market value of the scheme's assets at balance date. The liability also includes applicable contributions tax of 17.65%.

The superannuation expense for the reporting year is the amount of the statutory contribution the Council makes to the superannuation plan which provides benefits to its employees together with any movements (favourable/unfavourable) in the position of any defined benefits schemes. Details of these arrangements are recorded in note 29.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 1 Significant accounting policies (cont.)

(n) Leases

Finance leases

Leases of assets where substantially all the risks and benefits incidental to ownership of the asset, but not the legal ownership, are transferred to the Council are classified as finance leases. Finance leases are capitalised, recording an asset and a liability equal to the present value of the minimum lease payments, including any guaranteed residual value. Lease payments are allocated between the reduction of the lease liability and the interest expense. Leased assets are amortised on a straight line basis over their estimated useful lives to the Council where it is likely that the Council will obtain ownership of the asset or over the term of the lease, whichever is the shorter. Leased assets are currently being amortised over a 5 to 10 year period.

Operating leases

Lease payments for operating leases are recognised as an expense in the years in which they are incurred as this reflects the pattern of benefits derived by the Council.

(o) Allocation between current and non-current

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next twelve months, being the Council's operational cycle, or if the Council does not have an unconditional right to defer settlement of a liability for at least 12 months after the reporting date.

(p) Agreements equally proportionately unperformed

The Council does not recognise assets and liabilities arising from agreements that are equally proportionately unperformed in the balance sheet. Such agreements are recognised on an 'as incurred' basis.

(q) Web site costs

Costs in relation to websites are charged as an expense in the period in which they are incurred.

(r) Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

Cash flows are presented in the cash flow statement on a gross basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flows.

(s) Impairment of assets

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the income statement.

(t) Rounding

Unless otherwise stated, amounts in the financial report have been rounded to the nearest thousand dollars.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 1 Significant accounting policies (cont.)

(u) Pending Accounting Standards

The following Australian Accounting Standards have been issued or amended and are applicable to the Council but are not yet effective.

They have not been adopted in preparation of the financial statements at reporting date.

| AASB amendment | Standards Affected | Outline of amendment | App. date of Std | App. date for Council |
|---|---|---|------------------|-----------------------|
| AASB 2008 - 11 | AASB 3 Business Combinations | Amends an earlier version of AASB 3 issued in July 2004. However, before the mandatory application of this Standard the Australian Accounting Standards Board will consider the suitability of this Standard for combinations in the not for profit sector. This may result in further amendments to this Standard or an additional scope exclusion. Consequently, it is not possible to assess the likely impact of this Standard on Council. | 1-Jul-09 | 1-Jul-09 |
| AASB 2007 - 06 | AASB 101 Presentation of Financial Statements | Amends an earlier version of AASB 101 issued in July 2006. This Standard introduces the concept of a "complete set of financial statements" and amends the title of some statements in the accounts. The other change of some relevance to Council relates to reporting owner changes in equity and comprehensive income. No significant impacts are expected to arise from this Standard. | 1-Jan-09 | 1-Jan-09 |
| AASB 2007 - 08 | AASB 123 Borrowing Costs | Amends an earlier version of AASB 123 issued in July 2004. This Standard requires borrowing costs directly attributable to the acquisition, construction or production of a qualifying asset to be capitalised. Previously, entities had the option of expensing such costs. Subject to the existence of borrowings for the purpose of funding capital expenditure, this standard will require related borrowing costs to be capitalised rather than expensed. It is not expected that this will have a material impact on the reported financial performance or position of Council. | 1-Jan-09 | 1-Jan-09 |
| AASB 2008 - 5 | AASB 127 Consolidated and Separate Financial Statements | Amends an earlier version of AASB 127 issued in July 2004. This standard makes various relatively minor changes. This Standard is not expected to have any impact on Council. | 1-Jul-09 | 1-Jul-09 |
| AASB 2008-1, AASB 2008-2, AASB 2008-3, AASB 2008-5, AASB 2008-6AASB 2008-7. | Various | These standards make revisions, which are generally minor, to a range of other accounting standards. It is not expected that these Standards will have any significant impact on Council. | 1-Jan-09 | 1-Jan-09 |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

| | 2009 | 2008 |
|---|---------------|---------------|
| | \$'000 | \$'000 |
| Note 2 Rates and charges | | |
| Council uses Capital Improved Value as the basis of valuation of all properties within the municipal district. The valuation base of a property is its capital improved value as assessed by independent valuations undertaken every two years. | | |
| The valuation base used to calculate general rates for 2008/2009 was \$4,863,768,038 (2007-2008 \$4,345,796,700). Council applied differential rating. | | |
| Residential | 7,397 | 7,288 |
| Commercial | 2,048 | 1,878 |
| Industrial | 265 | 210 |
| Farm/Rural | 3,745 | 3,061 |
| Supplementary rates and rate adjustments | - | 97 |
| Municipal charge | 2,005 | 1,834 |
| Garbage charge | 2,142 | 2,016 |
| | <u>17,602</u> | <u>16,384</u> |
| The date of the latest general revaluation of land for rating purposes within the municipal district was 1 January 2008, and the valuation was first applied in the rating year commencing 1 July 2008. | | |
| The date of the previous general revaluation of land for rating purposes within the municipal district was 1 January 2006, and the valuation first applied to the rating period commencing 1 July 2006. | | |
| Note 3 User fees | | |
| (a) Bluewater Fitness Centre | 784 | 561 |
| Colac Livestock Selling Centre | 550 | 427 |
| Performing Arts Centre | 417 | 462 |
| Home Care and Delivered Meals | 412 | 557 |
| Visitor Information Centres | 356 | 245 |
| Parking, animal Control and Local Laws | 344 | 170 |
| Town Planning and Building | 302 | 371 |
| Waste Disposal | 162 | 167 |
| Council Properties | 116 | 119 |
| Private Works | 59 | 210 |
| Other fees and charges | 353 | 312 |
| | <u>3,855</u> | <u>3,601</u> |
| Note 4 Grants | | |
| Grants were received in respect of the following : | | |
| Summary of grants | | |
| Federally funded grants | 7,862 | 6,257 |
| State funded grants | 5,204 | 4,561 |
| Total | <u>13,066</u> | <u>10,818</u> |

Notes to the Financial Report
For the Year Ended 30 June 2009

| | 2009 | 2008 |
|---|--------------|--------------|
| | \$'000 | \$'000 |
| Note 4 Grants (cont.) | | |
| Recurrent | | |
| Grants Commission - Untied Base Grant | 3,638 | 2,678 |
| Grants Commission - Local Roads Grant | 2,619 | 1,955 |
| Aged & Home Care | 998 | 929 |
| Port of Apollo Bay Operational Subsidy | 637 | 622 |
| Family Day Care | 403 | 336 |
| Maternal & Child Health | 227 | 161 |
| Transport Connections | 128 | 129 |
| Community Transport | 72 | 70 |
| Rural Access Project | 62 | 61 |
| Meeting Place | 45 | 45 |
| School Crossings | 34 | 34 |
| Preventative Services - Immunisation Subsidy | 29 | 36 |
| Regional Development Victoria Cadets Grants | 23 | - |
| Senior Citizens | 21 | 23 |
| SES Operations Subsidy | 11 | 10 |
| Beach Cleaning Subsidy | 10 | 7 |
| Tobacco Act Administration | 4 | 4 |
| Regional Development victoria Tourism Officer Grant | - | 13 |
| Recreation Centre - Child Care Subsidy | - | 5 |
| Sue Hickey Grant | - | 3 |
| Bush Tender Funding | - | 1 |
| Total recurrent | 8,961 | 7,121 |
| Non-recurrent | | |
| RTR - Federal Grant (DTRS) | 1,202 | 1,123 |
| Bluewater Fitness Centre - Upgrade | 300 | - |
| Binns Road Bridge Grant | 297 | - |
| Binns Road - Better Roads Grant | 275 | - |
| Joint Use Hockey Ground Grant | 192 | - |
| Replace Slipway Rails - Port Risk Mitigation | 140 | - |
| A Bay/ Birregurra/Lavers Hill Pathways | 135 | - |
| Living Libraries Beechy Centre Grant | 127 | - |
| Dairy Industry Road Program - Grant | 115 | 125 |
| Neighbourhood Renewal Grant | 100 | - |
| Larport Road Grant | 100 | - |
| Moving Forward Grant | 96 | 94 |
| Forrest Tiger Rail Trail | 85 | - |
| Corangamite Landslide Mapping grant | 80 | - |
| Birregurra Bowling Club Synthetic Green - SRV | 60 | - |
| Drought Relief for Community Sport & Recreation | 60 | - |
| Breakwater Re-Armouring | 50 | - |
| Country Football/Netball Projects - SRV Grant | 48 | - |
| Fire Prevention Notice System grants | 46 | - |
| Sand Study Grant | 45 | - |
| COPACC - Arts Victoria Grant | 45 | - |
| Apollo Bay Transfer Station Grant | 40 | - |
| BCLGRP Capacity Building | 33 | - |
| Port of Apollo Bay Precinct Plan grant | 33 | - |
| Rural Access Project - Internet Training Grant | 30 | - |
| Beechy Precinct Enhanced Library Services - Grant | 30 | - |
| Apollo Bay Coastal Trail | 30 | - |
| Apollo Bay Static Library - Grant | 27 | 20 |
| Heatwave Strategy - Grant | 25 | - |
| Environment Strategy grants | 23 | - |
| Make them Your Business MAV Grant | 22 | - |

Notes to the Financial Report
For the Year Ended 30 June 2009

| | 2009
\$'000 | 2008
\$'000 |
|---|----------------|----------------|
| Note 4 Grants (cont.) | | |
| Non-recurrent (cont.) | | |
| Pirron Yallock Clubrooms - RDV Grant | 20 | 20 |
| Colac VIC - Upgrade | 20 | - |
| Go for Your Life Grant | 19 | - |
| Fire Access Bridge Grant | 19 | 53 |
| HACC Minor Works - Grant | 18 | 28 |
| Bus Stop Improvements - Grant | 16 | 11 |
| Regional Trails Masterplan SRV Grant | 15 | 25 |
| Estuary Monitoring Grant (CMA) | 10 | - |
| Neighbourhood Renewal Stage 2 - Grant | 10 | - |
| BCGLRP On Ground Works | 9 | - |
| Redevelopment of Cricket Wickets | 8 | - |
| BWFC Stadium Feasibility Study Grant | 8 | 16 |
| Economic Development Strategy Grant | 8 | - |
| Static Tanks CFA Grants | 5 | 5 |
| Apollo Bay Structure Plan - DSE Grant | 5 | 5 |
| Heritage Advisor Grant | 5 | 5 |
| Colac Structure Plan Grant | 5 | 5 |
| MECC Equipment Grant | 4 | - |
| Veteren Affairs Weight Resistance Grant | 4 | 5 |
| Volunteer Co-ordination Grant | 3 | 3 |
| Forrest/Birregurra Drought Projects - SRV Grant | 3 | 69 |
| ICLEI Grant | 2 | 2 |
| Marina Replacement | - | 1,115 |
| Marina Reconstruction Grant | - | 300 |
| Bus Shelters Colac Grant | - | 120 |
| Lake Colac Mgmt Plan - RDV Grant | - | 100 |
| GOR VIC Upgrade - Grant | - | 80 |
| Colac Otway Community Plan grant | - | 50 |
| Birregurra Skatepark Grant | - | 48 |
| Rural Living Strategy Grant | - | 35 |
| STIP - Rex Norman Park Grant | - | 33 |
| Catch A Carp grant | - | 33 |
| Relocation of GOR Powerlines - DPI Grant | - | 26 |
| Better Roads - Grant | - | 26 |
| Lake Colac ED Study - RDV/DOTARS Grants | - | 24 |
| HACC Minor Works - IT | - | 23 |
| Great Ocean Road Sports Festival Grant | - | 20 |
| GORLASS DSE Grant | - | 20 |
| GOR Plaques - Grant | - | 20 |
| Meredith Park Upgrade - DSE Grant | - | 18 |
| Small Town Improvement Program - RDV Grant | - | 17 |
| STIP - Forrest Upgrade RDV Grant | - | 17 |
| Volunteer Project | - | 17 |
| Western Oval Netball grant | - | 15 |
| Safety and Environment Plan Grant | - | 15 |
| BioDiversity Mapping | - | 14 |
| Climate Change | - | 10 |
| Lake Colac DSE/CCMA Grants | - | 10 |
| Lake Colac - Stoddart St DSE Grant | - | 10 |
| Port of Apollo Bay Plan RDV Grant | - | 8 |
| Memorial Square - Shrine Grant | - | 7 |
| Enviomark Implement Grant | - | 7 |
| Roadside Gorse Project DPI Grant | - | 6 |
| Bluewater Fitness Centre grants | - | 6 |
| Saleyards - Office Improvements Grant | - | 6 |
| Country Action Scheme DVC Grant | - | 5 |
| KRWRSC Structure Plan grant | - | 5 |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

| | 2009
\$'000 | 2008
\$'000 |
|--|----------------|----------------|
| Note 4 Grants (cont.) | | |
| Non-recurrent (cont.) | | |
| Ragwort Project DPI Grant | - | 5 |
| Bluewater - Sponsorship | - | 3 |
| Public Place Recycling - SV Grant | - | 2 |
| National Youth Week Grant | - | 2 |
| Community Choir Grant | - | 2 |
| Local Government ELP Grant | - | 2 |
| Progress Association Workshops Grant | - | 2 |
| Bluewater Fitness - Access for All Grant | - | 1 |
| Total non-recurrent | 4,105 | 3,697 |
| Conditions on Grants | | |
| Grants recognised as revenue during the year that were obtained on condition that they be expended in a specified manner that had not occurred at balance date were: | | |
| | | |
| Aged Care | 110 | 69 |
| Apollo Bay Harbour | - | 188 |
| Economic Development | 43 | 73 |
| Environment | 23 | - |
| Recreation | 153 | 125 |
| Roads related | - | 267 |
| Other | 118 | 47 |
| | 447 | 769 |
| Grants which were recognised as revenue in prior years and were expended during the current year in the manner specified by the grantor were: | | |
| | | |
| Aged Care | 69 | 27 |
| Apollo Bay Harbour | 188 | 87 |
| Economic Development | 73 | 330 |
| Environment | - | 110 |
| Recreation | 125 | 18 |
| Roads related | 267 | 635 |
| Other | 47 | 27 |
| | 769 | 1,234 |
| Note 5 Contributions | | |
| (a) Cash | | |
| Special Charge Schemes | 210 | 222 |
| Recreational Lands Contributions | 38 | 291 |
| FREEZA Contributions | 23 | 14 |
| Apollo Bay Harbour - Fisherman's Co-op | 22 | 23 |
| COPACC Sponsorship | 18 | 20 |
| Car Parking Contributions | - | 131 |
| Recreation Facilities Contributions | - | 64 |
| Other | 86 | 98 |
| | 397 | 863 |
| (b) Non-monetary assets | | |
| Roads | 213 | 161 |
| Drainage | 208 | 129 |
| Footpaths | 200 | 32 |
| Land under roads | 89 | - |
| Kerb and channelling | 82 | 103 |
| | 792 | 425 |
| Total | 1,189 | 1,288 |
| Note 6 Reimbursements | | |
| Vic Roads Agency Reimbursement | 91 | 89 |
| Administration Fees | 69 | 77 |
| Barnard Trust | 13 | 41 |
| Drought Relief | 5 | 11 |
| Other | 13 | 62 |
| | 191 | 280 |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

| | 2009 | 2008 |
|--|---------------|---------------|
| | \$'000 | \$'000 |
| Note 7 Other revenue | | |
| Interest | 293 | 453 |
| Interest on rates | 133 | 126 |
| | <u>426</u> | <u>579</u> |
| Note 8 Employee benefits | | |
| Wages and salaries | 8,084 | 7,039 |
| Superannuation | 862 | 768 |
| Annual leave and long service leave | 754 | 743 |
| Casual staff | 644 | 651 |
| Workcover | 299 | 268 |
| Vehicles | 245 | 245 |
| Training | 223 | 213 |
| Fringe benefits tax | 81 | 79 |
| Other | 58 | 52 |
| | <u>11,250</u> | <u>10,058</u> |
| Note 9 Materials and services | | |
| Waste Management | 2,564 | 2,552 |
| Governance | 1,908 | 1,435 |
| Roads, Parks & Gardens | 1,308 | 1,430 |
| Arts, Culture & Recreation | 955 | 743 |
| Elliminyt Gas Scheme | 652 | - |
| Colac Otway Performing Arts & Culture Centre | 629 | 569 |
| Town Planning | 628 | 516 |
| Council Properties | 481 | 294 |
| Tourism | 461 | 467 |
| Environment & Fire Prevention | 420 | 374 |
| Bluewater Fitness Centre | 394 | 244 |
| Family Day Care | 337 | 373 |
| Economic Development | 272 | 181 |
| Insurance | 245 | 316 |
| Street Lighting | 164 | 137 |
| Delivered Meals | 161 | 156 |
| Aged & disability | 150 | 137 |
| Local Laws | 116 | 115 |
| Port of Apollo Bay | 108 | 1,931 |
| Auditor's Remuneration | 27 | 28 |
| Other | 889 | 478 |
| | <u>12,869</u> | <u>12,476</u> |
| Note 10 Depreciation and amortisation | | |
| <i>Property</i> | | |
| Buildings | 1,268 | 940 |
| <i>Plant and Equipment</i> | | |
| Plant, machinery and equipment | 860 | 628 |
| Fixtures, fittings and furniture and equipment | 198 | 143 |
| Leased plant and equipment | 23 | 23 |
| <i>Infrastructure</i> | | |
| Roads | 5,237 | 4,490 |
| Bridges | 253 | 248 |
| Drainage | 240 | 235 |
| Parks, open space and streetscapes | 235 | 228 |
| Footpaths and cycleways | 167 | 153 |
| Other infrastructure - Kerb and channel | 421 | 420 |
| | <u>8,902</u> | <u>7,508</u> |
| Note 11 Finance costs | | |
| Interest - Borrowings | 184 | 217 |
| Interest - Finance leases | 1 | 3 |
| | <u>185</u> | <u>220</u> |
| Note 12 Other expenses | | |
| Library Contribution | 406 | 405 |
| Plant Costs | 396 | 548 |
| Cressy-Shelford Road Rehabilitation | 250 | - |
| Councillor's allowances | 193 | 131 |
| Grants and donations paid | 142 | 176 |
| Tourism Subscriptions | 70 | 64 |
| Councillor's travel | 40 | 39 |
| Town Planning Legal Fees | 30 | 40 |
| Economic Development Contributions | - | 37 |
| Other | 220 | 252 |
| | <u>1,747</u> | <u>1,692</u> |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

| | 2009
\$'000 | 2008
\$'000 |
|---|----------------|----------------|
| Note 13 Investment in associates | | |
| Investments in associates accounted for by the equity method are: | | |
| - Corangamite Regional Library Corporation | 486 | 458 |
| | <u>486</u> | <u>458</u> |
| <i>Background</i> | | |
| The Corangamite Regional Library Corporation is a corporation owned by four (4) councils: Colac Otway Shire, Corangamite Shire, Moynes Shire and Warrambrook City. Colac Otway Shire Council currently has a 24.42% equity interest (2007/08 24.48%). | | |
| <i>Council's share of accumulated surplus(deficit)</i> | | |
| Council's share of accumulated surplus(deficit) at start of year | (63) | (81) |
| Reported surplus(deficit) for year | 28 | 18 |
| Council's share of accumulated surplus(deficit) at end of year | <u>(35)</u> | <u>(63)</u> |
| <i>Council's share of reserves</i> | | |
| Council's share of reserves at start of year | 521 | 521 |
| Transfers (to) from reserves | - | - |
| Council's share of reserves at end of year | <u>521</u> | <u>521</u> |
| <i>Movement in carrying value of specific investment</i> | | |
| Carrying value of investment at start of year | 458 | 440 |
| Share of surplus(deficit) for year | 28 | 18 |
| Carrying value of investment at end of year | <u>486</u> | <u>458</u> |
| Note 14 Found assets not previously recognised | | |
| Buildings as owned by Council | 1,414 | - |
| | <u>1,414</u> | <u>-</u> |
| Note 15 Cash and cash equivalents | | |
| Cash on hand | 7 | 6 |
| Cash at bank | 8,317 | 5,159 |
| Short term deposits | 1,327 | 1,247 |
| | <u>9,651</u> | <u>6,412</u> |
| Users of the financial report should refer to Note 28 for details of restrictions on cash assets and note 30 for details of existing Council commitments | | |
| Note 16 Trade and other receivables | | |
| <i>Current</i> | | |
| Government grants | 523 | 417 |
| Other debtors | 522 | 270 |
| Rates debtors | 393 | 321 |
| Special charge schemes contributions | 256 | 294 |
| Net GST receivable | 250 | 180 |
| User charges | 81 | 64 |
| Private works | 20 | 111 |
| Harbour | 10 | 13 |
| Farm rate rebates | - | 327 |
| Reimbursement unfunded supeannuation loan - CRLC | - | 24 |
| Parking infringement debtors | - | 1 |
| Total | <u>2,055</u> | <u>2,022</u> |
| Note 17 Inventories | | |
| Inventories held for sale | 59 | 53 |
| Inventories held for distribution | 35 | 37 |
| | <u>94</u> | <u>90</u> |
| Note 18 Other assets | | |
| <i>Current</i> | | |
| Prepayments | 139 | 78 |
| | <u>139</u> | <u>78</u> |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 19 Property, plant, equipment and infrastructure

| | 2009
\$'000 | 2008
\$'000 |
|--|----------------|----------------|
| Summary | | |
| at cost | 19,282 | 14,952 |
| Less accumulated depreciation | 5,626 | 4,747 |
| at fair value | 29,571 | 75,185 |
| Less accumulated depreciation | - | 23,956 |
| at Council valuation | 275,440 | 219,928 |
| Less accumulated depreciation | 83,565 | 53,236 |
| Works in progress | 400 | - |
| Total | <u>235,502</u> | <u>228,126</u> |
| Property | | |
| Land | | |
| at fair value as at 30 June 2005 | - | 29,784 |
| at fair value as at 1 July 2008 | 29,571 | - |
| | <u>29,571</u> | <u>29,784</u> |
| Land under roads | | |
| at cost | 89 | - |
| | <u>89</u> | <u>-</u> |
| Total Land | <u>29,660</u> | <u>29,784</u> |
| Buildings | | |
| Works in progress | 400 | - |
| at cost | 624 | 1,957 |
| Less accumulated depreciation | 3 | 39 |
| | <u>1,021</u> | <u>1,918</u> |
| at fair value as at 30 June 2008 | - | 45,401 |
| Less accumulated depreciation | - | 23,956 |
| | <u>-</u> | <u>21,445</u> |
| at fair value as at 1 July 2008 | 53,313 | - |
| Less accumulated depreciation | 24,012 | - |
| | <u>29,301</u> | <u>-</u> |
| Total Buildings | <u>30,322</u> | <u>23,363</u> |
| Total Property | <u>59,982</u> | <u>53,147</u> |
| <p>Valuation of land (excluding land under roads) and buildings were undertaken by the qualified independent valuers Southern Cross Property Services, effective from 1 July 2008. The valuation of buildings is at fair value based on current replacement cost less accumulated depreciation at the date of valuation. The valuation of land is at fair value, being market value based on highest and best use permitted by relevant land planning provisions.</p> <p>Land under roads is valued at deemed cost. Deemed cost is based on site values adjusted for englobo (undeveloped and/or unserviced) characteristics, access rights and private interests of other parties and entitlements of infrastructure assets and services.</p> | | |
| Plant and Equipment | | |
| Plant, machinery and equipment | | |
| at cost | 8,421 | 7,908 |
| Less accumulated depreciation | 4,675 | 3,928 |
| | <u>3,746</u> | <u>3,980</u> |
| Fixtures, fittings and furniture | | |
| at cost | 2,074 | 1,900 |
| Less accumulated depreciation | 666 | 468 |
| | <u>1,408</u> | <u>1,432</u> |
| Leased plant and equipment | | |
| at cost | - | 187 |
| Less accumulated amortisation | - | 146 |
| | <u>-</u> | <u>41</u> |
| Total Plant and Equipment | <u>5,154</u> | <u>5,453</u> |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

| Note 19 Property, plant, equipment and infrastructure (cont) | 2009
\$'000 | 2008
\$'000 |
|---|----------------|----------------|
| Infrastructure | | |
| Roads | | |
| at cost | 4,968 | - |
| Less accumulated depreciation | 36 | - |
| | <u>4,932</u> | <u>-</u> |
| at Council valuation as at 30 June 2008 | 157,376 | 157,594 |
| Less accumulated depreciation | 36,225 | 31,115 |
| | <u>121,151</u> | <u>126,479</u> |
| Total Roads | <u>126,083</u> | <u>126,479</u> |
| Bridges | | |
| at cost | 664 | 209 |
| Less accumulated depreciation | 60 | 56 |
| | <u>604</u> | <u>153</u> |
| at Council valuation as at 30 June 2006 | 15,223 | 15,351 |
| Less accumulated depreciation | 4,295 | 4,093 |
| | <u>10,928</u> | <u>11,258</u> |
| Total Bridges | <u>11,532</u> | <u>11,411</u> |
| Footpaths and cycleways | | |
| at cost | - | 630 |
| Less accumulated depreciation | - | 13 |
| | <u>-</u> | <u>617</u> |
| at Council valuation as at 30 June 2006 | - | 7,108 |
| Less accumulated depreciation | - | 2,411 |
| | <u>-</u> | <u>4,697</u> |
| at Council valuation as at 30 June 2009 | 8,311 | - |
| Less accumulated depreciation | 2,998 | - |
| | <u>5,313</u> | <u>-</u> |
| Total Footpaths and cycleways | <u>5,313</u> | <u>5,314</u> |
| Drainage | | |
| at cost | 569 | 250 |
| Less accumulated depreciation | 8 | 5 |
| | <u>561</u> | <u>245</u> |
| at Council valuation as at 30 June 2007 | 18,527 | 18,527 |
| Less accumulated depreciation | 6,905 | 6,668 |
| | <u>11,622</u> | <u>11,859</u> |
| Total Drainage | <u>12,183</u> | <u>12,104</u> |
| Kerb and channelling | | |
| at cost | - | 134 |
| Less accumulated depreciation | - | 3 |
| | <u>-</u> | <u>131</u> |
| at Council valuation as at 30 June 2007 | - | 18,344 |
| Less accumulated depreciation | - | 6,859 |
| | <u>-</u> | <u>11,485</u> |
| at Council valuation as at 30 June 2009 | 19,686 | - |
| Less accumulated depreciation | 6,894 | - |
| | <u>12,792</u> | <u>-</u> |
| Total Kerb and channelling | <u>12,792</u> | <u>11,616</u> |
| Parks and gardens | | |
| at cost | 1,873 | 1,777 |
| Less accumulated depreciation | 178 | 89 |
| | <u>1,695</u> | <u>1,688</u> |
| at Council valuation as at 30 June 2005 | 3,004 | 3,004 |
| Less accumulated depreciation | 2,236 | 2,090 |
| | <u>768</u> | <u>914</u> |
| Total Parks and gardens | <u>2,463</u> | <u>2,602</u> |
| Total Infrastructure | <u>170,366</u> | <u>169,526</u> |
| <i>Valuation of roads has been determined in accordance with valuation undertaken by Adam Lehmann (BEng) dated 30 June 2008. The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.</i> | | |
| <i>Valuation of bridges has been determined in accordance with valuation undertaken by Adam Lehmann (BEng) dated 30 June 2006. The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.</i> | | |
| <i>Valuation of footpaths and cycleways & kerb and channelling has been determined in accordance with valuation undertaken by Adam Lehmann (BEng) dated 30 June 2009. The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.</i> | | |
| <i>Valuation of drainage has been determined in accordance with valuation undertaken by Adam Lehmann (BEng) dated 30 June 2007. The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.</i> | | |
| <i>Valuation of parks and gardens has been determined in accordance with valuation undertaken by Adam Lehmann (BEng) dated 30 June 2005. The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.</i> | | |
| Total Property, Plant and Equipment, Infrastructure | <u>235,502</u> | <u>228,126</u> |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 19 Property, plant and equipment, infrastructure (cont.)

| 2009 | Balance at
beginning of
financial year | Acquisition of
assets | Revaluation
increments
(decrements)
(note 24) | Depreciation
and
amortisation
(note 10) | Written down
value of
disposals | Impairment
losses/assets
written off
recognised in
profit or loss
(a) | Non-
monetary
assets
contributed | Transfers | Balance at
end of
financial year |
|--|--|--------------------------|--|--|---------------------------------------|--|---|-----------|--|
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| Property | | | | | | | | | |
| land | 29,784 | - | 182 | - | (395) | - | - | - | 29,571 |
| land under roads | - | - | - | - | - | - | 89 | - | 89 |
| Total land | 29,784 | - | 182 | - | (395) | - | 89 | - | 29,660 |
| buildings | 23,363 | 1,024 | 6,271 | (1,268) | - | (482) | 1,414 | - | 30,322 |
| Total buildings | 23,363 | 1,024 | 6,271 | (1,268) | - | (482) | 1,414 | - | 30,322 |
| Total property | 53,147 | 1,024 | 6,453 | (1,268) | (395) | (482) | 1,503 | - | 59,982 |
| Plant and Equipment | | | | | | | | | |
| plant, machinery and equipment | 3,980 | 1,183 | - | (860) | (575) | - | - | 18 | 3,746 |
| fixtures, fittings and furniture | 1,432 | 174 | - | (198) | - | - | - | - | 1,408 |
| leased plant and equipment | 41 | - | - | (23) | - | - | - | (18) | - |
| Total plant and equipment | 5,453 | 1,357 | - | (1,081) | (575) | - | - | - | 5,154 |
| Infrastructure | | | | | | | | | |
| roads | 126,479 | 4,755 | - | (5,237) | - | (127) | 213 | - | 126,083 |
| bridges | 11,411 | 456 | - | (253) | - | (82) | - | - | 11,532 |
| footpaths and cycleways | 5,314 | 219 | (181) | (167) | - | (72) | 200 | - | 5,313 |
| drainage | 12,104 | 111 | - | (240) | - | - | 208 | - | 12,183 |
| kerb and channelling | 11,616 | 10 | 1,506 | (421) | - | - | 81 | - | 12,792 |
| parks and gardens | 2,602 | 96 | - | (235) | - | - | - | - | 2,463 |
| Total infrastructure | 169,526 | 5,647 | 1,325 | (6,553) | - | (281) | 702 | - | 170,366 |
| Total property, plant and equipment,
infrastructure | 228,126 | 8,028 | 7,778 | (8,902) | (970) | (763) | 2,205 | - | 235,502 |

(a) Impairment losses

Impairment losses are recognised in the income statement under other expenses.

Reversals of impairment losses are recognised in the income statement under other revenue.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 19 Property, plant and equipment, infrastructure (cont.)

| 2008 | Balance at
beginning of
financial year | Acquisition of
assets | Revaluation
increments
(decrements)
(note 24) | Depreciation
and
amortisation
(note 10) | Written down
value of
disposals | Impairment
losses/assets
written off
recognised in
profit or loss
(a) | Non-
monetary
assets
contributed | Balance at
end of
financial year |
|--|--|--------------------------|--|--|---------------------------------------|--|---|--|
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| Property | | | | | | | | |
| land | 29,784 | - | - | - | - | - | - | 29,784 |
| land under roads | - | - | - | - | - | - | - | - |
| Total land | 29,784 | 0 | 0 | 0 | 0 | 0 | 0 | 29,784 |
| buildings | 23,724 | 579 | - | (940) | - | - | - | 23,363 |
| Total buildings | 23,724 | 579 | - | (940) | - | - | - | 23,363 |
| Total property | 53,508 | 579 | - | (940) | - | - | - | 53,147 |
| Plant and Equipment | | | | | | | | |
| plant, machinery and equipment | 3,817 | 1,403 | - | (628) | (612) | - | - | 3,980 |
| fixtures, fittings and furniture | 1,349 | 284 | - | (143) | (46) | (12) | - | 1,432 |
| leased plant and equipment | 64 | - | - | (23) | - | - | - | 41 |
| Total plant and equipment | 5,230 | 1,687 | - | (794) | (658) | (12) | - | 5,453 |
| Infrastructure | | | | | | | | |
| roads | 95,954 | 5,697 | 29,315 | (4,490) | - | (158) | 161 | 126,479 |
| bridges | 11,564 | 151 | - | (248) | - | (56) | - | 11,411 |
| footpaths and cycleways | 5,219 | 227 | - | (153) | - | (11) | 32 | 5,314 |
| drainage | 12,089 | 121 | - | (235) | - | - | 129 | 12,104 |
| kerb and channelling | 11,902 | 31 | - | (420) | - | - | 103 | 11,616 |
| parks and gardens | 2,355 | 475 | - | (228) | - | - | - | 2,602 |
| Total infrastructure | 139,083 | 6,702 | 29,315 | (5,774) | - | (225) | 425 | 169,526 |
| Total property, plant and equipment,
infrastructure | 197,821 | 8,968 | 29,315 | (7,508) | (658) | (237) | 425 | 228,126 |

(a) Impairment losses

Impairment losses are recognised in the income statement under other expenses.

Reversals of impairment losses are recognised in the income statement under other revenue.

Notes to the Financial Report
For the Year Ended 30 June 2009

| | 2009 | 2008 | | | | |
|---|--------------|--------------------|----------------------|--------------|---------------------|---------------|
| | \$'000 | \$'000 | | | | |
| Note 20 Trade and other payables | | | | | | |
| Trade payables | 328 | 379 | | | | |
| Accrued expenses | 1,582 | 317 | | | | |
| | <u>1,910</u> | <u>696</u> | | | | |
| Note 21 Trust funds and deposits | | | | | | |
| Refundable landscaping bond deposits | 67 | 67 | | | | |
| Refundable planning permit deposits | 58 | 84 | | | | |
| Refundable builders footpath deposits | 49 | 67 | | | | |
| Refundable re-erection of dwellings deposits | 33 | 48 | | | | |
| Refundable contract deposits | 26 | 41 | | | | |
| Other refundable deposits | 9 | 9 | | | | |
| | <u>242</u> | <u>316</u> | | | | |
| Trust deposits are refundable deposits held as guarantees for compliance with Council regulations. | | | | | | |
| Note 22 Provisions | | | | | | |
| | Annual leave | Long service leave | Landfill restoration | Other | Road rehabilitation | Total |
| | \$ '000 | \$ '000 | \$ '000 | \$ '000 | \$ '000 | \$ '000 |
| 2009 | | | | | | |
| Balance at beginning of the financial year | 794 | 1,237 | 2,736 | 23 | - | 4,790 |
| Additional provisions | 662 | 325 | - | 17 | 250 | 1,254 |
| Amounts used | (616) | (91) | (25) | - | - | (732) |
| Balance at the end of the financial year | <u>840</u> | <u>1,471</u> | <u>2,711</u> | <u>40</u> | <u>250</u> | <u>5,312</u> |
| 2008 | | | | | | |
| Balance at beginning of the financial year | 802 | 1,293 | 2,936 | 24 | - | 5,055 |
| Additional provisions | 512 | 264 | - | 41 | - | 817 |
| Amounts used | (520) | (320) | (200) | (42) | - | (1,082) |
| Balance at the end of the financial year | <u>794</u> | <u>1,237</u> | <u>2,736</u> | <u>23</u> | <u>-</u> | <u>4,790</u> |
| | | | | | 2009 | 2008 |
| | | | | | \$'000 | \$'000 |
| (a) Employee benefits | | | | | | |
| Current (i) | | | | | | |
| Annual leave | | | | 840 | | 794 |
| Long service leave | | | | 1,224 | | 1,129 |
| Other | | | | 40 | | 23 |
| | | | | <u>2,104</u> | | <u>1,946</u> |
| Non-current (ii) | | | | | | |
| Long service leave | | | | 247 | | 108 |
| | | | | <u>247</u> | | <u>108</u> |
| Aggregate carrying amount of employee benefits: | | | | | | |
| Current | | | | 2,104 | | 1,946 |
| Non-current | | | | 247 | | 108 |
| | | | | <u>2,351</u> | | <u>2,054</u> |
| The following assumptions were adopted in measuring the present value of employee benefits: | | | | | | |
| Weighted average increase in employee costs | | | | 4.50% | | 4.75% |
| Weighted average discount rates | | | | 5.23% | | 4.73% |
| Weighted average settlement period | | | | 12 | | 12 |
| (i) Current | | | | | | |
| All annual leave and the long service leave entitlements representing 10 or more years of continuous service | | | | | | |
| - Short-term employee benefits, that fall due within 12 months after the end of the period measured at nominal value | | | | 1,880 | | 1,794 |
| - Other long-term employee benefits that do not fall due within 12 months after the end of the period measured at present value | | | | 224 | | 129 |
| | | | | <u>2,104</u> | | <u>1,923</u> |
| (ii) Non-current | | | | | | |
| Long service leave representing less than 10 years of continuous service measured at present value | | | | 247 | | 108 |
| | | | | <u>247</u> | | <u>108</u> |
| (b) Provision for Landfill restoration | | | | | | |
| Current | | | | 453 | | 304 |
| Non-current | | | | 2,258 | | 2,432 |
| Total | | | | <u>2,711</u> | | <u>2,736</u> |
| (c) Provision for Road rehabilitation | | | | | | |
| Current | | | | 250 | | - |
| Non-current | | | | - | | - |
| Total | | | | <u>250</u> | | <u>-</u> |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

| | 2009 | 2008 |
|---|--------------|--------------|
| | \$'000 | \$'000 |
| Note 23 Interest-bearing loans and borrowings | | |
| <i>Current</i> | | |
| Borrowings - secured | 305 | 544 |
| | <u>305</u> | <u>544</u> |
| <i>Non-current</i> | | |
| Borrowings - secured | 2,157 | 2,462 |
| | <u>2,157</u> | <u>2,462</u> |
| Total | <u>2,462</u> | <u>3,006</u> |
| The maturity profile for Council's borrowings is: | | |
| Not later than one year | 305 | 518 |
| Later than one year and not later than five years | 1,185 | 1,075 |
| Later than five years | 972 | 1,387 |
| | <u>2,462</u> | <u>2,980</u> |
| <i>Finance leases</i> | | |
| Council had the following obligations under finance leases for the lease of gym equipment (the sum of which is recognised as a liability after deduction of future lease finance charges included in the obligation): | | |
| Not later than one year | - | 27 |
| Minimum lease payments | - | 27 |
| Less: Future finance charges | - | (1) |
| Recognised in the balance sheet as: | <u>-</u> | <u>26</u> |
| <i>Current</i> | | |
| Leases | - | 26 |
| <i>Non-current</i> | | |
| Leases | - | - |
| Total | <u>-</u> | <u>26</u> |
| Aggregate carrying amount of interest-bearing loans and borrowings: | | |
| Current | 305 | 544 |
| Non-current | 2,157 | 2,462 |
| | <u>2,462</u> | <u>3,006</u> |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 24 Reserves

| | Balance at
beginning of
reporting period | Increment
(decrement) | Share of increment
(decrement) on revaluation
of by associate | Balance at end of
reporting period |
|---|--|--------------------------|---|---------------------------------------|
| (a) Asset revaluation reserves | \$'000 | \$'000 | \$'000 | \$'000 |
| 2009 | | | | |
| Property | | | | |
| Land | 22,229 | 182 | - | 22,411 |
| Buildings | 8,877 | 6,271 | - | 15,148 |
| Furniture and Equipment | 293 | - | - | 293 |
| Share of CRLC Asset Revaluation Reserve | 512 | - | - | 512 |
| | <u>31,911</u> | <u>6,453</u> | <u>-</u> | <u>38,364</u> |
| Infrastructure | | | | |
| Roads | 83,905 | - | - | 83,905 |
| Bridges | 8,019 | - | - | 8,019 |
| Footpaths and cycleways | 1,150 | (181) | - | 969 |
| Drainage | 3,004 | - | - | 3,004 |
| Kerb and channel | 5,189 | 1,506 | - | 6,695 |
| Parks and gardens | 552 | - | - | 552 |
| | <u>101,819</u> | <u>1,325</u> | <u>-</u> | <u>103,144</u> |
| Total Asset revaluation reserves | <u>133,730</u> | <u>7,778</u> | <u>-</u> | <u>141,508</u> |
| 2008 | | | | |
| Property | | | | |
| Land | 22,229 | - | - | 22,229 |
| Buildings | 8,877 | - | - | 8,877 |
| Furniture and Equipment | 293 | - | - | 293 |
| Share of CRLC Asset Revaluation Reserve | 514 | - | (2) | 512 |
| | <u>31,913</u> | <u>-</u> | <u>(2)</u> | <u>31,911</u> |
| Infrastructure | | | | |
| Roads | 54,590 | 29,315 | - | 83,905 |
| Bridges | 8,019 | - | - | 8,019 |
| Footpaths and cycleways | 1,150 | - | - | 1,150 |
| Drainage | 3,004 | - | - | 3,004 |
| Kerb and channel | 5,189 | - | - | 5,189 |
| Parks and gardens | 552 | - | - | 552 |
| | <u>72,504</u> | <u>29,315</u> | <u>-</u> | <u>101,819</u> |
| Total Asset revaluation reserves | <u>104,417</u> | <u>29,315</u> | <u>(2)</u> | <u>133,730</u> |

The Asset Revaluation Reserves have been established to disclose revaluation movements.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 24 Reserves (cont.)

| | Balance at
beginning of
reporting period | Transfer from
accumulated
surplus | Transfer to
accumulated
surplus | Balance at end of
reporting period |
|---------------------------------|--|---|---------------------------------------|---------------------------------------|
| | \$'000 | \$'000 | \$'000 | \$'000 |
| (b) Other reserves | | | | |
| 2009 | | | | |
| Landfill Rehabilitation (Alvie) | 300 | 60 | - | 360 |
| Plant Replacement | 504 | 618 | (397) | 725 |
| Share of CRLC Plant Replacement | 8 | - | - | 8 |
| Apollo Bay Transfer Station | 225 | - | - | 225 |
| Saleyards Reserve | 86 | 10 | - | 96 |
| Waste Management Reserve | 170 | 365 | - | 535 |
| Car Parking | 246 | - | (36) | 210 |
| Recreational Lands | 358 | 74 | - | 432 |
| Lakeside Estate | 855 | - | (111) | 744 |
| Port of Apollo Bay (a) | - | 940 | - | 940 |
| Total Other reserves | 2,752 | 2,067 | (544) | 4,275 |
| 2008 | | | | |
| Landfill Rehabilitation (Alvie) | 250 | 50 | - | 300 |
| Plant Replacement | 478 | 512 | (486) | 504 |
| Share of CRLC Plant Replacement | 7 | - | 1 | 8 |
| Apollo Bay Transfer Station | 225 | - | - | 225 |
| Saleyards Reserve | - | 86 | - | 86 |
| Waste Management Reserve | - | 170 | - | 170 |
| Car Parking | 115 | 131 | - | 246 |
| Recreational Lands | 84 | 291 | (17) | 358 |
| Lakeside Estate | 930 | - | (75) | 855 |
| Total Other reserves | 2,089 | 1,240 | (577) | 2,752 |

Other Reserves record funds allocated for various purposes including the future acquisition or replacement of non-current assets.

(a) Port of Apollo Bay reserve is a non-cash backed reserve consisting of the net assets of the entity

**Notes to the Financial Report
For the Year Ended 30 June 2009**

| Note 25 Reconciliation of cash flows from operating activities to surplus (deficit) | 2009 | 2008 |
|---|---------------|---------------|
| | \$'000 | \$'000 |
| Surplus/(deficit) for the year | 1,845 | 679 |
| Depreciation/amortisation | 8,902 | 7,508 |
| (Profit)/loss on disposal of property, plant and equipment, infrastructure | 210 | 98 |
| Share of result of associate | (28) | (18) |
| Finance costs | 185 | 224 |
| Contributions - Non-monetary assets | (792) | (425) |
| Found assets | (1,414) | - |
| Plant, property and equipment, infrastructure written off | 763 | 237 |
| <i>Change in assets and liabilities:</i> | | |
| (Increase)/decrease in trade and other receivables | (33) | 576 |
| (Increase)/decrease in prepayments | (61) | (5) |
| Increase/(decrease) in trade and other payables | 1,214 | (84) |
| (Increase)/decrease in inventories | (4) | (1) |
| Increase/(decrease) in provisions | 522 | (265) |
| Net cash provided by/(used in) operating activities | <u>11,309</u> | <u>8,524</u> |
| Note 26 Reconciliation of cash and cash equivalents | | |
| Cash and cash equivalents (see note 15) | <u>9,651</u> | <u>6,412</u> |
| | <u>9,651</u> | <u>6,412</u> |
| Note 27 Financing arrangements | | |
| Bank overdraft | 1,000 | 1,000 |
| Used facilities | - | - |
| Unused facilities | <u>1,000</u> | <u>1,000</u> |
| Note 28 Restricted assets | | |
| Council has cash and cash equivalents (note 15) that are subject to restrictions. As at the reporting date, Council had legislative restrictions in relation to employee entitlements (Long Service Leave) and reserve funds (Car parking and Recreational Lands Reserves). | | |
| Long service leave (note 22) | 1,471 | 1,237 |
| Car Parking Reserve (note 24b) | 210 | 246 |
| Recreational Lands Reserve (note 24b) | 432 | 358 |
| Trust Deposits (note 21) | 242 | 316 |
| | <u>2,355</u> | <u>2,157</u> |

* Restricted asset for long service leave is based on the Local Government (Long Service Leave) Regulations 2002 and does not necessarily equate to the long service leave liability disclosed in note 22 due to a different basis of calculation prescribed by the regulation.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 29**Superannuation**

Council makes employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). Obligations for contributions are recognised as an expense in profit or loss when they are due. The Fund has two categories of membership, accumulation and defined benefit, each of which is funded differently.

The Fund's accumulation category, Vision Super Saver, receives both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (9% required under Superannuation Guarantee Legislation). No further liability accrues to the employer as the superannuation benefits accruing to employees are represented by their share of the net assets of the Fund.

Defined Benefit Plan

The Fund's Defined Benefit Plan is a multi-employer sponsored plan. As the Fund's assets and liabilities are pooled and are not allocated by employer, the Actuary is unable to reliably allocate benefit liabilities, assets and costs between employers. As provided under Paragraph 32 (b) of AASB 119, Council does not use defined benefit accounting for these contributions.

Council makes employer contributions to the defined benefit category of the Fund at rates determined by the Trustee on the advice of the Fund's Actuary. On the basis of the results of the most recent full actuarial investigation conducted by the Fund's actuary as at 31 December 2008, the Council makes the following contributions:-

- 9.25% of members' salaries (same as previous year);
- the difference between resignation and retrenchment benefits paid to any retrenched employees, plus contribution tax (same as previous year);

Fund surplus or deficit (ie the difference between fund assets and liabilities) are calculated differently for funding purposes (ie calculating required contributions) and for the calculation of accrued benefits as required in AAS 25 to provide the values needed for the AASB 119 disclosure in a council's financial statements. AAS 25 requires that the present value of the benefit liability which is calculated in respect of membership completed at the calculation date makes no allowance for future benefits that may accrue. The actuarial investigation concluded that although the Net Market Value of Assets was in excess of Accrued Benefits at 31 December 2008, based on the assumptions adopted, there was a shortfall of \$71 million when the funding of future benefits was also considered. However, the council has been advised that no additional contributions will be required as at 30 June 2009. The Actuary will undertake the next actuarial investigation as at 30 June 2010 to ascertain if additional contributions are required.

Accounting Standard Disclosure

The Fund's liability for accrued benefits was determined by the Actuary at 31 December 2008 pursuant to the requirements of Australian Accounting Standard AAS25 follows:

| | 31-Dec-08 |
|--|------------------|
| | \$'000 |
| Net Market Value of Assets | 3,630,432 |
| Accrued Benefits (per accounting standards) | 3,616,422 |
| Difference between Assets and Accrued Benefits | 14,010 |
| Vested Benefits | 3,561,588 |

The financial assumptions used to calculate the Accrued Benefits for the defined benefit category of the Fund were:

| | |
|-----------------------|------------|
| Net Investment Return | 8.50% p.a. |
| Salary Inflation | 4.25% p.a. |
| Price Inflation | 2.75% p.a. |

| | 2009 | 2008 |
|--|---------------|---------------|
| | \$'000 | \$'000 |
| Fund | | |
| Defined benefits fund | | |
| Employer contributions to Local Authorities Superannuation Fund (Vision Super) | 170 | 221 |
| | 170 | 221 |
| Accumulation funds | | |
| Employer contributions to Local Authorities Superannuation Fund (Vision Super) | 692 | 547 |
| | 692 | 547 |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 30 Commitments

The Council has entered into the following commitments

| 2009 | Not later than 1
year
\$'000 | Later than 1
year and not
later than 2
years
\$'000 | Later than 2
years and not
later than 5
years
\$'000 | Later than 5
years
\$'000 | Total
\$'000 |
|--|------------------------------------|---|--|---------------------------------|-----------------|
| Operating | | | | | |
| Waste management | 1,677 | - | - | - | 1,677 |
| Cleaning contracts for council buildings | 190 | - | - | - | 190 |
| Property Valuation Services | 78 | - | - | - | 78 |
| Planning Consultants | 68 | - | - | - | 68 |
| Total | 2,013 | - | - | - | 2,013 |
| Capital | | | | | |
| Road construction | 139 | - | - | - | 139 |
| Plant and equipment | 310 | - | - | - | 310 |
| Joint Use Library Facility | 2,520 | - | - | - | 2,520 |
| Other infrastructure | 86 | - | - | - | 86 |
| Total | 3,055 | - | - | - | 3,055 |
| Total Commitments | 5,068 | - | - | - | 5,068 |
|
 | | | | | |
| 2008 | Not later than 1
year
\$'000 | Later than 1
year and not
later than 2
years
\$'000 | Later than 2
years and not
later than 5
years
\$'000 | Later than 5
years
\$'000 | Total
\$'000 |
| Operating | | | | | |
| Waste management | 1,863 | 318 | - | - | 2,181 |
| Cleaning contracts for council buildings | 205 | 205 | - | - | 410 |
| Beeac Landfill | 10 | - | - | - | 10 |
| Electoral Services | 115 | - | - | - | 115 |
| Total | 2,193 | 523 | - | - | 2,716 |
| Capital | | | | | |
| Road construction | 233 | - | - | - | 233 |
| Plant and equipment | 181 | - | - | - | 181 |
| Other infrastructure | 46 | - | - | - | 46 |
| Total | 460 | - | - | - | 460 |
| Total Commitments | 2,653 | 523 | - | - | 3,176 |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

| | | | | |
|----------------|-------------------------|---------------|--|---------------|
| Note 31 | Operating leases | 2009 | | 2008 |
| | | \$'000 | | \$'000 |

(a) Operating lease commitments

At the reporting date, the Council had the following obligations under non-cancellable operating leases for the lease of office equipment for use within Council's activities (these obligations are not recognised as liabilities):

| | | | |
|---|-----|--|----|
| Not later than one year | 89 | | 57 |
| Later than one year and not later than five years | 356 | | - |
| | 445 | | 57 |

Note 32 **Contingent liabilities**

The Council is presently involved in a confidential legal matter, which is being conducted through Council's solicitors.

This matter is yet to be finalised, and the financial outcome is unable to be reliably estimated, no allowance for this contingency has been made in the financial report.

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme to ensure that the liabilities of the fund are covered by the assets of the fund. As a result of the increased volatility in financial markets the likelihood of making such contributions in future periods has increased. At this point in time it is not known if additional contributions will be required, their timing or potential amount.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 33 Financial Instruments**(a) Accounting Policy, terms and conditions**

| Recognised financial instruments | Note | Accounting Policy | Terms and Conditions |
|--|------|--|--|
| Financial assets | | | |
| Cash and cash equivalents | 15 | Cash on hand and at bank and short term deposits are valued at face value.

Interest is recognised as it accrues. | On call deposits returned a floating interest rate of 4.61% (6.72% in 2007/2008). The interest rate at balance date was 2.90% (7.15% in 2007/2008).

Funds returned fixed interest rate of between 2.90% (6.15% in 2007/2008), and 7.15% (7.15% in 2007/2008) net of fees. |
| Other debtors | 16 | Receivables are carried at nominal amounts due less any provision for doubtful debts. A provision for doubtful debts is recognised when there is objective evidence that an impairment loss has occurred.

Collectability of overdue accounts is assessed on an ongoing basis. | General debtors are unsecured and arrears attract a nil interest rate (nil in 2007/2008). Credit terms are based on 30 days. |
| Financial Liabilities | | | |
| Trade and other payables | 20 | Liabilities are recognised for amounts to be paid in the future for goods and services provided to Council as at balance date whether or not invoices have been received. | General Creditors are unsecured, not subject to interest charges and are normally settled within 30 days of invoice receipt. |
| Interest-bearing loans and borrowings | 23 | Loans are carried at their principal amounts, which represent the present value of future cash flows associated with servicing the debt. Interest is accrued over the period it becomes due and recognised as part of payables.

Finance leases are accounted for at their principal amount with the lease payments discounted to present value using the interest rates implicit in the leases. | Borrowings are secured by way of mortgages over the general rates of the Council.
The weighted average interest rate on borrowings is 6.70% (6.76% in 2007/2008).

As at balance date, the Council had no finance leases. |
| Bank overdraft | 27 | Overdrafts are recognised at the principal amount. Interest is charged as an expense as it accrues. | The overdraft facility has not been utilised for this or the previous financial year and is subject to annual review.

If utilised, it is secured by a mortgage over Council's general rates and is repayable on demand. |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 33 Financial instruments (cont.)**(b) Interest Rate Risk**

The exposure to interest rate risk and the effective interest rates of financial assets and financial liabilities, both recognised and unrecognised, at balance date are as follows:

2009

| | Floating
interest
rate
\$'000 | Fixed interest maturing in: | | | Non-interest
bearing
\$'000 | Total
\$'000 |
|---------------------------------------|--|-----------------------------|--------------------------------|--------------------------------|-----------------------------------|-----------------|
| | | 1 year or
less
\$'000 | Over 1 to 5
years
\$'000 | More than 5
years
\$'000 | | |
| Financial assets | | | | | | |
| Cash and cash equivalents | 9,651 | - | - | - | - | 9,651 |
| Trade and other receivables | - | - | - | - | 2,055 | 2,055 |
| <i>Total financial assets</i> | <u>9,651</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>2,055</u> | <u>11,706</u> |
| Weighted average interest rate | 6.69% | 5.65% | | | | |
| Financial liabilities | | | | | | |
| Trade and other payables | - | - | - | - | 1,910 | 1,910 |
| Trust funds and deposits | - | - | - | - | 242 | 242 |
| Interest-bearing loans and borrowings | - | 305 | 1,185 | 972 | - | 2,462 |
| <i>Total financial liabilities</i> | <u>-</u> | <u>305</u> | <u>1,185</u> | <u>972</u> | <u>2,152</u> | <u>4,614</u> |
| Weighted average interest rate | | 6.41% | 6.20% | 6.42% | | |
| Net financial assets (liabilities) | <u>9,651</u> | <u>(305)</u> | <u>(1,185)</u> | <u>(972)</u> | <u>(97)</u> | <u>7,092</u> |

2008

| | Floating
Interest rate
\$'000 | Fixed interest maturing in: | | | Non-interest
bearing
\$'000 | Total
\$'000 |
|---------------------------------------|-------------------------------------|-----------------------------|--------------------------------|--------------------------------|-----------------------------------|-----------------|
| | | 1 year or
less
\$'000 | Over 1 to 5
years
\$'000 | More than 5
years
\$'000 | | |
| Financial assets | | | | | | |
| Cash and cash equivalents | 6,412 | - | - | - | - | 6,412 |
| Trade and other receivables | 24 | - | - | - | 1,676 | 1,700 |
| <i>Total financial assets</i> | <u>6,436</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>1,676</u> | <u>8,112</u> |
| Weighted average interest rate | 6.72% | - | - | - | | |
| Financial liabilities | | | | | | |
| Trade and other payables | - | - | - | - | 696 | 696 |
| Trust funds and deposits | - | - | - | - | 316 | 316 |
| Interest-bearing loans and borrowings | - | 544 | 1,075 | 1,387 | - | 3,006 |
| <i>Total financial liabilities</i> | <u>-</u> | <u>544</u> | <u>1,075</u> | <u>1,387</u> | <u>1,012</u> | <u>4,018</u> |
| Weighted average interest rate | - | 6.45% | 6.62% | 7.04% | | |
| Net financial assets (liabilities) | <u>6,436</u> | <u>(544)</u> | <u>(1,075)</u> | <u>(1,387)</u> | <u>664</u> | <u>4,094</u> |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 33 Financial Instruments (cont.)

(c) Net Fair Values

The aggregate net fair values of financial assets and financial liabilities, both recognised and unrecognised, at balance date are as follows:

| Financial Instruments | Total carrying amount as per
Balance Sheet | | Aggregate net fair value | |
|---------------------------------------|---|----------------|--------------------------|----------------|
| | 2009
\$'000 | 2008
\$'000 | 2009
\$'000 | 2008
\$'000 |
| <i>Financial assets</i> | | | | |
| Cash and cash equivalents | 9,651 | 6,412 | 9,651 | 6,412 |
| Trade and other receivables | 2,055 | 1,700 | 2,055 | 1,700 |
| Total financial assets | 11,706 | 8,112 | 11,706 | 8,112 |
| <i>Financial liabilities</i> | | | | |
| Trade and other payables | 1,910 | 696 | 1,910 | 696 |
| Trust funds and deposits | 242 | 316 | 242 | 316 |
| Interest-bearing loans and borrowings | 2,462 | 3,006 | 2,101 | 2,394 |
| Total financial liabilities | 4,614 | 4,018 | 4,253 | 3,406 |

(d) Credit Risk

The maximum exposure to credit risk at balance date in relation to each class of recognised financial asset is represented by the carrying amount of those assets as indicated in the Balance Sheet.

(e) Risks and mitigation

The risks associated with our main financial instruments and our policies for minimising these risks are detailed below.

Market risk

Market risk is the risk that the fair value or future cash flows of our financial instruments will fluctuate because of changes in market prices. The Council's exposures to market risk are primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk. Components of market risk to which we are exposed are discussed below.

Interest rate risk

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Interest rate risk arises from interest bearing financial assets and liabilities that we use. Non derivative interest bearing assets are predominantly short term liquid assets. Our interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes us to fair value interest rate risk.

Our loan borrowings are sourced from major Australian banks by a tender process. Finance leases are sourced from major Australian financial institutions. Overdrafts are arranged with major Australian banks. We manage interest rate risk on our net debt portfolio by:

- ensuring access to diverse sources of funding;
- reducing risks of refinancing by managing in accordance with target maturity profiles; and
- setting prudential limits on interest repayments as a percentage of rate revenue.

We manage the interest rate exposure on our debt portfolio by appropriate budgeting strategies and obtaining approval for borrowings from the Department of Planning and Community Development each year.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 33 Financial Instruments (cont.)

Interest rate risk (cont.)

Investment of surplus funds is made with approved financial institutions under the Local Government Act 1989. We manage interest rate risk by adopting an investment policy that ensures:

- conformity with State and Federal regulations and standards,
- capital protection,
- appropriate liquidity,
- diversification by credit rating, financial institution and investment product,
- monitoring of return on investment,
- benchmarking of returns and comparison with budget.

Maturity will be staggered to provide for interest rate variations and to minimise interest rate risk.

Credit risk

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause us to make a financial loss. We have exposure to credit risk on some financial assets included in our balance sheet. To help manage this risk:

- we have a policy for establishing credit limits for the entities we deal with;
- we may require collateral where appropriate; and
- we only invest surplus funds with financial institutions which have a recognised credit rating specified in our investment policy.

Trade and other receivables consist of a large number of customers, spread across the consumer, business and government sectors. Credit risk associated with the Council's financial assets is minimal because the main debtor is the Victorian Government. Apart from the Victorian Government we do not have any significant credit risk exposure to a single customer or groups of customers. Ongoing credit evaluation is performed on the financial condition of our customers and, where appropriate, an allowance for doubtful debts is raised.

We may also be subject to credit risk for transactions which are not included in the balance sheet, such as when we provide a guarantee for another party. Details of our contingent liabilities are disclosed in note 32.

Ageing of Trade and Other Receivables

At balance date other debtors representing financial assets were past due but not impaired. These amounts relate to a number of independent customers for whom there is no recent history of default. The ageing of the Council's Trade & Other Receivables was:

| | 2009 | 2008 |
|---------------------------------|--------|--------|
| | \$'000 | \$'000 |
| Current (not yet due) | 1,905 | 951 |
| Past due by up to 30 days | 29 | 83 |
| Past due between 30 and 90 days | 121 | 988 |
| Total Trade & Other Receivables | 2,055 | 2,022 |

Liquidity risk

Liquidity risk includes the risk that, as a result of our operational liquidity requirements:

- we will not have sufficient funds to settle a transaction on the date;
- we will be forced to sell financial assets at a value which is less than what they are worth; or
- we may be unable to settle or recover a financial assets at all.

To help reduce these risks we:

- have a liquidity policy which targets a minimum and average level of cash and cash equivalents to be maintained;
- have readily accessible standby facilities and other funding arrangements in place;
- monitor budget to actual performance on a regular basis; and
- set limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal

(f) Sensitivity disclosure analysis

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, the Council believes the following movements are 'reasonably possible' over the next 12 months (Base rates are sourced from Reserve Bank of Australia):

- A parallel shift of + 1% and -2% in market interest rates (AUD) from year-end rates of 4.4%.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 33 Financial Instruments (cont.)

(f) Sensitivity disclosure analysis (cont.)

The table below discloses the impact on net operating result and equity for each category of financial instruments held by the Council at year-end, if the above movements were to occur.

| | | Interest rate risk | | | |
|---------------------------------------|--------|--------------------|------------------|-------------------|------------------|
| | | -2 % | | +1 | |
| | | -200 basis points | | +100 basis points | |
| 2009 | \$'000 | Profit
\$'000 | Equity
\$'000 | Profit
\$'000 | Equity
\$'000 |
| Financial assets: | | | | | |
| Cash and cash equivalents | 9,651 | (193) | (193) | 97 | 97 |
| Trade and other receivables | 2,055 | - | - | - | - |
| Financial liabilities: | | | | | |
| Interest-bearing loans and borrowings | 2,157 | 43 | 43 | (22) | (22) |

| | | Interest rate risk | | | |
|---------------------------------------|--------|--------------------|------------------|-------------------|------------------|
| | | -2 % | | +1 | |
| | | -200 basis points | | +100 basis points | |
| 2008 | \$'000 | Profit
\$'000 | Equity
\$'000 | Profit
\$'000 | Equity
\$'000 |
| Financial assets: | | | | | |
| Cash and cash equivalents | 6,412 | (128) | (128) | 64 | 64 |
| Trade and other receivables | 2,022 | - | - | - | - |
| Financial liabilities: | | | | | |
| Interest-bearing loans and borrowings | 2,462 | 49 | 49 | (25) | (25) |

| Note 34 Auditors' remuneration | 2009 | 2008 |
|---|---------------|---------------|
| | \$'000 | \$'000 |
| Audit fee to conduct external audit - Victorian Auditor-General | 27 | 28 |
| Audit fee to conduct internal audit - WHK Horwarth | 29 | - |
| - DJK Consulting | - | 29 |
| | 56 | 57 |

Note 35 Events occurring after balance date

There were no events occurring after balance date which impact upon the balances shown in these financial statements.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 36 Related party transactions**(i) Responsible Persons**

Names of persons holding the position of a Responsible Person at the Council at any time during the year are:

| | |
|--------------------------------|--|
| Councillors | Councillor Brian Crook (Elected Councillor 1/12/08 Mayor 5/12/08) |
| | Councillor Chris Smith (Mayor 01/07/08 to 29/11/08) (Re-elected 1/12/08) |
| | Councillor Frank Buchanan (Elected 1/12/08) |
| | Councillor Stephen Hart (Elected 1/12/08) |
| | Councillor Stuart Hart (Elected 1/12/08) |
| | Councillor Geoff Higgins (Elected 1/12/08) |
| | Councillor Lyn Russell (Elected 1/12/08) |
| | Councillor Warren Riches (Term ended 29/11/08) |
| | Councillor Peter Mercer (Term ended 29/11/08) |
| | Councillor Fran Lehmann (Term ended 29/11/08) |
| | Councillor Tony Graham (Term ended 29/11/08) |
| | Councillor Carol Wilmink (Term ended 29/11/08) |
| | Councillor Joe Di Cecco (Term ended 25/11/08) |
| Chief Executive Officer | Rob Small (Appointed 11/05/09) |
| | Jack Green (Acting 29/11/08 to 11/05/09) |
| | Tracey Slatter (01/07/08 to 28/11/08) |

(ii) Remuneration of Responsible Persons

The numbers of Responsible Officers, whose total remuneration from Council and any related entities fall within the following bands:

| | 2009
No. | 2008
No. |
|---|---------------|---------------|
| \$0 - \$ 9,999 | 5 | 6 |
| \$10,000 - \$19,999 | 4 | 2 |
| \$20,000 - \$29,999 | 3 | 1 |
| \$30,000 - \$39,999 | 1 | 1 |
| \$40,000 - \$49,999 | 1 | - |
| \$60,000 - \$69,999 | 1 | - |
| \$100,000 - \$109,999 | 1 | - |
| \$180,000 - \$189,999 | - | 1 |
| | 16 | 11 |
| | \$'000 | \$'000 |
| Total Remuneration for the reporting year for Responsible Persons included above amounted to: | 417 | 309 |

(iii) No retirement benefits have been made by the Council to a Responsible Person. (2007/08, \$Nil).

(iv) No loans have been made, guaranteed or secured by the Council to a Responsible Person during the reporting year (2007/08, \$Nil).

(v) Other Transactions

No transactions other than remuneration payments or the reimbursement of approved expenses were entered into by Council with Responsible Persons, or Related Parties of such Responsible Persons during the reporting year (2007/08, \$Nil), except that an entity controlled by Cr Geoff Higgins rendered services to the Shire on commercial rates and terms to the value of \$82,694 (2007/08 \$59,708) during the period.

(vi) Senior Officers Remuneration

A Senior Officer other than a Responsible Person, is an officer of Council who has management responsibilities and reports directly to the Chief Executive Officer or whose total annual remuneration exceeds \$100,000.

The number of Senior Officers other than the Responsible Persons, are shown below in their relevant income bands:

| Income Range: | 2009
No. | 2008
No. |
|--|---------------|---------------|
| <\$100,000 | 4 | 2 |
| \$100,000 - \$109,999 | 1 | - |
| \$110,000 - \$119,999 | 1 | - |
| \$120,000 - \$129,999 | - | 1 |
| \$130,000 - \$139,999 | - | 2 |
| \$140,000 - \$149,999 | 1 | - |
| | 7 | 5 |
| | \$'000 | \$'000 |
| Total Remuneration for the reporting year for Senior Officers included above, amounted to: | 651 | 493 |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 37 Joint Venture Information

Colac Otway Shire has engaged in a Joint Venture arrangement with the Victorian Department of Education and Early Childhood Development and the Colac Secondary College to construct and operate a Joint Use Library Facility. The value of Colac Otway Shire's overall contribution to the construction of the library facility is \$2.921 million with additional provision of up to \$151,000 making a total of \$3.072 million.

As at 30 June 2009, Colac Otway Shire has contributed \$400,000 to the construction of the facility, with the remainder of the funds to be paid during the 2009/2010 financial year.

Note 38 Income, expenses by function

| | 2009 | 2008 |
|-----------------------------|---------------------|-------------------|
| | \$'000 | \$'000 |
| Income | | |
| Infrastructure | 8,205 | 9,711 |
| Governance | 24,708 | 21,291 |
| Strategic Development | 3,416 | 2,508 |
| Total Income | <u>36,329</u> | <u>33,510</u> |
| Expenses | | |
| Infrastructure | 14,616 | 17,507 |
| Governance | 12,291 | 8,312 |
| Strategic Development | 7,577 | 7,012 |
| Total Expenses | <u>34,484</u> | <u>32,831</u> |
| | <u>-</u> | <u>-</u> |
| Surplus for the year | <u><u>1,845</u></u> | <u><u>679</u></u> |

*Assets have been attributed to functions/activities based on the control and/or custodianship of specific assets.

Note 39 Port of Apollo Bay

The Council is the Committee of Management for the Port of Apollo Bay.

The assets and liabilities of the Committee have been included in Council's financial statements and are summarised below:

| | 2009 | 2008 |
|--------------------------------------|---------------|---------------|
| | \$'000 | \$'000 |
| Assets | | |
| Current assets | | |
| Trade and other receivables | 973 | 539 |
| Total current assets | <u>973</u> | <u>539</u> |
| Total assets | <u>973</u> | <u>539</u> |
| Liabilities | | |
| Current liabilities | | |
| Provisions | 19 | 50 |
| Total current liabilities | <u>19</u> | <u>50</u> |
| Non-current liabilities | | |
| Provisions | 14 | 10 |
| Total non-current liabilities | <u>14</u> | <u>10</u> |
| Total liabilities | <u>33</u> | <u>60</u> |
| Net Assets | <u>940</u> | <u>479</u> |
| Equity | | |
| Accumulated surplus | 940 | 479 |
| Total Equity | <u>940</u> | <u>479</u> |

The operation of the Port of Apollo Bay is an agreement between Colac Otway Shire and the Department of Sustainability and Environment and any assets are returnable on cessation of agreement.

**Notes to the Financial Report
For the Year Ended 30 June 2009**

| Note 40 Financial ratios (Performance indicators) | 2009
\$'000 | 2009
(%) | 2008
(%) | 2007
(%) |
|---|----------------|-------------|-------------|-------------|
| (a) Debt servicing ratio (to identify the capacity of Council to service its outstanding debt) | | | | |
| <u>Debt servicing costs</u> | 185 | | | |
| Total revenue | 36,329 | = 0.51% | 0.67% | 0.80% |
| Debt servicing costs refer to the payment of interest on loan borrowings, finance lease, and bank overdraft. | | | | |
| The ratio expresses the amount of interest paid as a percentage of Council's total revenue. | | | | |
| (b) Debt commitment ratio (to identify Council's debt redemption strategy) | | | | |
| <u>Debt servicing & redemption costs</u> | 703 | | | |
| Rate revenue | 17,602 | = 3.99% | 4.44% | 4.96% |
| The strategy involves the payment of loan principal and interest, finance lease principal and interest. | | | | |
| The ratio expresses the percentage of rate revenue utilised to pay interest and redeem debt principal. | | | | |
| (c) Revenue ratio (to identify Council's dependence on non-rate income) | | | | |
| <u>Rate revenue</u> | 17,602 | | | |
| Total revenue | 36,329 | = 48.45% | 49.72% | 46.39% |
| The level of Council's reliance on rate revenue is determined by assessing rate revenue as a proportion of the total revenue of Council. | | | | |
| (d) Debt exposure ratio (to identify Council's exposure to debt) | | | | |
| <u>Total indebtedness</u> | 8,213 | | | |
| Total realisable assets | 77,075 | = 10.66% | 11.16% | 12.09% |
| For the purposes of the calculation of financial ratios, realisable assets are those assets which can be sold and which are not subject to any restriction on realisation or use. | | | | |
| Any liability represented by a restricted asset (note 28) is excluded from total indebtedness. | | | | |
| This ratio enables assessment of Council's solvency and exposure to debt. Total indebtedness refers to the total liabilities of Council. Total liabilities are compared to total realisable assets which are all Council assets not subject to any restriction and are able to be realised. The ratio expresses the percentage of total liabilities for each dollar of realisable assets. | | | | |
| (e) Working capital ratio (to assess Council's ability to meet current commitments) | | | | |
| <u>Current assets</u> | 11,939 | | | |
| Current liabilities | 5,264 | = 226.80% | 226.01% | 266.58% |
| The ratio expresses the level of current assets the Council has available to meet its current liabilities. | | | | |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

| Note 40 Financial ratios (Performance indicators) (cont.) | 2009
\$'000 | | 2009
(%) | | 2008
(%) | | 2007
(%) |
|---|----------------|---|-------------|--|-------------|--|-------------|
| (f) Adjusted working capital ratio (to assess Council's ability to meet current commitments) | | | | | | | |
| <u>Current assets</u> | 11,939 | = | | | | | |
| Current liabilities | 5,040 | | 236.88% | | 321.33% | | 373.46% |
| The ratio expresses the level of current assets the Council has available to meet its current liabilities. | | | | | | | |
| Current liabilities have been reduced to reflect the long service leave that is shown as a current liability because Council does not have an unconditional right to defer settlement of the liability for at least twelve months after the reporting date, but is not likely to fall due within 12 months after the end of the period. | | | | | | | |
| Auditor General KPI ratios | | | | | | | |
| The following five ratios are used by the Victorian Auditor General to assess Council's financial sustainability level. | | | | | | | |
| (g) Underlying Result (removes non-cash developer contributions and other one-off items from the Operating Result) | | | | | | | |
| Adjusted Net Operating Result | 584 | = | | | | | |
| Total Underlying Revenue | 35,537 | | 1.64% | | 0.8% | | -5.0% |
| (h) Liquidity Ratio (to assess Council's ability to pay its liabilities in the next 12 months) | | | | | | | |
| Current assets | 11,939 | = | | | | | |
| Current liabilities | 5,264 | | 226.8% | | 226.0% | | 266.6% |
| (i) Indebtedness Ratio (to assess Council's ability to cover longer term liabilities from its own sourced revenue) | | | | | | | |
| Non-current liabilities | 4,662 | = | | | | | |
| Own-sourced revenue | 22,074 | | 21.1% | | 24.1% | | 31.3% |
| (j) Self-Financing Ratio (to assess Council's ability to replace assets from cash generated by operations) | | | | | | | |
| Net operating cash flows | 11,313 | = | | | | | |
| Underlying revenue | 35,537 | | 31.8% | | 25.8% | | 24.2% |
| (k) Investment Gap Ratio (measures whether Council is spending on infrastructure at a faster rate than infrastructure is depreciating) | | | | | | | |
| Capital Spend | 8,027 | = | | | | | |
| Depreciation | 8,902 | | 90.2% | | 119.4% | | 112.0% |

**Notes to the Financial Report
For the Year Ended 30 June 2009**

Note 41 Capital expenditure

| Capital expenditure areas | 2009
\$'000 | 2008
\$'000 |
|------------------------------------|----------------|----------------|
| Roads | 4,755 | 5,697 |
| Plant and equipment | 1,184 | 1,687 |
| Buildings | 1,024 | 579 |
| Drainage | 111 | 121 |
| Parks, open space and streetscapes | 96 | 475 |
| Other | 859 | 409 |
| Total capital works | 8,029 | 8,968 |
| Represented by: | | |
| Renewal of infrastructure (a) | 3,812 | 4,633 |
| Renewal of plant and equipment | 1,184 | 1,403 |
| Upgrade of infrastructure (b) | 2,088 | 2,069 |
| New infrastructure | 46 | - |
| Upgrade of buildings | 298 | 477 |
| New plant and equipment | - | 205 |
| Other | 601 | 181 |
| Total capital works | 8,029 | 8,968 |

Property, plant and equipment, infrastructure movement

The movement between the previous year and the current year in property, plant and equipment, infrastructure as shown in the Balance Sheet links to the net of the following items:

| | | | |
|--|-----------|--------------|---------------|
| Total capital works | | 8,029 | 8,968 |
| Depreciation/amortisation | 10 | (8,902) | (7,508) |
| Written down value of assets sold | 19 | (970) | (658) |
| Asset revaluation movement | 24(a) | 7,778 | 29,315 |
| Contributions - non-monetary assets | 5(b) | 792 | 425 |
| Found assets | 14 | 1,414 | - |
| Assets written off | 19 | (763) | (237) |
| Net movement in property, plant and equipment, infrastructure | 19 | 7,377 | 30,305 |

(a) Renewal

Expenditure on an existing asset which returns the service potential or the life of the asset up to that which it had originally. It is periodically required expenditure, relatively large (material) in value compared with the value of the components or sub-components of the asset being renewed. As it reinstates existing service potential, it has no impact on revenue, but may reduce future operating and maintenance expenditure if completed at the optimum time.

(b) Upgrade

Expenditure which enhances an existing asset to provide a higher level of service or expenditure that will increase the life of the asset beyond that which it had originally. Upgrade expenditure is discretionary and often does not result in additional revenue unless direct user charges apply. It will increase operating and maintenance expenditure in the future because of the increase in the council's asset base.

Certification of the Financial Report

In my opinion the accompanying financial statements have been prepared in accordance with the *Local Government Act 1989*, the *Local Government (Finance and Reporting) Regulations 2004*, *Australian Accounting Standards* and other mandatory professional reporting



Brett Exelby
Principal Accounting Officer

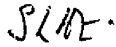
Date: 23 September 2009
Colac

In our opinion the accompanying financial statements present fairly the financial transactions of the Colac Otway Shire for the year ended 30 June 2009 and the financial position of the Council as at that date.

As at the date of signing, we are not aware of any circumstances which would render any particulars in the financial statements to be misleading or inaccurate.

We have been authorised by the Council on 23 September 2009 to certify the financial statements in their final form.

Stephen Hart
Councillor



Date: 23 September 2009
Colac

Stuart Hart
Councillor



Date: 23 September 2009
Colac

Rob Small
Chief Executive Officer



Date: 23 September 2009
Colac

VAGO

Victorian Auditor-General's Office
INDEPENDENT AUDITOR'S REPORT

To the Councillors, Colac-Otway Shire Council

The Financial Report and Standard Statements

The accompanying financial report for the year ended 30 June 2009 of Colac-Otway Shire Council which comprises of income statement, balance sheet, statement of changes in equity, cash flow statement, a summary of significant accounting policies and other explanatory notes to and forming part of the financial report, and the certification of the financial statement has been audited.

The accompanying standard statements for the year ended 30 June 2009 of the Council which comprises of standard income statement, standard balance sheet, standard cash flow statement, standard statement of capital works, the related notes and the certification of the standard statements have been audited.

The Councillors' Responsibility for the Financial Report and Standard Statements

The Councillors of the Colac-Otway Shire Council are responsible for the preparation and the fair presentation of:

- the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the financial reporting requirements of the *Local Government Act 1989*
- the standard statements in accordance with the basis of preparation as described in note 1 of the statements and the requirements of the *Local Government Act 1989*.

This responsibility includes:

- establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report and standard statements that are free from material misstatement, whether due to fraud or error
- selecting and applying appropriate accounting policies
- making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

As required by the *Audit Act 1994*, my responsibility is to express an opinion on the financial report and standard statements based on the audit, which has been conducted in accordance with Australian Auditing Standards. These Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance whether the financial report and standard statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report and standard statements. The audit procedures selected depend on judgement, including the assessment of the risks of material misstatement of the financial report and standard statements, whether due to fraud or error. In making those risk assessments, consideration is given to the internal control relevant to the entity's preparation and fair presentation of the financial report and standard statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of the accounting policies used, and the reasonableness of accounting estimates made by the Councillors, as well as evaluating the overall presentation of the financial report and standard statements.

1

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Auditing in the Public Interest

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Victorian Auditor-General's Office

Independent Auditor's Report (continued)

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Matters Relating to the Electronic Presentation of the Audited Financial Report and Standard Statements

This auditor's report relates to the financial report and standard statements published in both the annual report and on the website of the Colac-Otway Shire Council for the year ended 30 June 2009. The Councillors of the Colac-Otway Shire Council are responsible for the integrity of the website. I have not been engaged to report on the integrity of the website. The auditor's report refers only to the statements named above. An opinion is not provided on any other information which may have been hyperlinked to or from these statements. If users of this report are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited financial report to confirm the information included in the audited financial report presented on the Council's website.

Independence


The Auditor-General's independence is established by the *Constitution Act 1975*. The Auditor-General is not subject to direction by any person about the way in which his powers and responsibilities are to be exercised. In conducting the audit, the Auditor-General, his staff and delegates complied with all applicable independence requirements of the Australian accounting profession.

Auditor's Opinion

In my opinion:

- the financial report presents fairly, in all material respects, the financial position of Colac-Otway Shire Council as at 30 June 2009 and its financial performance and cash flows for the year then ended in accordance with applicable Australian Accounting Standards (including the Australian Accounting Interpretations), and the financial reporting requirements of the *Local Government Act 1989*.
- The standard statements present fairly, in all material respects, in accordance with the basis of preparation as described in note 1 to the statements and comply with the requirements of the *Local Government Act 1989*.

MELBOURNE
24 September 2009


D D R Pearson
Auditor-General

2

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Auditing in the Public Interest

Performance Statement

To financial statements and standard statements

Performance Measures for Strategic Objectives:

| Strategic Objective | Performance Measure | 2008
2009
Target | 2008
2009
Actuals | Target
achieved
Yes / No |
|-----------------------------------|--|------------------------|-------------------------|--------------------------------|
| Governance | Ensure that Council Plan Priorities are implemented. | 80% | 94% | Yes |
| | Increase the Index Mean for Council's advocacy and community representation on key local issues to be equal to or better than the median of the Large Rural Shires | 63% | 57% | No |
| | Increase the Index Mean for Council's engagement in decision making on key local issues to be equal to or better than the median of the Large Rural Shires | 62% | 51% | No |
| | Increase the Index Mean for overall performance generally of the Council to equal or better than the median of the Large Rural Shires | 63% | 57% | No |
| Financial Sustainability | Ensure the Working Capital Ratio (Current Assets to Current Liabilities) is maintained at 1.50:1 (Est AIFRS Adj) | 1.50:1 | 2.15:1 | Yes |
| Roads & Infrastructure | Ensure the Asset Renewal Gap is reduced | 100% | 87 % | No |
| | Percentage of Capital Works expenditure projects completed | 90% | 78% | No |

NOTES TO AND FORMING PART OF THE PERFORMANCE STATEMENT FOR 2008/2009

Introduction to the Performance Statement

Section 127 of the Local Government Act 1989 includes the requirement for a budget to contain “separately identified Key Strategic Activities to be undertaken during the financial year and performance targets and measures in relation to each Key Strategic Activity”.

Sections 131(1)(d) and 132(2) of the Act also require the Performance Statement component of the Annual Report to include the actual results achieved for the relevant Key Strategic Activities, having regard to the stated performance targets and measures.

Common Terms


The majority of the terms used in the Performance statement are the same as those used in the financial statements, however some of the terms are different. A full and detailed explanation of each indicator, how it is calculated, its purpose and interpretation etc, can be found in the “Explanatory Guide” which is available from the Council.

Short explanation of a “different” term used is listed below:

Customer Satisfaction Ratings – Indexed mean of 350 respondents' answers in a survey, conducted by the independent strategic research consultants Wallis Consulting Group, asking them to rate council's performance. The indexed mean is a weighted score across five performance ratings being 100 – for an excellent/outstanding performance, 80 – a good/high standard, 60 – adequate/acceptable, 40 – needs some improvement and 20 – needs a lot of improvement.

CERTIFICATION OF PERFORMANCE STATEMENT

In my opinion, the accompanying Performance Statement of the Colac Otway Shire Council in respect of 2008/2009 financial year has been prepared in accordance with the Local Government Act 1989.

PRINCIPAL ACCOUNTING OFFICER: 

Date:

In our opinion, the accompanying Performance Statement of the Colac Otway Shire Council in respect of 2008/2009 financial year is presented fairly in accordance with Section 132 of the Local Government Act 1989.

The statement outlines the separately identified Key Strategic Activities contained in the budget under Section 127 of the Local Government Act 1989 and describes the actual results achieved in the financial year.

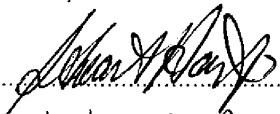
As at the time of signing, we are not aware of any circumstance which would render any particulars in the statement to be misleading or inaccurate.

NAME: *SKR*

COUNCILLOR: *Stephen Hart*

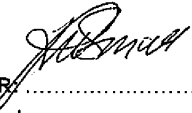
Date: *23 September 2009*

NAME: *Stuart Hart*

COUNCILLOR: 

Date: *23 September 2009*

NAME: Rob Small

CHIEF EXECUTIVE OFFICER: 

Date: *23 September 2009*

VAGO

Victorian Auditor-General's Office

INDEPENDENT AUDITOR'S REPORT

To the Councillors, Colac-Otway Shire Council

The Performance Statement

The accompanying performance statement for the year ended 30 June 2009 of the Colac-Otway Shire Council which comprises the statement, the related notes and the certification of performance statement has been audited.

The Councillors' Responsibility for the Performance Statement

The Councillors of the Colac-Otway Shire Council are responsible for the preparation and fair presentation of the performance statement in accordance with the *Local Government Act 1989*. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the performance statement that is free of material misstatement, whether due to fraud or error.

Auditor's Responsibility

As required by the *Local Government Act 1989*, my responsibility is to express an opinion on the performance statement based on the audit, which has been conducted in accordance with Australian Auditing Standards. These Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance whether the performance statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the performance statement. The audit procedures selected depend on judgement, including the assessment of the risks of material misstatement of the performance statement, whether due to fraud or error. In making those risk assessments, consideration is given to the internal control relevant to the entity's preparation and fair presentation of the performance statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the overall presentation of the performance statement.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Matters Relating to the Electronic Presentation of the Audited Performance Statement

This auditor's report relates to the performance statement published in both the annual report and on the website of the Colac-Otway Shire Council for the year ended 30 June 2009. The Councillors are responsible for the integrity of the website. I have not been engaged to report on the integrity of the website. The auditor's report refers only to the statements named above. An opinion is not provided on any other information which may have been hyperlinked to or from these statements. If users of this report are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited performance statement to confirm the information included in the audited performance statement presented on the Council's website.

1

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Auditing in the Public Interest

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Victorian Auditor-General's Office

Independent Auditor's Report (continued)


Independence

The Auditor-General's independence is established by the *Constitution Act 1975*. The Auditor-General is not subject to direction by any person about the way in which his powers and responsibilities are to be exercised. In conducting the audit the Auditor-General, his staff and delegates complied with all applicable independence requirements of the Australian accounting profession.

Auditor's Opinion

In my opinion, the performance statement of the Colac-Otway Shire Council in respect of the 30 June 2009 financial year presents fairly, in all material respects, in accordance with the *Local Government Act 1989*.

MELBOURNE
24 September 2009


D D R Pearson
Auditor-General

2

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Auditing in the Public Interest

Acronyms and Definitions

| | |
|------------|--|
| BGANZ | Botanic Gardens Australia and New Zealand |
| BRWVG | Barwon Regional Waste Management Group |
| CAH | Colac Area Health |
| CARG | Colac Access Reference Group |
| CBD | Central Business District |
| CCP | Cities for Climate Protection |
| CEO | Chief Executive Officer |
| CFA | Country Fire Authority |
| CMP | Civic Mutual Plus |
| COPACC | Colac Otway Performing Arts and Cultural Centre |
| COSWORKS | Colac Otway Shire Works Unit |
| CPR | Cardio Pulmonary Resuscitation |
| CPRS | Carbon Pollution Reduction Scheme |
| DEECD | Department of Education and Early Childhood Development |
| DEM | Digital Elevation Model |
| DR | Disaster Recovery |
| DSC | Disability Services Commission |
| DSE | Department of Sustainability and Environment |
| EFT | Equivalent Full Time employees |
| EPA | Environment Protection Authority |
| ETS | Emissions Trading Scheme |
| GAP | Greenhouse Action Plan |
| G21 | Geelong Regional Alliance |
| GIS | Geographic Information System |
| HACC | Home and Community Care |
| ICLEI | International Council for Local Environmental Initiatives |
| ICT | Information, Communication and Technology |
| ICTSP | Information Communications and Technology Strategic Plan |
| Interplan® | Council's Corporate Performance Management software system |
| ISU | Information Services Unit |
| JLTA | Jardine Lloyd Thompson Australia |
| JMAPP | Jardine Municipal Asset Protection Package |
| LG | Local Government |
| MAV | Municipal Association of Victoria |
| MCH | Maternal and Child Health |
| MCG | Melbourne Cricket Ground |
| OH&S | Occupational Health and Safety |
| OSD | Organisational Support and Development |
| PES® | Council's Corporate Personnel Evaluation software system |
| RSL | Returned Servicemen's League |
| SafetyMAP | Accreditation through the Victorian WorkCover Authority |
| SEMP | Safety and Environmental Management Plan |
| SWUP | Sustainable Water Use Action Plan |
| TAFE | Technical And Further Education |
| VCAT | Victorian Civil and Administrative Tribunal |

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Contacting the council

| Councillor | Address | Contact Details |
|---------------------------------------|---|--|
| Cr Brian Crook
Mayor | 88 Wilson Street
Colac Vic 3250 | Phone AH: 5231 3685
Email: bcrook88@gmail.com |
| Cr Lyn Russell
Deputy Mayor | 84 Slater Street
Elliminyt 3250 | Phone: BH 5595 3150; AH 5231 5191
Fax: 5595 3177
Email: lyn.russell@colacotway.vic.gov.au |
| Cr Frank Buchanan | PO Box 275
Apollo Bay Vic 3233 | Phone BH/AH: 5237 7800
Email: frankbuchanan@live.com.au |
| Cr Stephen Hart | 4925 Great Ocean Road
Lavers Hill Vic 3238 | Phone BH & AH: 5237 3196
Mobile: 0447 844 497
Email: lavershill@skymesh.com.au |
| Cr Stuart Hart | 15 Berry's Lane
Gellibrand River Vic 3249 | Phone BH/AH: 5235 8391
Email: harta@cartr@gmail.com |
| Cr Geoff Higgins | 115 Back Larpent Road
Colac West Vic 3249 | Phone BH/AH: 5231 4864
Mobile: 0418 524 874
Fax: 5231 4864 |
| Cr Chris Smith | 1330 Bungador Road
Swan Marsh Vic 3249 | Phone BH/AH: 5235 1255
Mobile: 0419 351 255
Fax: 5235 1451 |

Colac Service Centre
2-6 Rae Street
Colac Vic 3250

Phone: (03) 5232 9400
Fax: (03) 5232 1046

Hours: 8.30 am – 5.00 pm
Monday to Friday

Postal Address: PO Box 263
Colac Vic 3250

Email Address: inq@colacotway.vic.gov.au

Website Address: www.colacotway.vic.gov.au

Apollo Bay Service Centre
69 Nelson Street
Apollo Bay Vic 3233

Phone: (03) 5237 6504
Fax: (03) 5237 6734

Hours: 8.30 am – 1.00 pm
Monday to Friday



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**OM092810-9 FIRST QUARTER PERFORMANCE REPORT TO COUNCIL
2009-2010**

| | | | |
|-------------|-----------------------------------|-----------|--------------------------|
| AUTHOR: | Mark Gunning | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate &
Community Services | FILE REF: | GEN01688
COUNCIL PLAN |

Purpose

This report provides information to Council and the community on the progress of achieving the Key Actions from the Council Plan 2009-2013, progress on the Capital Works and Major Projects Program and key operational areas for the first quarter of the financial year, ending September 2009.

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

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

Declaration of Interests

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

Background

Council approved the 2009-2013 Council Plan on 24 June 2009 and Council Officers completed their business plans prior to the start of the 2009/2010 business year. Council approved its budget for 2009/2010 including the Capital Works Program at the Council meeting held 22 July 2009.

This report, and attachments, detail the progress to date against the performance indicators set in respect of Budget, Capital Works and Council Plan.

Council Plan / Other Strategies / Policy

As discussed above this report is discussing performance against the following Council approved documents:

Council Plan 2009-2013
Council Capital Works Program
Council Budget 2009/2010

Issues / Options

Council Plan Update

The attached report provides Council with the first quarterly progress report as at 30 September 2009 against the Council Plan 2009-2013.

The Council Plan consists of six Key Result Areas for the four year Council Plan period:

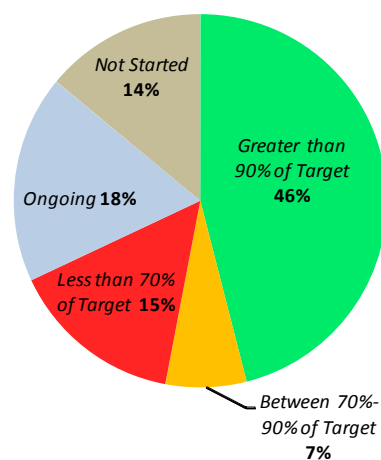
- Leadership and Governance
- Physical Infrastructure and Assets
- Land Use and Development
- Environmental Management
- Economic Development
- Community Health and Wellbeing

Each Key Result Area incorporates a number of Council Plan Strategies (what we want to achieve) and Key Actions (how we will do it). The Strategies and Key Actions are reviewed every 12 months for currency and form the basis of Annual Business Plans and Budgets for each Business Unit of Council.

The Council Plan contains 119 Key Actions allocated for the 2009/10 financial year. Progress is measured cumulatively over the year, with a target set for each quarter. The status of the Key Actions at the close of the first quarter are as follows:

- 55 Actions at least 90% of target
- 8 Actions between 70% and 90% of target
- 18 Actions less than 70% of target
- 21 Actions Ongoing
- 17 Actions Not Started

**Progress on Council Plan Key Actions
July – September 2009**



Actions achieving less than 90% of target for the quarter do so because these projects are in the early stages of progress and will pick up speed as the year proceeds.

Of the 17 actions Not Started (designated as 'No Targets Set' in the attached report), 12 are scheduled to commence later in the year, 3 did not receive funding in the 2009/10 Budget and 2 have been rescheduled to commence in the 2010/11 year.

Actions designated as Ongoing are not reflected in the progress gauges on the first page of the attached report, therefore designation status of these actions is currently being reviewed.

Progress against the Council Plan Key Actions 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 percentage of achievement. For Council Plan Key Actions, percentage progress is represented by 'traffic lights' throughout the attached report, with cumulative progress for each of the six Key Result Areas reflected in the progress gauges on the first page of the report. The first gauge in the report depicts total progress for the quarter against the 2009/10 Council Plan actions. The overall result for this quarter, 100%, is influenced by a number of actions having exceeded targets set for the quarter.

As at 30 September 2009, the end of the first quarter, the organisation is on track to achieve a successful outcome for this financial year.

Capital Works Program Update

The capital works and major projects budget for the year in 2009/10 is \$22.104 million of which \$15.457 million relates to capital asset works.

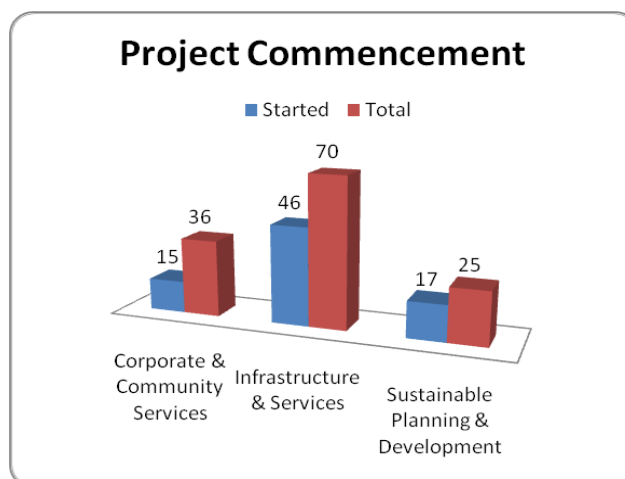
The commencement of projects across the organisation has been slowed by the introduction of new corporate software, Authority mainly due to the need for Works Orders to be created, and general understanding of the finance system. This, added to the new reporting system and project management systems that are being put in place, has created significant system changes that project managers have had to adjust to prior to commencing project works.

The implemented changes have resulted in quite an increase in workload but the improvements made to existing project management systems and processes have been essential to minimise levels of risk to Council. These changes also support the achievement of project and organisational goals and give greater assurance to stakeholders that resources are being managed effectively.

Through this month's reporting, project managers have generally indicated that projects are still on track to be completed by June 2010, and that there are no identified budget issues.

Overall, there are 131 Major Projects to be undertaken within the 2009/10 program. To date, of the 131 projects, work has commenced on 78 projects, with total expenditure of the program at approximately \$1.54 million. While the level of expenditure is not high compared with the progress through the financial year, significant expenditure is forecast to occur during the construction period of December 2009 through March 2010.

The graph represents the number of projects that have commenced relative to the total number of major projects allocated to each Department of Council.



Financial Summary

As we conclude the first quarter of the 2009/10 financial year, it is worth mentioning a number of significant highlights that have occurred during the quarter. The most important highlight is the adoption of the annual financial statements by Council. With a great deal of effort by those involved the annual financial statements were completed, audited, adopted and presented to the Minister for Local Government within the legislative timeframes.

Another worthy highlight has been the implementation of the new corporate software, Authority. The entire organisation has worked tirelessly to prepare for and implement the new software. The financial related components being only part of the complete picture as the software included modules on rating, health, planning, local laws, payroll, personnel, workflow management and asset management. The new software should over time see improvements in the ability of staff to deliver services and information to the community.

At the time the budget for 2009/10 was prepared, it was expected that Council would see an operating surplus of \$2.727 million. Since that time, Council has received a quarter of the annual grants commission payment in advance of \$1.267 million. This has resulted in a downward forecast for the operating grants expected during 2009/10. Additionally, Council has received an unexpected contribution of \$270,000 from the next round of the Federal Stimulus package. The overall result of the changes indicates a forecast operating surplus of approximately \$1.69 million for the 2009/10 financial year.

It continues to be a priority of Council to achieve an operating surplus for the 2009/2010 year and will be important that we 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 2009/2010 financial year.

Council has a cash at bank balance of \$6.63 million, which is considerably higher than for the same time in 2008/2009. This is due to a number of factors, such as the quarterly grants commission payment received in advance, and the carry-over of projects from the prior financial year, such as the Apollo Bay Waste Transfer Station. Rates notices have been issued to rate payers in September and reminders for installments will be sent each quarter.

We are continuing to monitor the status of Council's financial position with the following aims in mind:

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

In light of this, we are undertaking several important projects over the coming months in the areas of:

- Development of improved monthly reporting to management and Council;
- Development of Investment strategy and policy documents;
- Review of Councils financial management policies, procedures and practices; and
- Participation in the LG Credibility programme.

The forecast indicates that the financial viability of Council will continue to improve, provided balanced decisions are made with financial sustainability considerations built into all decision making processes. Key information concerning the position of Council at the end of September are included as attachments to this report.

**CONTRACTS AWARDED AND TENDERS ADVERTISED
FOR JULY 2009 TO SEPTEMBER 2009**

JULY 2009

Contracts Awarded

| Contract No. | Description | Contractor | Value \$ (excluding GST) |
|---------------------|---|---------------------|---------------------------------|
| 0822 | Planning, Building & Heritage Advisory Consultancy Services | Various Consultants | Schedule Of Rates |

Tenders Advertised

| Tender No. | Description | Closing Date |
|----------------------------|--------------------|---------------------|
| No Tenders were advertised | | |

AUGUST

Contracts Awarded

| Contract No. | Description | Contractor | Value \$ (excluding GST) |
|---------------------|--|------------------------------------|---------------------------------|
| 0815 | Birregurra Skate Park Construction | Independent Concrete Constructions | 130,400 |
| 0906 | Apollo Bay Transfer Station Construction | Apollo Bay Building Group | 1,826,764 |
| 0908 | Waste Drop Off Facilities Service | R & J Spence | Schedule Of Rates |
| 0909 | Birregurra & Forrest Structure Plans | CPG Australia | 50,719 |
| 0911 | Rural Living Strategy | CPG Australia | 77,944 |

Tenders Advertised

| Tender No. | Description | Closing Date |
|-------------------|--|---------------------|
| 0915 | Provision of Building Maintenance Services | 23/8/09 |

SEPTEMBER

Contracts Awarded

| Contract No. | Description | Contractor | Value \$ (excluding GST) |
|---------------------------|--------------------|-------------------|---------------------------------|
| No Contracts were awarded | | | |

Tenders Advertised

| Tender No. | Description | Closing Date |
|-------------------|---|---------------------|
| 0912 | Waste Management Services | 11/11/09 |
| 0913 | Alvie Recreation Reserve Redevelopment | 7/10/09 |
| 0916 | Supply Of Crushed Rock & Pavement Materials | 21/10/09 |
| 0917 | Bituminous Sealing Works | 21/10/09 |

Proposal

That Council consider the report as detailed herein and receive the report as provided.

Financial and Other Resource Implications

Financial matters affecting the budget performance of Council are detailed in this report and the Quarterly Finance Report attached.

Risk Management & Compliance Issues

This report meets reporting obligations of officers to Council.

Environmental and Climate Change Considerations

Applied in preparation of Council Plan and adoption of budgets.

Communication Strategy / Consultation

Report provided for the information of Council.

Implementation

The report is for the information of Council.

Conclusion

This report has been compiled by the Organisational Support and Development Unit of Council with provision of information from the Finance and Infrastructure and Services areas of Council's operations and reflects the performance, year to date against the annual plan, budget and targets set by Council for the first quarter of the 2009-2010 year.

Attachments

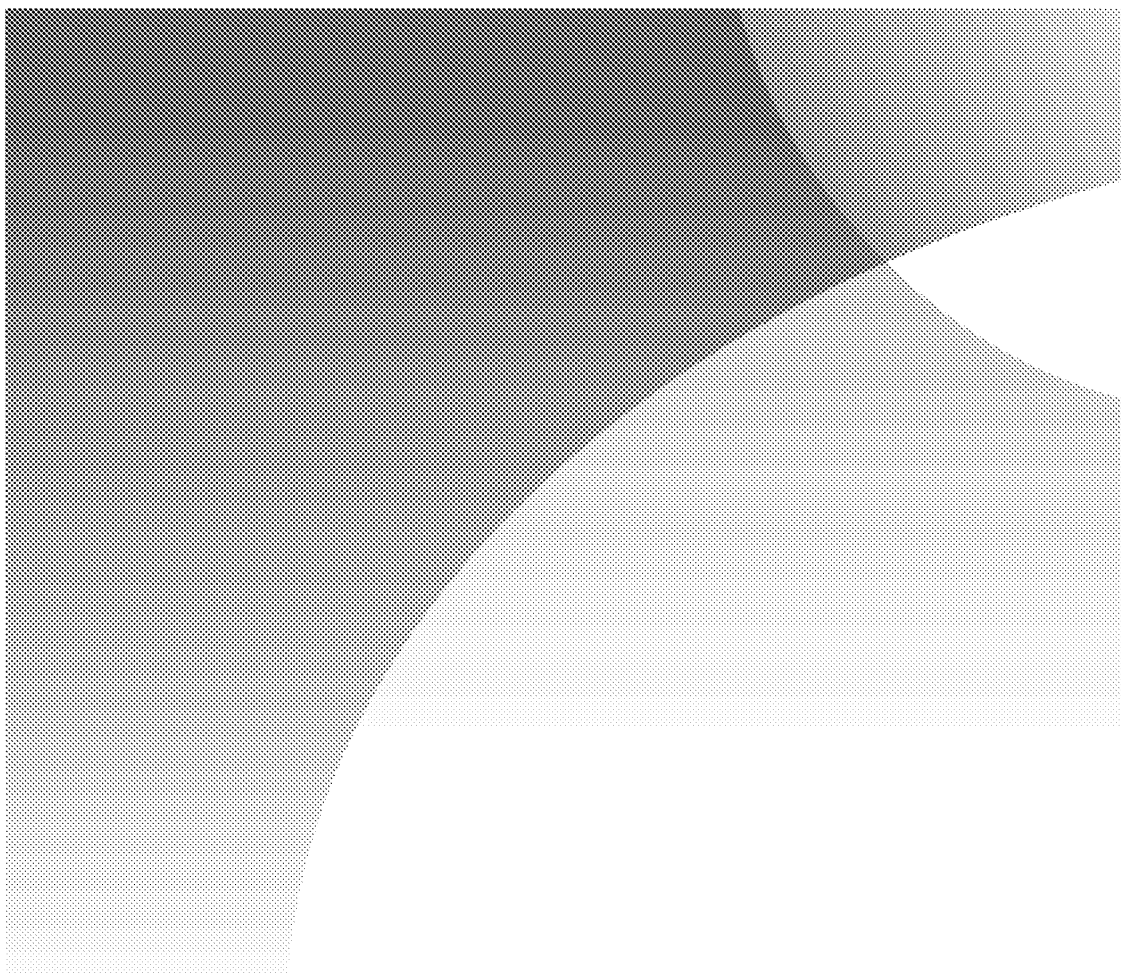
1. Interplan Quarterly Performance Report
2. Financial Performance Report

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

Receive for information the first quarter Performance Report for the three months ending 30 September 2009.

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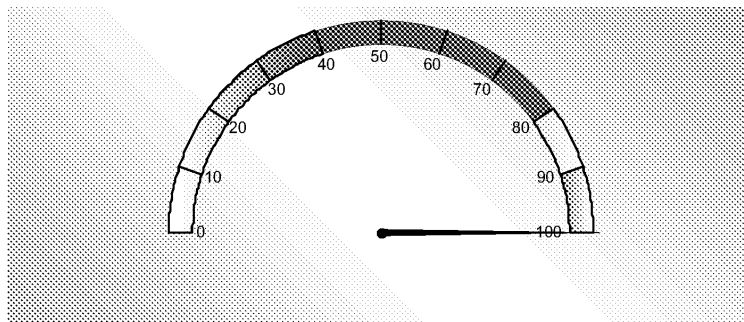


## *Quarterly Council Plan Progress Report*

*Period:* 01/07/09 - 30/09/09

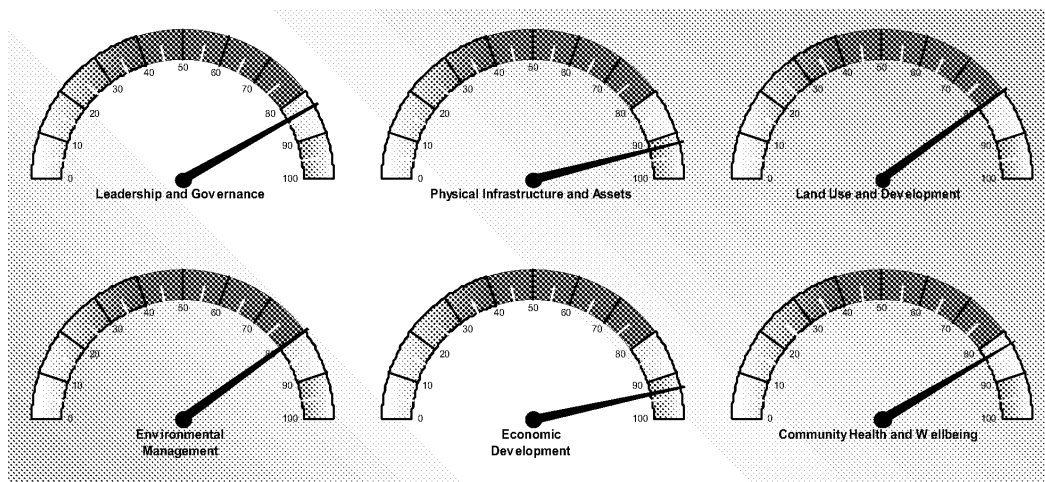


Quarterly Progress against Council Plan Actions



| Description                                          | Indicator |
|------------------------------------------------------|-----------|
| 119 Council Plan Actions reported on                 |           |
| 55 Council Plan Actions at least 90% of target       |           |
| 8 Council Plan Actions between 70% and 90% of target |           |
| 18 Council Plan Actions less than 70% of target      |           |
| 21 Council Plan Actions with Ongoing                 |           |
| 17 Council Plan Actions with no target set           |           |

Overall Progress against Key Result Areas in Council Plan



| KEY RESULT AREA                       | NO. OF COUNCIL PLAN ACTIONS REPORTED ON | NO. OF ACTIONS AT LEAST 90% OF TARGET | NO. OF ACTIONS BETWEEN 70 & 90% OF TARGET | NO. OF ACTIONS LESS THAN 70% OF TARGET | NUMBER OF ONGOING ACTIONS | ACTIONS WITH NO TARGET |
|---------------------------------------|-----------------------------------------|---------------------------------------|-------------------------------------------|----------------------------------------|---------------------------|------------------------|
| 1. Leadership and Governance          | 33                                      | 18                                    | 4                                         | 6                                      | 3                         | 2                      |
| 2. Physical Infrastructure and Assets | 13                                      | 4                                     | 0                                         | 1                                      | 5                         | 3                      |
| 3. Land Use and Development           | 17                                      | 9                                     | 1                                         | 4                                      | 0                         | 3                      |
| 4. Environmental Management           | 16                                      | 5                                     | 1                                         | 3                                      | 6                         | 1                      |
| 5. Economic Development               | 21                                      | 9                                     | 2                                         | 1                                      | 4                         | 5                      |
| 6. Community Health and Wellbeing     | 19                                      | 10                                    | 0                                         | 3                                      | 3                         | 3                      |



Colac Otway Shire Council QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)

| KPI                                                                                                         | Period | Comments | Unit | Target | Actual | Indicator |
|-------------------------------------------------------------------------------------------------------------|--------|----------|------|--------|--------|-----------|
| <b>Key Result Area: Environmental Management</b>                                                            |        |          |      |        |        |           |
| Increased Environmental Sustainability - Eco Buy Accreditation                                              | Annual | N/A      | %    | 100.00 | N/A    | Annual    |
| Increased Environmental Sustainability - achievement of Milestone 5 (Cities for Climate Protection Program) | Annual | N/A      | %    | 100.00 | N/A    | Annual    |
| Achievement of Council Commitments and Key Actions                                                          | Annual | N/A      | %    | 100.00 | N/A    | Annual    |
| <b>Key Result Area: Community Health and Wellbeing</b>                                                      |        |          |      |        |        |           |
| Achievement of Council Commitments and Key Actions (CH&W)                                                   | Annual | N/A      | %    | 100.00 | N/A    | Annual    |
| Community satisfaction with Recreational Facilities                                                         | Annual | N/A      | %    | 66.00  | N/A    | Annual    |
| Community satisfaction with Health and Human Services                                                       | Annual | N/A      | %    | 77.00  | N/A    | Annual    |
| <b>Key Result Area: Physical Infrastructure and Assets</b>                                                  |        |          |      |        |        |           |
| Percentage of Capital Works expenditure projects completed                                                  | Annual | N/A      | %    | 85.00  | N/A    | Annual    |
| Achievement of Council Commitments and Key Actions                                                          | Annual | N/A      | %    | 100.00 | N/A    | Annual    |
| Capital Works expenditure actual compared to budgeted expenditure                                           | Annual | N/A      | %    | 85.00  | N/A    | Annual    |
| Asset renewal sustainability index                                                                          | Annual | N/A      | %    | 80.00  | N/A    | Annual    |
| <b>Key Result Area: Leadership and Governance</b>                                                           |        |          |      |        |        |           |
| Achievement of Council Commitments and Key Actions                                                          | Annual | N/A      | %    | 100.00 | N/A    | Annual    |
| Community satisfaction with Council's Advocacy role                                                         | Annual | N/A      | %    | 63.00  | N/A    | Annual    |
| Community satisfaction with Council's Customer Contact                                                      | Annual | N/A      | %    | 73.00  | N/A    | Annual    |
| Risk Liability Assessment                                                                                   | Annual | N/A      | %    | 87.00  | N/A    | Annual    |

October 15, 2009



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**Colac Otway Shire Council** **QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)**

| <b>Key Result Area: Leadership and Governance</b>                                         |        |     |   |        |     |        |  |
|-------------------------------------------------------------------------------------------|--------|-----|---|--------|-----|--------|--|
| Community satisfaction with the Overall Performance of Council                            | Annual | N/A | % | 62.00  | N/A | Annual |  |
| Audit Opinion issued on Financial Statements - compliance with all statutory requirements | Annual | N/A | % | 100.00 | N/A | Annual |  |
| Community satisfaction with Council's Community Engagement                                | Annual | N/A | % | 62.00  | N/A | Annual |  |
| <b>Key Result Area: Economic Development</b>                                              |        |     |   |        |     |        |  |
| Achievement of Council Commitments and Key Actions                                        | Annual | N/A | % | 100.00 | N/A | Annual |  |
| Completion of Master Plan priorities for all small towns                                  | Annual | N/A | % | 80.00  | N/A | Annual |  |
| <b>Key Result Area: Land Use and Development</b>                                          |        |     |   |        |     |        |  |
| Building permits processed within statutory timeframes                                    | Annual | N/A | % | 70.00  | N/A | Annual |  |
| Achievement of Council Commitments and Key Actions                                        | Annual | N/A | % | 100.00 | N/A | Annual |  |
| Planning permits processed within statutory timeframes                                    | Annual | N/A | % | 70.00  | N/A | Annual |  |



### Top 12 Council Plan Actions



Less than 70% of Action target achieved



Between 70% and 90% of Action target achieved



At least 90% of Action target achieved

| ACTION                                                                                                                                                                                                                                      | STRATEGY COMPONENTS                                                                                                                                                                                                                                                                                                                               | BUSINESS UNIT                              | COMP. DATE | PROGRESS |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------|----------|
| <b>Key Result Area:</b> 1 Leadership and Governance                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                   |                                            |            |          |
| <b>Council Plan Objective:</b> 1.1 Fulfil leadership, statutory & legal obligations to community & staff in a fair, ethical, inclusive, sustainable and financially responsible way to meet current & future needs & practical aspirations. |                                                                                                                                                                                                                                                                                                                                                   |                                            |            |          |
| <b>Council Plan Strategy:</b> 1.1.3 Provide responsible financial management.                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                   |                                            |            |          |
| 1.1.3.4 Develop a ten year financial plan that is integrated with Council's Asset Management Strategy.                                                                                                                                      | A process to commence the preparation of a Long Term Financial Plan has commenced. Has been put on hold until the Local Government Credibility Program has been undertaken.                                                                                                                                                                       | Corporate & Community Services GM's Office | 30/06/2013 |          |
| <b>Council Plan Strategy:</b> 1.1.7 Provide a fair, safe and healthy work environment.                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                   |                                            |            |          |
| 1.1.7.1 Review Council Offices and Staff Accommodation to ensure appropriate space is provided to accommodate staff.                                                                                                                        | Infrastructure Department relocated and existing Rae Street office downstairs remodelled to better accommodate the Strategic Planning and Development and Corporate Services Departments. This is an interim measure prior to review of accommodation and presentation of detailed plans and costings to Council for future budget consideration. | Chief Executive Office                     | 30/06/2012 |          |
| <b>Key Result Area:</b> 2 Physical Infrastructure and Assets                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                   |                                            |            |          |
| <b>Council Plan Objective:</b> 2.1 Council will provide and maintain Council infrastructure and assets that meet community needs now and in the future.                                                                                     |                                                                                                                                                                                                                                                                                                                                                   |                                            |            |          |
| <b>Council Plan Strategy:</b> 2.1.1 Ensure infrastructure development, renewal and maintenance plans address current and forecast community needs.                                                                                          |                                                                                                                                                                                                                                                                                                                                                   |                                            |            |          |
| 2.1.1.4 Develop a 10 year capital works and major projects program according to adopted priorities.                                                                                                                                         | A Draft 10 year Capital Works & Major Projects Program has been developed, which still requires some adjustment.                                                                                                                                                                                                                                  | Capital Works                              | 30/06/2010 |          |
| <b>Council Plan Strategy:</b> 2.1.2 Implement and manage Colac Otway Shire's Road Management Plan.                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                   |                                            |            |          |
| 2.1.2.2 Continue active participation and involvement in the STEP Asset Management Program with the Municipal Association of Victoria.                                                                                                      | Council continues to be involved in the STEP Program. First visit for 2009 in scheduled for November 2009.                                                                                                                                                                                                                                        | Sustainable Assets                         | 30/06/2013 |          |
| <b>Key Result Area:</b> 3 Land Use and Development                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                   |                                            |            |          |



Colac Otway Shire Council

QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)

| ACTION                                                                                   | EXECUTIVE COMMENTS                                                                                                                                                                                                                                                                                                         | BUSINESS UNIT                  | COMP. DATE | PROGRESS |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------|----------|
| <b>Council Plan Objective:</b>                                                           | 3.1 Engage, plan & make decisions about land use & development that takes into account Council's regulatory role, diverse geography, social, community, economic & environmental impacts now & in the future                                                                                                               |                                |            |          |
| <b>Council Plan Strategy:</b>                                                            | 3.1.1 Ensure a partnership approach to land use planning that reflects the needs, values and aspirations of the community.                                                                                                                                                                                                 |                                |            |          |
| 3.1.1.5 Finalise and implement a car parking study for Colac & Apollo Bay.               | Consultants commenced the project in January with surveys of car parking in Colac and Apollo Bay. A review of retail floor area forecasts for each town was completed in July. A draft Issues and Options Paper has been submitted to the Steering Committee for consideration prior to a Councillor workshop in November. | Planning & Building Services   | 30/06/2011 |          |
| <b>Key Result Area:</b>                                                                  | 4 Environmental Management                                                                                                                                                                                                                                                                                                 |                                |            |          |
| <b>Council Plan Objective:</b>                                                           | 4.1 Council will protect and enhance the environment entrusted to us, demonstrate efficient use of natural resources and minimise climate change impacts.                                                                                                                                                                  |                                |            |          |
| <b>Council Plan Strategy:</b>                                                            | 4.1.1 Develop a coordinated approach to managing environmental issues across all Council activities.                                                                                                                                                                                                                       |                                |            |          |
| 4.1.1.1 Finalise the development of an Environment Strategy.                             | The environment strategy is on track to be completed in December. A series of community forums have been held across the Shire to get community input to the development of the strategy. The final draft of the strategy is expected to be released for public comment in November.                                       | Environment & Community Safety | 30/06/2010 |          |
| <b>Council Plan Strategy:</b>                                                            | 4.1.6 Minimise, recycle and manage residential waste.                                                                                                                                                                                                                                                                      |                                |            |          |
| 4.1.6.4 Implement the Waste Management Plan and review current contractual arrangements. | The waste management contract document has been reviewed and currently the tendering process is being undertaken. The tender closes on 11 November 2009 which will be followed with tender evaluation and a report to Council by January 2010.                                                                             | Major Contracts                | 30/07/2011 |          |
| <b>Key Result Area:</b>                                                                  | 5 Economic Development                                                                                                                                                                                                                                                                                                     |                                |            |          |
| <b>Council Plan Objective:</b>                                                           | 5.1 Council is committed to facilitating a healthy and resilient economy through effective leadership, advocacy, and partnership.                                                                                                                                                                                          |                                |            |          |
| <b>Council Plan Strategy:</b>                                                            | 5.1.3 Support local business to develop and succeed.                                                                                                                                                                                                                                                                       |                                |            |          |



Colac Otway Shire Council **QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)**

| ACTIVITY                                                                                                                                                                                                                                                                                           | PERFORMANCE COMMENTARY                                                                                                                                                                                                                                                                                                                                                                                                                                                        | BUSINESS UNIT                                     | COMPL. DATE | PROGRESS |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-------------|----------|
| 5.1.3.1 Develop a Master Plan to support the redevelopment of the Colac Central Business District streetscape including traffic management, parking and the Memorial Square.                                                                                                                       | Budget funding set aside in Council 2009/10 to do a streetscape plan for Colac Central Business District that addresses those issues. Currently seeking further funding from Regional Development Victoria for implementation. Currently also undertaking a car Parking Study for Colac and Apollo Bay.                                                                                                                                                                       | Sustainable Planning & Development<br>GM's Office | 30/06/2011  |          |
| <b>Council Plan Strategy:</b>                                                                                                                                                                                                                                                                      | 5.1.5 Participate in regional and Shire based marketing and promotion initiatives designed to promote 'brand awareness' of the Colac Otways and Great Ocean Road region.                                                                                                                                                                                                                                                                                                      |                                                   |             |          |
| 5.1.5.4 Continue to provide strategic support to tourism including operation of the Colac and Apollo Bay Visitor Information Centres and provision of funding to Otways Tourism.                                                                                                                   | Support provided to Visitor Information Centres (VIC) in an ongoing basis. Colac VIC renovation yet to commence; held up until contractors available. Otways Tourism Inc (OT) funding provided. OT Service Agreement currently under review.                                                                                                                                                                                                                                  | Economic Development                              | 30/06/2013  |          |
| <b>Key Result Area:</b>                                                                                                                                                                                                                                                                            | 6 Community Health and Wellbeing                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                   |             |          |
| <b>Council Plan Objective:</b>                                                                                                                                                                                                                                                                     | 6.1 Promote community health & wellbeing in partnership with other health services to provide a broad range of customer focussed health, recreation, cultural & community amenities, services and facilities                                                                                                                                                                                                                                                                  |                                                   |             |          |
| <b>Council Plan Strategy:</b>                                                                                                                                                                                                                                                                      | 6.1.1 Provide, facilitate or advocate for a range of health, recreation, community services and facilities.                                                                                                                                                                                                                                                                                                                                                                   |                                                   |             |          |
| 6.1.1.24 Continue in partnership with the Colac Community and project stakeholders to plan and develop the Beechy Precinct in accordance with Council approvals and review Council's continued involvement in the Beechy Precinct in respect of all elements that still require Council approvals. | Enhanced Library Services Project commenced and draft report expected December 2009. Library construction commenced and expected to be operational July 2010 with progress on schedule to date. Partnership Broker Position to commence Monday 12 October 2009. Developing funding application to the Federal Government for the redevelopment of the Blue Water Fitness Centre Stadium. Beechy Precinct Logo developed for community voting to take place over coming weeks. | Recreation, Arts and Culture                      | 30/06/2013  |          |
| <b>Council Plan Strategy:</b>                                                                                                                                                                                                                                                                      | 6.1.3 Adopt a partnership approach to addressing the current and future health and wellbeing needs of the community.                                                                                                                                                                                                                                                                                                                                                          |                                                   |             |          |
| 6.1.3.42 Implement and promote the Municipal Public Health Plan.                                                                                                                                                                                                                                   | New Plan to be finalised this year.                                                                                                                                                                                                                                                                                                                                                                                                                                           | Health and Community Services                     | 30/06/2013  |          |



### Council Plan Actions



Less than 70% of Action target achieved



Between 70% and 90% of Action target achieved



At least 90% of Action target achieved

| Location                                                                                                                                                                                                                                    | Specific Comments                                                                                                                                                                                                                                                                                        | Business Unit                              | Comp. Date | Progress |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------|----------|
| <b>Key Result Area:</b> 1 Leadership and Governance                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                          |                                            |            |          |
| <b>Council Plan Objective:</b> 1.1 Fulfil leadership, statutory & legal obligations to community & staff in a fair, ethical, inclusive, sustainable and financially responsible way to meet current & future needs & practical aspirations. |                                                                                                                                                                                                                                                                                                          |                                            |            |          |
| <b>Council Plan Strategy:</b> 1.1.1 Lead the community in responding to the current and long term sustainability challenges facing the municipality.                                                                                        |                                                                                                                                                                                                                                                                                                          |                                            |            |          |
| 1.1.1.3 Pursue the development of a collaboratively developed Sustainable Population Strategy that takes into account the demographic, social, environment, economic, land use and leadership factors that make a great municipality.       | Work proceeding with Both G21 and Great South Coast groups and DPCD (Department of Planning and Community Development). Initial meetings held and discussions proceeding. The General Manager Sustainable Planning and Development and the Manager Planning and Building appointed to the working group. | Chief Executive Office                     | 30/12/2011 |          |
| 1.1.1.3 Review of Council's Policies.                                                                                                                                                                                                       | The process to review Council Policies has commenced. 2 new policies have been developed and 10 policies are being reviewed.                                                                                                                                                                             | Corporate & Community Services GM's Office | 30/06/2013 |          |
| <b>Council Plan Strategy:</b> 1.1.2 Improve community engagement to ensure open, accessible, transparent planning and decision making.                                                                                                      |                                                                                                                                                                                                                                                                                                          |                                            |            |          |
| 1.1.2.3 Continuously improve and implement Council's Community Engagement Policy, Procedure and Toolkit.                                                                                                                                    | A working group of media, Economic Development and Community, Recreation and Arts staff are developing the tool kit. Managers' briefing session held.                                                                                                                                                    | Chief Executive Office                     | 30/06/2010 |          |
| 1.1.2.4 Conduct community forums throughout the Shire.                                                                                                                                                                                      | Community sessions held in September in four centres regarding the C55 amendment. Community sessions held in four centres regarding the Environmental Sustainability Strategy in September and early October.                                                                                            | Chief Executive Office                     | 30/06/2013 |          |





| Colac Otway Shire Council                                                                                                                                                                    |                                                                                                                                                                                                                                                                    | QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)                   |            |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|------------|--|
| Council Plan Strategy:                                                                                                                                                                       |                                                                                                                                                                                                                                                                    | 1.1.3 Provide responsible financial management.                       |            |  |
| 1.1.3.1 Facilitate a strategic and integrated approach for grants applications which ensures alignment with the Council Plan and Budget.                                                     | New Grants Officer appointed. Expecting a full report on current status of Colac Otway Shire current grants management by end of October 2009.                                                                                                                     | Economic Development                                                  | 30/06/2013 |  |
| 1.1.3.2 Secure multiple grants for major projects, where possible, to reduce Council's matching contribution from other than rate revenue.                                                   | New Grants Officer is working with other Council departments to ensure full utilisation of Council Budget to leverage matching funds and is also liaising with State and Federal Government Departments to maximise opportunities for multiple grants.             | Economic Development                                                  | 30/06/2010 |  |
| 1.1.3.4 Develop a ten year financial plan that is integrated with Council's Asset Management Strategy.                                                                                       | A process to commence the preparation of a Long Term Financial Plan has commenced. Has been put on hold until the Local Government Credibility Program has been undertaken.                                                                                        | Corporate & Community Services GM's Office                            | 30/06/2013 |  |
| 1.1.3.8 Support the Audit Committee and maintain an internal audit program ensuring an Audit Plan is developed and implemented annually based on the outcomes of the Risk Profiling project. | The first Audit Committee meeting for the 2009/10 financial year was held on the 11th September 2009. As a result of the Risk Analysis performed by the internal auditors the audit plan has been refined to address any risks identified as part of the analysis. | Finance & Customer Service                                            | 30/06/2013 |  |
| 1.1.3.9 Implement a new chart of accounts in line with integration of the Financial Management software.                                                                                     | The new chart of accounts have been implemented in line with implementation of Authority. As time progresses the chart of accounts will be further refined as we use the systems now in place and we receive constructive feedback from the organisation.          | Finance & Customer Service                                            | 30/06/2010 |  |
| Council Plan Strategy:                                                                                                                                                                       |                                                                                                                                                                                                                                                                    | 1.1.4 Continuously improve the services directly provided by Council. |            |  |



Colac Otway Shire Council QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)

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| 1.1.4.3 Carry out best value reviews on Council operations and implement the prescribed actions.                                                                          | Best Value reviews that are already underway are continuing. An options analysis consistent with systems review has been put forward to look at a more efficient application of Best Value at Colac Otway Shire.                                                                                                                                                                                     | Organisational Support and Development | 30/06/2013 |                |
| 1.1.4.6 Improve Council's Customer Service capability to increase customer satisfaction.                                                                                  | A vital component of Council's strategy to increase customer satisfaction is the customer service coordinator role. This role now provides crucial input into decisions that impact on the delivery of customer services (of all types) by the organisation. The involvement of this key role ensures a consistent approach and focus is considered in how we deliver our services to the community. | Finance & Customer Service             | 30/06/2013 |                |
| 1.1.4.7 Actively promote the delivery of responsive customer service across the organisation.                                                                             | Several strategies are being employed at both a unit perspective and an organisational perspective to further enhance the delivery of responsive service to both internal and external customers.                                                                                                                                                                                                    | Finance & Customer Service             | 30/06/2013 |                |
| <b>Council Plan Strategy:</b> 1.1.5 Advocate for improved infrastructure, services and utilities provided to our community by other organisations or levels of Government |                                                                                                                                                                                                                                                                                                                                                                                                      |                                        |            |                |
| 1.1.5.1 Advocate and influence the development of water authorities' water supply demand policies and strategies.                                                         | Not yet started.                                                                                                                                                                                                                                                                                                                                                                                     | Infrastructure & Services GM's Office  | 30/06/2013 | No Targets Set |
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Colac Otway Shire Council

QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)

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| 1.1.5.1 Advocate for appropriate fire prevention activities in the Great Otway National park and other public land.                                    | Working with Department of Sustainability and Environment, Country Fire Authority and other agencies in relation to Integrated Fire Management Planning, Township Protection Plans, Neighbourhood Safer Places, removal of Native Vegetation, Memorandum of Understanding regarding maintenance of roadsides and preventative burns in Native Forests and Crown Land. | Sustainable Planning & Development GM's Office | 30/06/2013 |                |
| 1.1.5.2 Advocate for increased State Government recognition and funding as compensation for the Shire's larger than average area of non-rateable land. | Lobbying with State and Federal MPs and potential candidates for next federal election.                                                                                                                                                                                                                                                                               | Chief Executive Office                         | 30/06/2013 |                |
| 1.1.5.3 Advocate for appropriate State and Federal Government funding for community priorities.                                                        | Meetings with State and Federal MPs and potential candidates for the next Federal election.                                                                                                                                                                                                                                                                           | Chief Executive Office                         | 30/06/2013 |                |
| 1.1.5.4 Participate in G21 and Great South Coast resource sharing forums and negotiations on regional strategic objectives.                            | Regularly participate in Great South Coast CEO's and Mayor and CEO's meetings/forums. Provided input into the Great South Coast Regional Strategy and the initiation of the G21 Regional Alliance Strategic Land Use Study process.                                                                                                                                   | Chief Executive Office                         | 30/06/2013 |                |
| <b>Council Plan Strategy:</b>                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                       |                                                |            |                |
| 1.1.6 Attract and retain quality staff.                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                       |                                                |            |                |
| 1.1.6.4 Negotiate the fifth Colac Otway Shire Enterprise Agreement.                                                                                    | The Colac Otway Shire Enterprise Agreement has been rolled over until 2010. We are awaiting approval of the Local Government modern award and advice from VECCI (Victorian Employers Chamber of Commerce and Industry) and the MAV (Municipal Association of Victoria) before beginning the bargaining process.                                                       | Organisational Support and Development         | 30/06/2011 | No Targets Set |



| Colac Otway Shire Council                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                   | QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)                          |            |                                                                                       |
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| 1.1.6.5 Work in partnership with local and industry groups on employment branding initiatives that enhance the profile and appeal of local government as an "employer of choice". | Colac Otway Shire has signed up to the MAV (Municipal Association of Victoria) branding project and participated successfully in the South West Careers expo promoting Colac Otway Shire as an employer of choice.                                                                                                                                | Organisational Support and Development                                       | 30/06/2013 |    |
| <b>Council Plan Strategy:</b>                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                   | 1.1.7 Provide a fair, safe and healthy work environment.                     |            |                                                                                       |
| 1.1.7.1 Review Council Offices and Staff Accommodation to ensure appropriate space is provided to accommodate staff.                                                              | Infrastructure Department relocated and existing Rae Street office downstairs remodelled to better accommodate the Strategic Planning and Development and Corporate Services Departments. This is an interim measure prior to review of accommodation and presentation of detailed plans and costings to Council for future budget consideration. | Chief Executive Office                                                       | 30/06/2012 |    |
| 1.1.7.4 Enhance and implement the corporate occupational health and safety systems (SafetyMap) and ensure ongoing compliance with all relevant regulations.                       | All processes on target. Council has completed its major audit, the SafetyMap OH&S audit, which showed performance improvement on the previous year.                                                                                                                                                                                              | Organisational Support and Development                                       | 30/06/2013 |   |
| <b>Council Plan Strategy:</b>                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                   | 1.1.8 Continuously improve operational systems, processes and minimise risk. |            |                                                                                       |
| 1.1.8.2 Develop and implement Council's Information Services disaster recovery environment.                                                                                       | Work has commenced on the Joint Use Library data centre which will house the Council's Disaster Recovery environment.                                                                                                                                                                                                                             | Information Services                                                         | 30/06/2010 |  |
| 1.1.8.2 Seek opportunities for sharing of resources and expertise across the region.                                                                                              | Working with MAV on Procurement issues.                                                                                                                                                                                                                                                                                                           | Chief Executive Office                                                       | 30/06/2013 |  |





Colac Otway Shire Council QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)

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| 1.1.8.3 Implement Council's Information Communication Technology strategic plan.                                                                                                                                                | There were 23 items listed for consideration in the 2009/10 year. Of these 11 were not funded and three others did not require funding but may not be actioned due to other constraints. Those projects which were funded have been scheduled into the Information Communication Technology work plan.                                                           | Information Services                   | 30/06/2013 |    |
| 1.1.8.3 Review and update Council's Risk Management Policy and Procedures Manual including compliance audits.                                                                                                                   | Risk module refined in Council's electronic integrated management system. The Risk Management Policy review is well underway.                                                                                                                                                                                                                                    | Organisational Support and Development | 30/06/2013 |    |
| 1.1.8.4 Implement the Risk profiling project (including a review of the Risk Management strategy and implementation of the Risk Register software) to effectively manage and minimise Council's liabilities and eliminate risk. | All reviews on target. Recommendations of the Risk Profiling project have been loaded into the Risk Module of Interplan and Council is at present adopting key recommendations into its review of the Risk Management Policy to ensure ongoing improvement.                                                                                                      | Organisational Support and Development | 30/06/2010 |    |
| 1.1.8.5 Implement the Systems and Processes Review project to ensure that systems and processes are operating effectively and providing support to eliminate risk.                                                              | Systems review group brief approved and 2009/10 process in place for budget and projects. The approval of the project brief for the systems review team has given the group focus for its activities for the coming year to further enhance and streamline council business and project management practices to ensure good governance and statutory compliance. | Organisational Support and Development | 30/06/2013 |  |
| <b>Council Plan Strategy:</b>                                                                                                                                                                                                   | 1.9 Communicate regularly, effectively and honestly with the community.                                                                                                                                                                                                                                                                                          |                                        |            |                                                                                       |



**Colac Otway Shire Council**


**QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)**

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| <p>1.1.9.10 Provide relevant, timely and accurate information to the community using print, radio and web media, as well as non-media channels such as newsletters and the Colac Otway Shire website.</p> | <p>An average of 32 media releases per month were issued, resulting in Council news appearing in 371 articles for the reporting period. Monthly roundtables between the CEO, Mayor, media and Communications Coordinator have proved successful for relationship building and, due to their timing (following Council meetings), assist journalists in clarifying council decisions and covering meetings more thoroughly. Council uses these roundtables as an opportunity to tell the media about other activities of Council, which has resulted in several positive stories.</p> | <p>Chief Executive Office</p> | <p>30/06/2013</p> |  |
| <p>1.1.9.11 Ensure Colac Otway Shire's website is accessible, easy to navigate, utilises appropriate web technologies and contains relevant and up-to-date information.</p>                               | <p>While the website is regularly updated (at least several times a week), we do not have sufficient human resources to recognise the website's full potential. The website is also limited by its ageing content management system (CMS). The communications and IT teams are working together to ascertain Council's web needs and the possibility of participating in a group purchase of a new CMS to enable participating councils to better utilise web 2.0 technology and improve their web presence.</p>                                                                     | <p>Chief Executive Office</p> | <p>30/06/2013</p> |  |
| <p><b>Council Plan Strategy:</b></p>                                                                                                                                                                      | <p>1.1.10 Meet our statutory obligations for community safety, security and responses to emergency situations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                               |                   |                                                                                     |





**Colac Otway Shire Council**

**QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)**

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| <p>1.1.10.1 Undertake an annual review of the Emergency Management Plan (EMP) from a Shire perspective and implement awareness training and readiness programs for community and staff.</p> | <p>New structure established and will be implemented following appointment of new band 7 Emergency and Fire Prevention Officer. GM Sustainable Planning &amp; Development to chair Municipal Emergency Planning Committee and the Emergency Management Plan and Municipal Fire Prevention Plan being updated as a requirement of the Royal Commission Interim findings. 8 Township protection Plans being undertaken for high risk townships identified in Colac Otway Shire through the Fire Assessment Process.</p> | <p>Sustainable Planning &amp; Development GM's Office</p> | <p>30/06/2013</p> |  |
| <p>1.1.10.6 Implement the Domestic Animal Management Plan.</p>                                                                                                                              | <p>The actions outlined in the Domestic Animal Management Plan are being implemented. For example a special rate for animal registrations that encourages desexing and microchipping has been introduced successfully. Council is working with the Coastal Foreshore Committee to evaluate whether dog on leash zones should be extended to cover the foreshore and some beaches.</p>                                                                                                                                 | <p>Environment &amp; Community Safety</p>                 | <p>30/06/2013</p> | <p>Ongoing</p>                                                                      |
| <p>1.1.10.7 Implement the Municipal Fire Prevention Plan.</p>                                                                                                                               | <p>The Municipal Fire Prevention Plan is being implemented effectively. The inspection process that Council is responsible to undertake during the fire season has been organised. Courtesy letters will be sent to over 9000 properties by the end of October highlighting the need for the community to prepare for the start of the fire season in November.</p>                                                                                                                                                   | <p>Environment &amp; Community Safety</p>                 | <p>30/06/2013</p> | <p>Ongoing</p>                                                                      |



Colac Otway Shire Council **QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)**

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| <p>1.1.10.8 Establish integrated fire management practices.</p>                                                                                                                   | <p>Council is working with a range of other agencies to integrate a range of fire and emergency related plans into an Integrated Fire Management Plan. Although the plan is still being developed the process has led to the formation of a Municipal Fire Management Planning Committee that looks at all elements of fire management (planning, prevention, response and recovery). The new committee has representatives from various government and statutory bodies that will help ensure more integrated fire management practices in the coming fire season.</p> | <p>Environment &amp; Community Safety</p>                                                                                      | <p>30/06/2010</p> | <p>Ongoing</p>                                                                        |
| <p><b>Key Result Area:</b></p>                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>2 Physical Infrastructure and Assets</p>                                                                                    |                   |                                                                                       |
| <p><b>Council Plan Objective:</b></p>                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>2.1 Council will provide and maintain Council infrastructure and assets that meet community needs now and in the future</p> |                   |                                                                                       |
| <p><b>Council Plan Strategy:</b></p>                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>2.1.1 Ensure infrastructure development, renewal and maintenance plans address current and forecast community needs</p>     |                   |                                                                                       |
| <p>2.1.1.1 Plan and implement infrastructure projects that transform townships and promote economic development and community strengthening.</p>                                  | <p>This is an ongoing program where infrastructure will work with Economic Development as opportunities arise. It is based on the development of Strategic Township plans.</p>                                                                                                                                                                                                                                                                                                                                                                                          | <p>Infrastructure &amp; Services GM's Office</p>                                                                               | <p>30/06/2013</p> | <p>Ongoing</p>                                                                        |
| <p>2.1.1.3 Review and implement Asset Management Plans to ensure that the level of funding for asset development, maintenance and upgrade meets the community's expectations.</p> | <p>Asset Management Plans for Buildings and stormwater assets to be developed during 2009/10. Draft Building Asset Management Plan prepared and to be presented to Executive in November 2009.</p>                                                                                                                                                                                                                                                                                                                                                                      | <p>Sustainable Assets</p>                                                                                                      | <p>30/06/2013</p> |  |
| <p>2.1.1.4 Develop a 10 year capital works and major projects program according to adopted priorities.</p>                                                                        | <p>A Draft 10 year Capital Works &amp; Major Projects Program has been developed, which still requires some adjustment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Capital Works</p>                                                                                                           | <p>30/06/2010</p> |  |
| <p><b>Council Plan Strategy:</b></p>                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>2.1.2 Implement and manage Colac Otway Shire's Road Management Plan</p>                                                     |                   |                                                                                       |





Colac Otway Shire Council **QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)**

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| 2.1.2.1 Develop a Strategic Footpath Plan for Colac.                                                                                   | No formal budget allocation was given within the 2009/10 Budget, however a review and preliminary assessment of a footpath network through Colac will be undertaken by Officers. It is anticipated that this work will commence in January 2010. | Capital Works                                                                           | 30/06/2010 | No Targets Set |
| 2.1.2.2 Continue active participation and involvement in the STEP Asset Management Program with the Municipal Association of Victoria. | Council continues to be involved in the STEP Program. First visit for 2009 in scheduled for November 2009.                                                                                                                                       | Sustainable Assets                                                                      | 30/06/2013 |                |
| 2.1.2.2 Review and implement the Strategic Footpath Plan for Apollo Bay.                                                               | A review of the current footpath strategy for Apollo Bay will be undertaken by Officers and it is anticipated that this work will commence in January 2010.                                                                                      | Capital Works                                                                           | 30/06/2010 | No Targets Set |
| <b>Council Plan Strategy:</b>                                                                                                          |                                                                                                                                                                                                                                                  | 2.1.4 Improve local and regional transport networks to ensure safety and accessibility. |            |                |
| 2.1.4.1 Advocate for duplication of the Princes Highway from Winchelsea to Colac.                                                      | Ensured that G21 Regional Alliance maintain a focus on this important project and it has subsequently been identified as a priority in their 2009/10 plan.                                                                                       | Chief Executive Office                                                                  | 30/06/2013 |                |
| 2.1.4.1 Implement the Transport Linkages program.                                                                                      | GM Infrastructure and Services attended G21 on 13 October 09 with Mayor and Cr Hart and raised the need for a regional transport upgrade particularly for rail services to serve Colac and the West.                                             | Infrastructure & Services GM's Office                                                   | 30/06/2013 | Ongoing        |
| 2.1.4.2 Advocate for further improvements to the Princes Highway from Colac to the South Australian border.                            | Advocated for safety improvements through G21 and Great South Coast groups as well as through VicRoads Regional Manager.                                                                                                                         | Chief Executive Office                                                                  | 30/06/2013 |                |





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| <p>2.1.4.4 Advocate for improved commuter Rail Services and safe Railway Crossings.</p>                                                                                                             | <p>A report titled "OM092204-12 RAIL/ROAD SAFETY INTERFACE AGREEMENT (SIA'S)" was presented to the 22 April 2009 Council meeting. Council has advocated for improved Rail Services and safe Rail Crossings. A meeting was held with V-Line on 24 September 2009 to discuss these matters. Council resolved to develop Safety Interface Agreements prior to 30 June 2010. Improved Rail Services was also listed on the G21 Transport Pillar at its meeting on 11 August 2009.</p>               | <p>Infrastructure &amp; Services GM's Office</p> | <p>30/06/2013</p> | <p>Ongoing</p> |
| <p>2.1.4.5 Implement the parts of the G21 Transport Plan relevant to Colac Otway Shire.</p>                                                                                                         | <p>The Princes Highway duplication to Colac is listed as a priority on the G21 Transport Pillar. Improved Rail Services was also listed on the G21 Transport Pillar at its meeting on 11 August 2009. This will continue to be reviewed at future G21 meetings. The Princes Highway duplication to Colac was discussed with VicRoads and Council officers at a meeting on 7 September 2009 and Improved Rail Services were discussed with V-Line and Council officers on 24 September 2009.</p> | <p>Infrastructure &amp; Services GM's Office</p> | <p>30/06/2013</p> | <p>Ongoing</p> |
| <p><b>Council Plan Strategy:</b> 2.1.5 Ensure environmental risks are adequately addressed for Council infrastructure works, including impacts of climate change.</p>                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                  |                   |                |
| <p>2.1.5.1 Implement sound procedures to ensure that environmental constraints are adequately considered in the planning and implementation of Council's infrastructure maintenance activities.</p> | <p>Council has appointed an environment officer to the Capital Works and Infrastructure team. This position is directly responsible for providing advice on environmental matters and will work closely with Council Staff, contractors and the public where appropriate.</p>                                                                                                                                                                                                                   | <p>Infrastructure &amp; Services GM's Office</p> | <p>30/06/2013</p> | <p>Ongoing</p> |






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| 2.1.5.2 Develop a proposed long term management response to sea level rise for Council assets.                                                                                           | This project will be a longer term project over the next two years. The full effect of sea level rise is yet to be determined and an action plan implemented.                                                                                                                                                              | Infrastructure & Services GM's Office                                                                                                                                                                        | 30/06/2013 | No Targets Set                                                                        |
| <b>Key Result Area:</b>                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                            | 3 Land Use and Development                                                                                                                                                                                   |            |                                                                                       |
| <b>Council Plan Objective:</b>                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                            | 3.1 Engage, plan & make decisions about land use & development that takes into account Council's regulatory role, diverse geography, social, community, economic & environmental impacts now & in the future |            |                                                                                       |
| <b>Council Plan Strategy:</b>                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                            | 3.1.1 Ensure a partnership approach to land use planning that reflects the needs, values and aspirations of the community.                                                                                   |            |                                                                                       |
| 3.1.1.2 Prepare an updated residential and industrial land supply analysis for Colac, and seek to have Colac Otway Shire included in the State Government urban land monitoring program. | The preparation of an updated residential and industrial land supply analysis for Colac was not funded in the 2009/10 budget, however the Government is examining whether Colac Otway Shire should be included in the urban land monitoring program that is undertaken.                                                    | Planning & Building Services                                                                                                                                                                                 | 30/06/2013 | No Targets Set                                                                        |
| 3.1.1.3 Advocate for more detailed mapping of the Erosion Management Overlay by State Government.                                                                                        | The Corangamite Catchment Management Authority has commenced a project that seeks to improve knowledge of landslide risk in the Shire, which will contribute to more accurate mapping of the Erosion Management Overlay when complete.                                                                                     | Planning & Building Services                                                                                                                                                                                 | 30/06/2013 |    |
| 3.1.1.5 Finalise and implement a car parking study for Colac & Apollo Bay.                                                                                                               | Consultants commenced the project in January with surveys of car parking in Colac and Apollo Bay. A review of retail floor area forecasts for each town was completed in July. A draft Issues and Options Paper has been submitted to the Steering Committee for consideration prior to a Councillor workshop in November. | Planning & Building Services                                                                                                                                                                                 | 30/06/2011 |  |





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| <p>3.1.1.6 Finalise and implement Birregurra and Forrest Structure Plans.</p>                                                                                           | <p>Consultants commenced work on this study in August with an Inception meeting in September with the Steering Committee. A Council workshop is scheduled for late October, with community consultation in November, and preliminary information stalls in each town early in October.</p>                                                                                                                                                                                                                                                 | <p>Planning &amp; Building Services</p>                   | <p>30/06/2011</p> |  |
| <p>3.1.1.9 In conjunction with the State Government, and subject to external funding, exhibit a Planning Scheme amendment for the Apollo Bay Harbour Master Plan.</p>   | <p>Officers have met regularly with Government representatives to examine ways of funding the project through current Government programs after no funds were specifically allocated to the project in the May State budget.</p>                                                                                                                                                                                                                                                                                                           | <p>Planning &amp; Building Services</p>                   | <p>30/06/2013</p> |  |
| <p><b>Council Plan Strategy:</b> 3.1.2 Ensure that responsible planning mechanisms are used to control development in areas potentially affected by climate change.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                           |                   |                                                                                     |
| <p>3.1.2.1 Work with State Government to develop appropriate planning controls that respond to predicted sea level rise.</p>                                            | <p>Climate change is a high priority and measures have been put in place to ensure this is an issue that is always considered in the assesment of planning applications and the preparation of planning reports to Council. Officers are in dialogue with Future Coasts, initial mapping has been received and a workshop was set for with Future Coasts and Council on 14 October to advise on current position. Workshop needs to be rescheduled as the initial date was deferred by Future Coasts due to unavailability of officer.</p> | <p>Sustainable Planning &amp; Development GM's Office</p> | <p>30/06/2013</p> |  |
| <p><b>Council Plan Strategy:</b> 3.1.3 Ensure all Council land use plans and strategies are current and responsive.</p>                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                           |                   |                                                                                     |
| <p>3.1.3.3 Undertake a four year review of the Planning Scheme.</p>                                                                                                     | <p>The four year review of the Planning Scheme is due to commence early in 2010.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Planning &amp; Building Services</p>                   | <p>30/06/2011</p> | <p>No Targets Set</p>                                                               |








Colac Otway Shire Council

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| <p>3.1.3.4 Regularly update and improve the Colac Otway Planning Scheme through Planning Scheme amendments.</p>        | <p>Amendment C12 (updated flood mapping) was exhibited in 2008 and is being considered by a Panel. Amendment C54 will be lodged with the Minister prior to the end of 2009 for updating of the Erosion Management Overlay. Officers are working with the Corangamite Catchment Management Authority to prepare an amendment to introduce the Salinity Management Overlay. The Department of Sustainability and Environment is working with officers to finalise revisions to mapping of environmental overlays, in preparation for an amendment to Planning Scheme mapping. Amendment C58 has received Minister's authorisation for exhibition to implement the Kennett River, Wye River and Separation Creek Structure Plan. A 'follow-on' amendment to C55 is being drafted for exhibition.</p> | <p>Planning &amp; Building Services</p> | <p>30/06/2013</p> |    |
| <p>3.1.3.5 Prepare a Commercial Strategy for Colac.</p>                                                                | <p>This project was not funded in the 2009/10 budget.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Planning &amp; Building Services</p> | <p>30/06/2013</p> | <p>No Targets Set</p>                                                                 |
| <p><b>Council Plan Strategy:</b> 3.1.4 Enforce planning and building regulations to meet legislative requirements.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                         |                   |                                                                                       |
| <p>3.1.4.1 Implement comprehensive monitoring of the Essential Safety legislative requirements.</p>                    | <p>The Building Department has completed the program of monitoring buildings owned by Council and will soon be commencing the larger task of inspecting and monitoring privately owned commercial buildings.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Planning &amp; Building Services</p> | <p>30/06/2013</p> |  |






Colac Otway Shire Council **QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)**

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| 3.1.4.2 Review practices for monitoring swimming pool fencing.                                                                                    | Known swimming pools have been inspected early in 2009, with follow-up enforcement continuing to occur. The next step is to review aerial photos and pick-up pools which have not previously been identified through inspections.                                                                                              | Planning & Building Services                                                                                                    | 30/06/2010 |    |
| 3.1.4.3 Implement mechanisms to improve knowledge of building and planning requirements/ responsibilities.                                        | A web site review group has been established to review provision of web based information. Planning information sheets are being reviewed, and a stakeholder workshop was held in September with designers, architects, surveyors and the like. A quarterly Planning and Building stakeholder newsletter is under development. | Planning & Building Services                                                                                                    | 30/06/2010 |    |
| <b>Council Plan Strategy:</b>                                                                                                                     |                                                                                                                                                                                                                                                                                                                                | 3.1.5 Ensure consistent and timely decision making for building and planning applications that meet Council's policy framework. |            |                                                                                       |
| 3.1.5.1 Document and continuously improve processes and procedures for assessment and determination of building and planning permit applications. | Documentation of planning and building processes has been underway since 2007, with more recent development occurring in preparation for the changeover of Council software to CIVICA on 1 July. Anticipate completing this project in 2010.                                                                                   | Planning & Building Services                                                                                                    | 30/06/2010 |   |
| 3.1.5.2 Prepare and develop a more comprehensive Information Kit on building and planning application requirements.                               | Work has commenced reviewing planning information sheets and letters. This will be finalised early in 2010.                                                                                                                                                                                                                    | Planning & Building Services                                                                                                    | 30/06/2011 |  |
| 3.1.5.3 Provide improved access to building and planning information on Council's website.                                                        | A web site review group has been established to review content on the web site relevant to planning and building.                                                                                                                                                                                                              | Planning & Building Services                                                                                                    | 30/06/2010 |  |
| <b>Council Plan Strategy:</b>                                                                                                                     |                                                                                                                                                                                                                                                                                                                                | 3.1.6 Ensure that environmental risks are adequately addressed for new development and land use.                                |            |                                                                                       |



Colac Otway Shire Council

QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)

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| <p>3.1.6.1 Work with State Government to develop and introduce planning controls that accurately reflect areas known to potentially have acid sulfate soils.</p>                                                                                                                                                                                                                                | <p>The State Government recently released a Strategy for Coastal Acid Sulfate Soils. Officers will continue to work with the Government to ensure appropriate controls are developed in potential Acid Sulfate Soil areas at Apollo Bay and Hordern Vale.</p>                                       | <p>Planning &amp; Building Services</p>   | <p>30/06/2013</p> |    |
| <p>3.1.6.3 Appropriately respond to Salinity risks through the Planning Scheme, Building legislation or other mechanisms.</p>                                                                                                                                                                                                                                                                   | <p>Council adopted a resolution in September supporting an officer recommendation to amend the Planning Scheme to introduce a Salinity Management Overlay. More recent mapping will be prepared by the Corangamite Catchment Management Authority prior to exhibition of the amendment in 2010.</p> | <p>Planning &amp; Building Services</p>   | <p>30/06/2013</p> |    |
| <p><b>Key Result Area:</b> 4 Environmental Management<br/> <b>Council Plan Objective:</b> 4.1 Council will protect and enhance the environment entrusted to us, demonstrate efficient use of natural resources and minimise climate change impacts.<br/> <b>Council Plan Strategy:</b> 4.1.1 Develop a coordinated approach to managing environmental issues across all Council activities.</p> |                                                                                                                                                                                                                                                                                                     |                                           |                   |                                                                                       |
| <p>4.1.1.1 Finalise the development of an Environment Strategy.</p>                                                                                                                                                                                                                                                                                                                             | <p>The environment strategy is on track to be completed in December. A series of community forums have been held across the Shire to get community input to the development of the strategy. The final draft of the strategy is expected to be released for public comment in November.</p>         | <p>Environment &amp; Community Safety</p> | <p>30/06/2010</p> |  |
| <p>4.1.1.2 Implementation of the Environment Strategy.</p>                                                                                                                                                                                                                                                                                                                                      | <p>This action cannot be undertaken until the Environment Strategy is completed; anticipated in January 2010.</p>                                                                                                                                                                                   | <p>Environment &amp; Community Safety</p> | <p>30/06/2013</p> | <p>No Targets Set</p>                                                                 |
| <p><b>Council Plan Strategy:</b> 4.1.2 Ensure the protection and enhancement of environmental values on Council owned and managed land.</p>                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                     |                                           |                   |                                                                                       |




Colac Otway Shire Council **QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)**

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| <p>4.1.2.2 Develop and implement action plans to manage the threats to environmental assets on Council managed land.</p>     | <p>Environmental works have been undertaken on Barongarook Creek to improve water quality and aesthetic values of Council owned land in line with recommendation's from the Lake Colac Revegetation and Weed Control Plan (2009). Revegetation works carried out on Poorneet lane Grasslands in line with recommendation's for significant species management as guided through the Poorneet Lane Management Plan.</p> | <p>Environment &amp; Community Safety</p> | <p>30/06/2013</p> | <p>Ongoing</p> |
| <p>4.1.2.3 Continue to implement the Lake Colac Management Plan and the Re-vegetation and Weed Control Master Plan.</p>      | <p>Environmental works undertaken on Barongarook Creek to improve water quality and aesthetic values with over 2000 native tress, shrubs and grasses being planted along the creek. Significant weed works were also undertaken with the removal of poplar, elm and oak trees along the creek banks. A further 200 species have been planted at Meredith Park, as well as over 1000 plants at Poorneet lane.</p>       | <p>Environment &amp; Community Safety</p> | <p>30/06/2013</p> | <p>Ongoing</p> |
| <p><b>Council Plan Strategy:</b> 4.1.3 Facilitate the protection and enhancement of environmental values on private land</p> |                                                                                                                                                                                                                                                                                                                                                                                                                        |                                           |                   |                |
| <p>4.1.3.2 Continue to carry out audits of forestry operations on private land.</p>                                          | <p>Audits are being undertaken on an ongoing/as needed basis. Timber Harvesting Plans have been regularly assessed for compliance with the code of Practice for Timber Production.</p>                                                                                                                                                                                                                                 | <p>Environment &amp; Community Safety</p> | <p>30/06/2013</p> | <p>Ongoing</p> |








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| <p>4.1.3.3 Continue to raise the awareness of private landholders on their responsibilities in relation to the environment.</p>          | <p>Council has been actively engaged in advising private landholders on the issues of environmental responsibilities both on private land, neighbouring properties and adjoining roadsides and the lawful state and federal practices. Environmental officers have dealt with a number of phone enquiries in relation to vegetation removal and environmental fire safe practices, weed management and responsibility in relation to road sides and managment of environmental weeds on private, public and neighbouring property.</p> | <p>Environment &amp; Community Safety</p>                                                                        | <p>30/06/2013</p> | <p>Ongoing</p>                                                                      |
| <p><b>Council Plan Strategy:</b></p>                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>4.1.4 Minimise environmental impacts and the use of natural resources associated with Council operations.</p> |                   |                                                                                     |
| <p>4.1.4.1 Implementation of the planning scheme and Council processes to manage environmental issues associated with Council works.</p> | <p>Planning officers have worked hard with environment and infrastructure staff in recent months to review planning controls relating to roadside vegetation maintenance, and develop a response to the Department of Sustainability and Environment Memorandum of Understanding. Officers currently briefing Executive and Councillors on the need for Council projects to take account of Acid Sulfate Soils.</p>                                                                                                                    | <p>Planning &amp; Building Services</p>                                                                          | <p>30/06/2013</p> |  |



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| <p>4.1.4.2 Continue program of works and practices in the Greenhouse Action Plan to reduce Council's carbon footprint.</p>                                        | <p>The Sustainability Working Group finalised and approved Greenhouse Action Plan related actions for 2009-10. These include a Solar Photovoltaic Power System for the Apollo Bay Visitor Information Centre, Skylights for COPACC Meeting Room 1, Council Staff Bike Pool and an Earth Hour Event. Ongoing actions include the Sustainable Living Guide, Metering Works and Organisational Greenhouse Footprint Tracking.</p>                                                            | <p>Environment &amp; Community Safety</p>                 | <p>30/06/2013</p> |    |
| <p>4.1.4.3 Continue to implement agreed, viable water saving measures via Council's Sustainable Water Use Plan.</p>                                               | <p>Council is continuing to look for opportunities to implement water saving measures identified in the Sustainable Water Use Plan. 2009/10 actions may include installation of large water tanks at Blue Water Fitness Centre and Central Reserve, installation of data Loggers at Barwon Water WaterMAP sites and investigation of opportunities to apply for funding to the Smart Water Fund - Round 7 to upgrade irrigation infrastructure (applications close 20 November 2009).</p> | <p>Environment &amp; Community Safety</p>                 | <p>30/06/2013</p> |    |
| <p><b>Council Plan Strategy:</b> 4.1.5 Promote environmental values in the broader community and work with other stakeholders on managing large scale issues.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                           |                   |                                                                                       |
| <p>4.1.5.1 Advocate where appropriate community views on environmental issues outside the direct responsibility of Council.</p>                                   | <p>Made submission to Sate government on the Climate Change Greenpaper. Council continues to work with relevant authorities in relation to groundwater in the region. Working with the State government in relation to management of roadside vegetation and major fire related issues, particularly the 30/10 exemptions announced by the Premier.</p>                                                                                                                                   | <p>Sustainable Planning &amp; Development GM's Office</p> | <p>30/06/2013</p> |  |



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| <p>4.1.5.1 Coordinate a range of environmental events across the region.</p>               | <p>Environmental Officers were involved in the coordination of three major events over this period:<br/>                 National Tree Day; over 250 primary school students were involved in a painting 2L milk cartons, used as tree guards, in a local competition funded by Toyota Australia; a further 4 primary schools comprising of approximately 130 children were involved in planting 200 trees and shrubs at Meredith Park. National Species Day; School children were involved in planting 1000 grasses in Poorneet lane, home to the endangered legless lizard. Environment Community Engagement Program: Year 9 students from a local high school were engaged for 9 weeks in an education program focussing on Community and Environment issues.</p> | <p>Environment &amp; Community Safety</p> | <p>30/06/2013</p> |  |
| <p>4.1.5.2 Promote awareness of environmental issues through various media and forums.</p> | <p>The Environmental Officer was involved in a media release broadcast on radio and in the Colac Herald, highlighting the importance of the works undertaken at Barongarook Creek as well as actively working with the scout, volunteer and landcare groups involved in the planting day; relaying information on the importance of environmental and community works.</p>                                                                                                                                                                                                                                                                                                                                                                                           | <p>Environment &amp; Community Safety</p> | <p>30/06/2013</p> | <p>Ongoing</p>                                                                      |



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| <p>4.1.5.3 Encourage energy efficiency including the use of renewable and alternative energy sources.</p> | <p>Council is awaiting finalisation of federal legislation and guidelines for 'Solar Credits', the proposed residential and small business rebate program proposed by the Federal Government. Energy efficiency and renewable energy options are promoted to the community and staff through Council's Sustainable Living Guide which was recently upgraded (August 2009) with additional pages and resources relating to rebates and grants available. Currently seeking approval from Apollo Bay Foreshore Committee for installation of Solar PV Power System at Apollo Bay Visitor Information Centre funded from council's Sustainability Action Fund.</p> | <p>Environment &amp; Community Safety</p>                          | <p>30/06/2013</p> | <p>Ongoing</p>                                                                        |
| <p><b>Council Plan Strategy:</b></p>                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><b>4.1.6 Minimise, recycle and manage residential waste</b></p> |                   |                                                                                       |
| <p>4.1.6.3 Implement the Landfill Rehabilitation Plan.</p>                                                | <p>The long term landfill rehabilitation plan has been reviewed and is reflective of current status on landfill rehabilitation. This will be reviewed again prior to the 2010/11 annual budget.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Major Contracts</p>                                             | <p>30/06/2013</p> |  |
| <p>4.1.6.4 Implement the Waste Management Plan and review current contractual arrangements.</p>           | <p>The waste management contract document has been reviewed and currently the tendering process is being undertaken. The tender closes on 11 November 2009 which will be followed with tender evaluation and a report to Council by January 2010.</p>                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Major Contracts</p>                                             | <p>30/07/2011</p> |  |







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| <p>4.1.6.7 Implementation of the Waste Water Management Strategy.</p>                                                                                           | <p>The majority of septic tanks in Skenes Creek have been decommissioned and the properties connected to sewerage. Properties that have not connected will need to show cause why they should not connect. Birregurra sewerage system is going through the detailed design stage. Treated effluent disposal area site location is nearing final determination. Wye River &amp; Separation Creek sewerage options are still being analysed by Barwon Water. Kennett River septic systems are to be surveyed this financial year. Ongoing water sampling of target unsewered townships is continuing.</p> | <p>Health and Community Services</p> | <p>30/06/2013</p> |    |
| <p><b>Key Result Area:</b><br/><b>Council Plan Objective:</b><br/><b>Council Plan Strategy:</b></p>                                                             | <p>5 Economic Development<br/>5.1 Council is committed to facilitating a healthy and resilient economy through effective leadership, advocacy, and partnership.<br/>5.1.1 Support the development of a diverse, skilled and capable workforce.</p>                                                                                                                                                                                                                                                                                                                                                      |                                      |                   |                                                                                       |
| <p>5.1.1.2 Participate in local and regional task groups to improve access to vocational education and training and post compulsory education and training.</p> | <p>The Manager Economic Development represents Council on the Trade Training Centre Board - COVEC (Colac Otway Vocational Education Cluster), which includes the Principals of Colac College, Trinity College, Colac Specialist School, Lavers Hill P-12, Apollo Bay P – 12 and Loren P – 12 and the Gordon TAFE. The Manager Economic Development also convenes the COVEC Industry Advisory Committee (IAC).</p>                                                                                                                                                                                       | <p>Economic Development</p>          | <p>30/06/2013</p> |  |



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| <p>5.1.1.3 Work with industry sectors on strategic workforce planning initiatives, including training and education.</p>                                                                                                                            | <p>The Manager Economic Development convenes the Industry Advisory Committee (IAC). One of its tasks is to develop workforce strategies around training and education. Currently its main task is advising the Colac Otway Vocational Education Cluster on local and national skills shortages and appropriate local courses.</p>                    | <p>Economic Development</p>                                                                                         | <p>30/06/2013</p> |    |
| <p><b>Council Plan Strategy:</b></p>                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                      | <p>5.1.2 Work with business to recognise growth potential from climate change and renewable energy initiatives.</p> |                   |                                                                                       |
| <p>5.1.2.1 Form a climate change business reference group and participate in regional networks and initiatives that promote sustainable economic development and growth in 'green collar employment' and 'green economy' workforce development.</p> | <p>Attending relevant forums and reading relevant reports to build a current knowledge of the carbon economy and its effects on business now and in the future. It is likely for the immediate future that business group interests will be channelled through regional forums such as the G21 Carbon Initiative and the G21 Agribusiness Forum.</p> | <p>Economic Development</p>                                                                                         | <p>30/06/2011</p> |    |
| <p>5.1.2.2 Encourage and promote renewable and alternative energy opportunities for the Colac Otway Shire.</p>                                                                                                                                      | <p>Currently working with Camperdown Compost Company on the development of a Colac Biogas Plant. Joint hosted and participated in the Colac Wind Energy Forum in September 2009.</p>                                                                                                                                                                 | <p>Economic Development</p>                                                                                         | <p>30/06/2013</p> |  |
| <p><b>Council Plan Strategy:</b></p>                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                      | <p>5.1.3 Support local business to develop and succeed.</p>                                                         |                   |                                                                                       |
| <p>5.1.3.1 Develop a Master Plan to support the redevelopment of the Colac Central Business District streetscape including traffic management, parking and the Memorial Square.</p>                                                                 | <p>Budget funding set aside in Council 2009/10 to do a streetscape plan for Colac Central Business District that addresses those issues. Currently seeking further funding from Regional Development Victoria for implementation. Currently also undertaking a car Parking Study for Colac and Apollo Bay.</p>                                       | <p>Sustainable Planning &amp; Development<br/>GM's Office</p>                                                       | <p>30/06/2011</p> |  |



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| 5.1.3.1 Implement new business support and facilitation services that make it easy to do business in the Shire.                                                                  | Meeting with potential new business owners when required right throughout the Shire. Facilitating Working Women's Networking group as well as promoting business development training program for 2009.                                                                                                                          | Economic Development                                                                               | 30/06/2010 |                |
| 5.1.3.6 Continue to provide world standard tourism support services.                                                                                                             | Funding provided to Otways Tourism Inc. (OT) and Geelong Otway Tourism (GOT). Manager Economic Development attends OT Board Meetings and is currently conducting a review of the OT Service Agreement. The Economic Development Unit also manages visitor services through the Colac and Apollo Bay Visitor Information Centres. | Economic Development                                                                               | 30/06/2013 |                |
| 5.1.3.7 Implement Business Development training programs, networking events and Business Awards.                                                                                 | Under New Management courses continuing, with three planned for the October Business Week. ANZ Business networking breakfast planned for Business Week. Business Awards supported through allocation from the Economic Development Unit Budget.                                                                                  | Economic Development                                                                               | 30/06/2013 |                |
| 5.1.3.8 Provide on line information for customers and potential investors to access businesses in the Shire.                                                                     | Business Database completed in 2008/09. Ongoing monitoring and updating implemented by Economic Development Unit Administration.                                                                                                                                                                                                 | Economic Development                                                                               | 30/06/2013 | Ongoing        |
| 5.1.3.11 Enhance Colac's regional service centre status through the development of a Marketing strategy.                                                                         | Not scheduled to commence until April 2010.                                                                                                                                                                                                                                                                                      | Economic Development                                                                               | 30/06/2013 | No Targets Set |
| <b>Council Plan Strategy:</b>                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                  | 5.1.4 Lead, support and/or participate in regional and local development networks and partnerships |            |                |
| 5.1.4.7 Promote and encourage the development of infrastructure to support nature based tourist development of Great Otway National Park/Otway Forest Park and Great Ocean Walk. | Participation in forums such as Otways Tourism Inc (OT) Board where infrastructure investment is discussed with Parks Victoria.                                                                                                                                                                                                  | Economic Development                                                                               | 30/06/2013 |                |




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| 5.1.4.8 Promote and encourage the development of infrastructure to support Lake Colac tourism and community use.                                                                                       | Plans in place but not able to proceed due to the Cultural Heritage Management Plan (CHMP) not being approved. Action to be taken to amend Plan to gain approval.                                                                            | Economic Development | 30/06/2013 | No Targets Set |
| 5.1.4.9 Support local business associations such as Otway Business Inc, Apollo Bay Chamber of Commerce and Tourism.                                                                                    | Business Development Officer attends meetings.                                                                                                                                                                                               | Economic Development | 30/06/2013 | Ongoing        |
| <b>Council Plan Strategy:</b> 5.1.5 Participate in regional and Shire based marketing and promotion initiatives designed to promote 'brand awareness' of the Colac Otways and Great Ocean Road region. |                                                                                                                                                                                                                                              |                      |            |                |
| 5.1.5.1 Promote the Shire's strengths and competitive advantages to attract new investment.                                                                                                            | Meetings with investors, real estate agents and business developer are ongoing. Not possible to achieve new marketing Strategy for Colac in the 2009/2010 Financial Year; will be subject to a Budget Bid for 2010/11.                       | Economic Development | 30/06/2013 | Ongoing        |
| 5.1.5.4 Continue to provide strategic support to tourism including operation of the Colac and Apollo Bay Visitor Information Centres and provision of funding to Otways Tourism.                       | Support provided to Visitor Information Centres (VIC) in an ongoing basis. Colac VIC renovation yet to commence; held up until contractors available. Otways Tourism Inc (OT) funding provided. OT Service Agreement currently under review. | Economic Development | 30/06/2013 |                |
| <b>Council Plan Strategy:</b> 5.1.6 Facilitate the development of infrastructure for business investment, growth and liveability.                                                                      |                                                                                                                                                                                                                                              |                      |            |                |
| 5.1.6.5 Lobby for improved telecommunications in the Colac Otway Shire for broadband and mobile coverage.                                                                                              | Submission sent to Telstra. Copy with letter to be prepared for submission to Federal Minister.                                                                                                                                              | Economic Development | 30/06/2013 |                |
| 5.1.6.7 Support the Apollo Bay Harbor Precinct development.                                                                                                                                            | Currently working with the State Government on capital works implementation and funds for the Planning Scheme amendment process.                                                                                                             | Economic Development | 30/06/2013 |                |






| Colac Otway Shire Council                                                                                                                                                                                                   |                                                                                                                                                                                                                               | QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)                                                                                                                                                          |            |                                                                                       |
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| 5.1.6.9 Develop small town / community capability by providing infrastructure and resources, including continued support for the Small Town Improvement Program.                                                            | The Small Town Improvement Program is an annual budget commitment. The Economic Development Unit works with small township communities to plan infrastructure developments from their small town Master Plan priorities list. | Economic Development                                                                                                                                                                                         | 30/06/2013 | Ongoing                                                                               |
| 5.1.6.10 Develop a strategy to establish a mini technology/ business facility in Apollo Bay to service local knowledge based and visitor requirements.                                                                      | Funding not available in the current budget to develop the strategy.                                                                                                                                                          | Economic Development                                                                                                                                                                                         | 30/06/2013 | No Targets Set                                                                        |
| <b>Council Plan Strategy:</b>                                                                                                                                                                                               |                                                                                                                                                                                                                               | 5.1.7 Work in partnership with business, industry groups, government and agencies on sustainable economic growth                                                                                             |            |                                                                                       |
| 5.1.7.2 Develop improved educative material on Council policy and practices to assist business with development proposals.                                                                                                  | An outcome that will commence in November with a process to engage Planning and Economic Development Unit staff in a joint project to educate and market Planning Department services.                                        | Economic Development                                                                                                                                                                                         | 30/06/2013 | No Targets Set                                                                        |
| 5.1.7.3 Review business attraction and local business development policies.                                                                                                                                                 | Not scheduled to commence until January 2010.                                                                                                                                                                                 | Economic Development                                                                                                                                                                                         | 30/06/2013 | No Targets Set                                                                        |
| <b>Key Result Area:</b>                                                                                                                                                                                                     |                                                                                                                                                                                                                               | 6 Community Health and Wellbeing                                                                                                                                                                             |            |                                                                                       |
| <b>Council Plan Objective:</b>                                                                                                                                                                                              |                                                                                                                                                                                                                               | 6.1 Promote community health & wellbeing in partnership with other health services to provide a broad range of customer focussed health, recreation, cultural & community amenities, services and facilities |            |                                                                                       |
| <b>Council Plan Strategy:</b>                                                                                                                                                                                               |                                                                                                                                                                                                                               | 6.1.1 Provide, facilitate or advocate for a range of health, recreation, community services and facilities.                                                                                                  |            |                                                                                       |
| 6.1.1.21 Develop a 10 year upgrade works program for Colac Otway Performing Arts and Cultural Centre.                                                                                                                       | COPACC and Infrastructure to develop in partnership the Works Upgrade to ensure reflection of identified compliance and building needs. Site meeting yet to be arranged.                                                      | Recreation, Arts and Culture                                                                                                                                                                                 | 30/06/2010 | No Targets Set                                                                        |
| 6.1.1.22 Develop a 10 year capital upgrade works program for Blue Water Fitness Centre.                                                                                                                                     | Works program to be developed in partnership with Infrastructure. Site meeting yet to be established.                                                                                                                         | Recreation, Arts and Culture                                                                                                                                                                                 | 30/06/2010 | No Targets Set                                                                        |
| 6.1.1.23 Develop a 10 year capital upgrade works facility improvement program for all recreation facilities and investigate external funding options to assist with these works, with priority to Council owned facilities. | Meetings arranged with Infrastructure to develop programs in line with external facility audits.                                                                                                                              | Recreation, Arts and Culture                                                                                                                                                                                 | 30/06/2010 |  |



**Colac Otway Shire Council**

**QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)**

|                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |                   |                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------|---------------------------------------------------------------------------------------|
| <p>6.1.1.24 Continue in partnership with the Colac Community and project stakeholders to plan and develop the Beechy Precinct in accordance with Council approvals and review Council's continued involvement in the Beechy Precinct in respect of all elements that still require Council approvals.</p> | <p>Enhanced Library Services Project commenced and draft report expected December 2009. Library construction commenced and expected to be operational July 2010 with progress on schedule to date. Partnership Broker Position to commence Monday 12 October 2009. Developing funding application to the Federal Government for the redevelopment of the Blue Water Fitness Centre Stadium. Beechy Precinct Logo developed for community voting to take place over coming weeks.</p> | <p>Recreation, Arts and Culture</p> | <p>30/06/2013</p> |    |
| <p>6.1.1.25 Develop an Open Space Strategy.</p>                                                                                                                                                                                                                                                           | <p>Sport and Recreation Victoria Funding application and draft project brief developed, currently awaiting Managers sign off for CEO consideration. Funding application to be submitted by 28 October 2009. Business Case for Council to be completed.</p>                                                                                                                                                                                                                           | <p>Recreation, Arts and Culture</p> | <p>30/06/2011</p> |    |
| <p>6.1.1.26 Develop a Bicycle Strategy.</p>                                                                                                                                                                                                                                                               | <p>The intent is to scope project interest and options (specifically partnerships, external funding and resourcing) working towards the project to be undertaken in 2010/2011.</p>                                                                                                                                                                                                                                                                                                   | <p>Recreation, Arts and Culture</p> | <p>30/06/2012</p> | <p>No Targets Set</p>                                                                 |
| <p>6.1.1.27 Implement Council's Recreation Strategy.</p>                                                                                                                                                                                                                                                  | <p>Being the final year of the strategy the Unit continues to implement, but will also consider, future needs and the need for an updated/new Recreation Strategy for the Shire.</p>                                                                                                                                                                                                                                                                                                 | <p>Recreation, Arts and Culture</p> | <p>30/06/2013</p> |  |



| Colac Otway Shire Council                                                                                            |                                                                                                                                                                                                                                                 | QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)                                                                  |            |         |
|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|------------|---------|
| 6.1.1.30 Review and implement the Council Community Grants Program Guidelines.                                       | The Council Community Grants Program for 2009/2010 has been implemented. Ongoing review of the program continues with new processes in place to ensure compliance requirements (particularly from a building/facility improvement perspective). | Recreation, Arts and Culture                                                                                         | 30/06/2013 |         |
| <b>Council Plan Strategy:</b>                                                                                        |                                                                                                                                                                                                                                                 | 6.1.2 Promote and facilitate cultural and community events throughout the municipality.                              |            |         |
| 6.1.2.1 Implement the Arts and Cultural Strategy.                                                                    | Ongoing implementation. Currently developing an Art in Public Places Policy for consideration. This policy is mandatory for any external Arts funding and will also link with the Open Space Strategy.                                          | Recreation, Arts and Culture                                                                                         | 30/06/2011 | Ongoing |
| 6.1.2.3 Implement the Festival and Events Strategy.                                                                  | Ongoing implementation. Currently reviewing achievements for this quarter and proposed actions for 2010/2011. Outcomes include Events Make them your Business deemed successful with community and business groups.                             | Recreation, Arts and Culture                                                                                         | 30/06/2013 |         |
| 6.1.2.10 Work with event organisers and community groups to develop a broad range of community festivals and events. | Ongoing working in partnership with Event Organisers and community groups to determine event opportunities.                                                                                                                                     | Recreation, Arts and Culture                                                                                         | 30/06/2013 | Ongoing |
| <b>Council Plan Strategy:</b>                                                                                        |                                                                                                                                                                                                                                                 | 6.1.3 Adopt a partnership approach to addressing the current and future health and wellbeing needs of the community. |            |         |
| 6.1.3.42 Implement and promote the Municipal Public Health Plan.                                                     | New Plan to be finalised this year.                                                                                                                                                                                                             | Health and Community Services                                                                                        | 30/06/2013 |         |
| 6.1.3.43 Implement the Positive Ageing Strategy.                                                                     | A flyer has been prepared and distributed to provide an easy to understand summary of the strategy. The theme "Age to be Consumer Wise" was promoted during Seniors Week in October 2009 by the Department of Consumer Affairs.                 | Health and Community Services                                                                                        | 30/06/2013 |         |



Colac Otway Shire Council

QUARTERLY COUNCIL PLAN PROGRESS REPORT (Jul to Sep)

|                                                                                                                       |                                                                                                                                                                                                             |                               |            |         |
|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------|---------|
| 6.1.3.44 Develop and implement an Early Years Plan.                                                                   | Draft Early Years Plan has been prepared. Needs to be discussed with community.                                                                                                                             | Health and Community Services | 30/06/2013 |         |
| 6.1.3.45 Develop and implement an Access and Inclusion Plan.                                                          | Plan is in draft form for discussion with community.                                                                                                                                                        | Health and Community Services | 30/06/2013 |         |
| <b>Council Plan Strategy:</b> 6.1.4 Support local communities to develop, grow and be great places to live.           |                                                                                                                                                                                                             |                               |            |         |
| 6.1.4.1 Liaise with local Real Estate Industry to monitor the local market and encourage diversity in housing choice. | Regular liaison held on individual developments and investment proposals and periodic appointments to gather market intelligence.                                                                           | Economic Development          | 30/06/2013 | Ongoing |
| 6.1.4.1 Work with Developers to create livable, affordable and sustainable housing.                                   | Officers work closely with permit applicants to achieve building designs that are livable, affordable and sustainable on an on-going basis.                                                                 | Planning & Building Services  | 30/06/2013 |         |
| 6.1.4.2 Participate in local and regional Affordable Housing task groups.                                             | Attend meetings and forums as required.                                                                                                                                                                     | Economic Development          | 30/06/2013 |         |
| 6.1.4.15 Implement the Transport Connections Strategy.                                                                | Colac bus, Lorne to Colac, Apollo Bay & District, and Apollo Bay to Colac transport services have been provided are to operate this year. Looking towards other transport routes to be trialled in 2009/10. | Health and Community Services | 30/06/2013 |         |



**FINANCIAL PERFORMANCE REPORT  
FOR QUARTER ENDED SEPTEMBER 2009**

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| 4 | Rates Debtors                | 3    |
| 5 | Loan Liability               | 3    |
| 6 | Interest on Investment       | 4    |

|                                                   | September Quarter<br>YTD ACTUAL<br>\$'000 | BUDGET<br>\$'000 | FORECAST<br>\$'000 | NOTE |
|---------------------------------------------------|-------------------------------------------|------------------|--------------------|------|
| <b>OPERATING REVENUE</b>                          |                                           |                  |                    |      |
| Rates                                             | \$18,359                                  | \$18,696         | \$18,696           | 1    |
| Grants - Operating                                | \$691                                     | \$7,467          | \$6,200            | 2    |
| Grants - Capital                                  | \$401                                     | \$4,666          | \$4,936            | 3    |
| Charges, Fees & Fines                             | \$261                                     | \$3,720          | \$3,720            |      |
| Reimbursements & Contributions                    | \$41                                      | \$389            | \$349              |      |
| Interest Revenue                                  | \$43                                      | \$325            | \$325              |      |
| <b>TOTAL OPERATING REVENUE</b>                    | <b>\$19,795</b>                           | <b>\$35,263</b>  | <b>\$34,226</b>    |      |
| <b>OPERATING EXPENDITURE</b>                      |                                           |                  |                    |      |
| Employee Costs                                    | \$2,796                                   | \$10,226         | \$10,226           |      |
| Depreciation                                      | \$2,008                                   | \$8,031          | \$8,031            |      |
| Borrowing Costs                                   | \$42                                      | \$323            | \$323              |      |
| Materials & Services                              | \$1,767                                   | \$12,122         | \$12,122           |      |
| Grants & Donations                                | \$50                                      | \$415            | \$415              |      |
| Plant Expenses                                    | \$369                                     | \$1,307          | \$1,307            |      |
| Other                                             | \$0                                       | \$0              | \$0                |      |
| <b>TOTAL OPERATING EXPENDITURE</b>                | <b>\$7,031</b>                            | <b>\$32,424</b>  | <b>\$32,424</b>    |      |
| <b>NET SURPLUS/(DEFICITS)<br/>FROM OPERATIONS</b> |                                           |                  |                    |      |
|                                                   | <b>\$12,764</b>                           | <b>\$2,839</b>   | <b>\$1,802</b>     |      |
| Proceeds from Asset Sales                         | \$3                                       | \$38             | \$38               |      |
| Property, Plant & Equipment Write Off             |                                           | (\$150)          | (\$150)            |      |
| <b>RESULTING FROM OPERATIONS</b>                  | <b>\$12,767</b>                           | <b>\$2,727</b>   | <b>\$1,690</b>     |      |

**Notes**

- 1 Rates**  
- Rates struck in September 2009 = \$18.7m
- 2 Grants - Operating**  
- One quarter of the Victorian Grants Commission payment (General Purpose) was received in the 2008/09 year therefore reducing the amount expected for the 2009/10 year = \$1.267m
- 3 Grants - Capital**  
- Additional funding received via Federal government stimulus package = \$0.3m

**END OF YEAR PROJECTED RESULT**

Predicted accumulated cash surplus/deficit position as at 30/09/2009.

**Comments**  
 Estimated accumulated cash surplus \$0.7m  
 Projected cash surplus as at 30/09/2009 forecast at approx \$0.28m

- 3
- 4
- 5
- 6

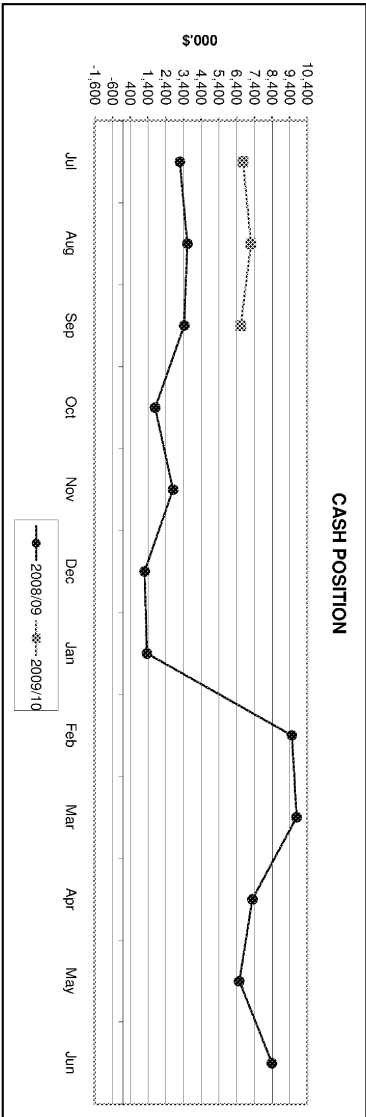
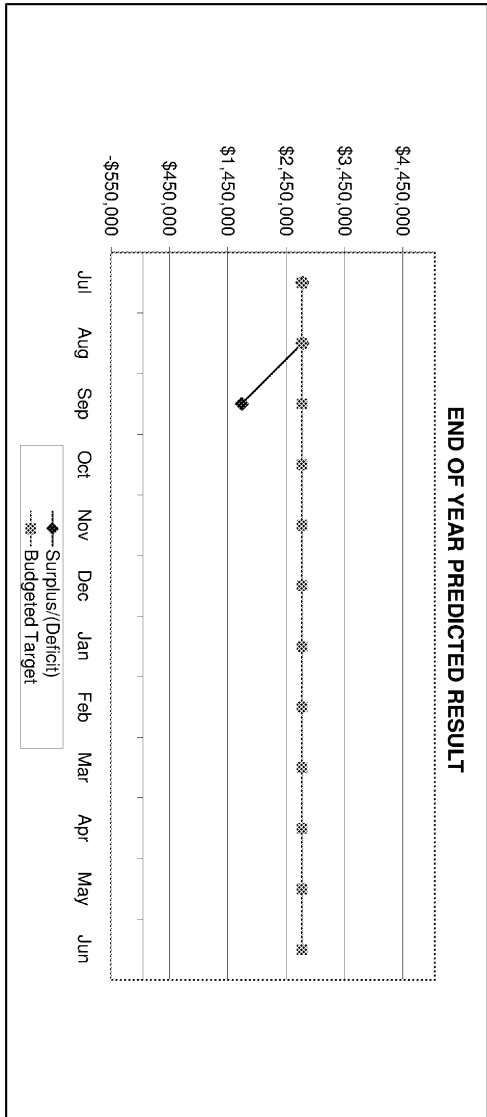
**CASH POSITION**

Comparison of General Account Bank balance at the end of month compared to previous year. Includes Port of Apollo Bay and Private Schemes.

**Comment**

Net cash inflow approx. \$12.7m for quarter end Sept 2009. Increased cash position of approx \$0.41m as compared to previous year.

|         | 2009/10 |
|---------|---------|
| Income  | \$19.8m |
| Exp.    | -\$7.0m |
| Net     | \$12.8m |
| Balance | \$6.63m |

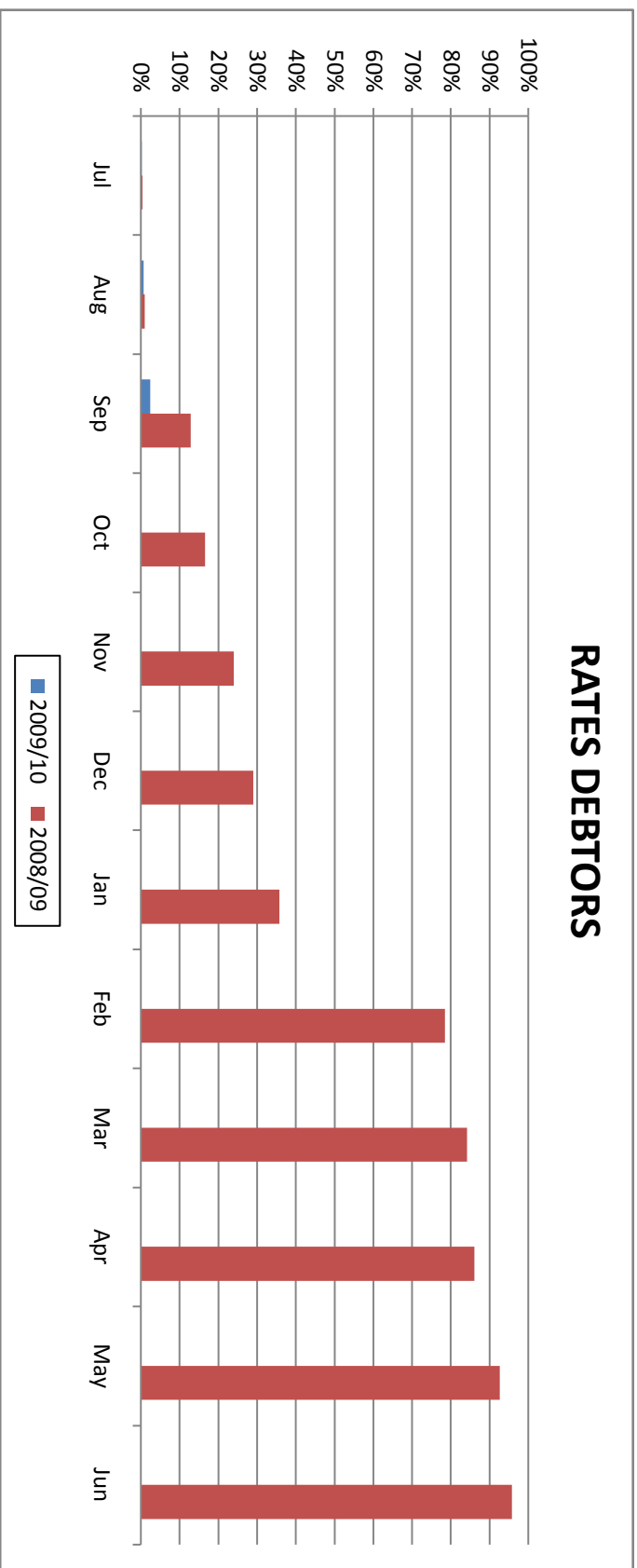


**RATES DEBTORS**

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    | 2009/10 | 2008/09 |
|-----------|----------|---------|---------|
| July      | \$18,721 | 0.25%   | 0.50%   |
| August    | \$18,721 | 0.75%   | 1.00%   |
| September | \$18,250 | 2.51%   | 12.90%  |
| October   |          |         | 16.60%  |
| November  |          |         | 24.00%  |
| December  |          |         | 29.00%  |
| January   |          |         | 35.80%  |
| February  |          |         | 78.50%  |
| March     |          |         | 84.20%  |
| April     |          |         | 86.10%  |
| May       |          |         | 92.60%  |
| June      |          |         | 95.70%  |



**LOAN LIABILITY**

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

**Comments**

New loan as budgeted for in 2009/10 Budget = \$3.1m not yet drawn as at end of September 2009.

| LOAN NO. | BAL<br>01/07/2009  | NEW<br>LOANS | PROJECTED        |                 | YTD<br>ACTUAL      | BAL<br>30/09/2009 |
|----------|--------------------|--------------|------------------|-----------------|--------------------|-------------------|
|          |                    |              | 2009/10          | 2009/10         |                    |                   |
| C.O.S. 6 | \$648,912          | \$0          | \$87,519         | \$11,838        | \$637,074          |                   |
| C.O.S. 7 | \$1,192,780        | \$0          | \$160,665        | \$17,623        | \$1,175,157        |                   |
| C.O.S. 8 | \$145,083          | \$0          | \$102,332        | \$23,132        | \$121,951          |                   |
| C.O.S. 9 | \$475,100          | \$0          | \$116,014        | \$21,687        | \$453,413          |                   |
|          | <b>\$2,461,874</b> | <b>\$0</b>   | <b>\$466,530</b> | <b>\$74,279</b> | <b>\$2,387,595</b> |                   |



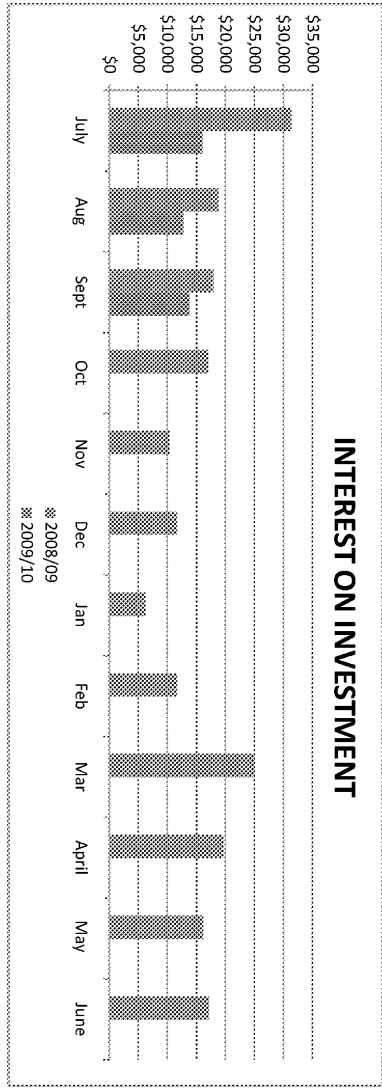
**INTEREST ON INVESTMENT**

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

**Comment**

Progressive 2009/10 to 30/09/2009 \$42,662  
 Progressive 2008/09 to 30/09/2008 \$68,234

Current Interest Rate 2.90%



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**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | D | W |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <b><u>INFRASTRUCTURE AND SERVICES</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |   |   |
| <p><b><u>OM092810-10 PROPOSED ROAD CLOSURE – ROAD ABUTTING 49 QUEEN STREET, COLAC</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. Resolve to invite public submissions in accordance with Section 223 of the Local Government Act 1989 of its intention to discontinue the section of road separating 49 Queen Street (Lot 1 TP173744) and 74 Dennis Street (PC367529);</i></b></li> <li><b><i>2. Council considers submissions pursuant to Section 223 of the Local Government Act 1989 at COPACC at the January 2010 Council meeting.</i></b> <ol style="list-style-type: none"> <li><b><i>a)</i></b></li> </ol> </li> <li><b><i>3. After hearing submissions in accordance with Section 223 of the Local Government Act 1989, consider a report in relation to the future of this piece of land.</i></b></li> </ol> |   |   |
| <p><b><u>OM092810-11 TIMBER ROADS PROGRAM – LOCAL ROAD UPGRADES</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. Resolve to support the grant funding application and consider allocations of \$69,376 in both the 2010/11 and 2011/12 Capital Works budgets as Council’s contribution towards Better Roads grant funding of \$971,261 for the upgrade of both Old Beech Forest Road and Pipeline Road.</i></b></li> </ol>                                                                                                                                                                                                                                                                                                                                                                                              |   |   |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

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**OM092810-10          PROPOSED ROAD CLOSURE – ROAD ABUTTING 49  
QUEEN STREET, COLAC**

|             |                           |           |                                |
|-------------|---------------------------|-----------|--------------------------------|
| AUTHOR:     | Adam Lehmann              | ENDORSED: | Neil Allen                     |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | GEN00016 – Road Discontinuance |

**Purpose**

This report is to request that Council undertake an investigation in accordance with Section 223 of the Local Government Act 1989 (LGA) into discontinuing and closing a section of road located off Queen Street Colac.

**Declaration of Interests**

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

**Background**

The subject length of road is shown on the accompanying locality plan and abuts the following properties:

- 47 Queen Street (Lot 1 TP241116);
- 49 Queen Street (Lot 1 TP173744);
- 74 Dennis Street (PC367529); and
- 3-11 Murray Street (PC360385)

All adjacent properties have rights of carriageway over the road. The property at 49 Queen Street is Council owned land and is the site of the Queen Street Maternal and Child Health Centre.

Section 183 of the LGA, requires Council to do certain things before selling land.

Clause 3 of Schedule 10 of the LGA provides the power to discontinue roads:

*A Council may, in addition to any power given to it by section 43 and 44 of the Planning and Environment Act 1987 -*

- a) *Discontinue a road, or part of a road, by a notice published in the Government Gazette; and,*
- b) *Sell the land from that road (if it is not Crown Land), transfer the land to the Crown or itself or retain the land.*

**Council Plan / Other Strategies / Policy**

This proposal has been considered consistent with Council's Policy for the Closure of Unused Government Roads, Licensing of Unused Roads or Water Frontage.

**Issues / Options**

Prior to Council making any decision in relation to this piece of land it will need to seek community input into what should happen long term with this land. This will involve seeking community input into the decision making process.

Council's options are as follows:

1. Do nothing
2. Discontinue of road reserve
3. Discontinue of road reserve and sell
4. Discontinue of road reserve and expand adjoining Council land

Council must consider the management of this section of Government Road in two distinct steps.

a) Road Closure and discontinuation

Council must decide whether to discontinue the portion of road in question. If Council then resolves that the land is not reasonably required for road purposes, then it can discontinue the road via a notice published in the Victoria Government Gazette.

b) Sale of allotment (If considered appropriate)

If Council discontinues the road reserve, consideration can then be given to the sale or otherwise of the land in accordance with the Council's *"Sale and Exchange of Council Land"* policy and the LGA.

If Council considers that this road could be sold, then this must be exercised following a six week period of public consultation and in accordance with Section 223 of the LGA. The owner of the adjacent land has expressed their desire to purchase this section of road to maximise the potential use of it for the storage of goods associated with their business operations. Council would need to offer the land on the open market as other property owners may be interested in purchasing the site, alternatively Council will also need to consider should the adjoining Council land be expanded to include this parcel.

At this stage, it is intended that Council only consider if the road should be closed and a further report be brought back to Council after consideration of potential road closure issues to determine the future action of Council.

### **Proposal**

The proposal constitutes the acquisition of a rectangular parcel of land being approximately 59 m<sup>2</sup> in area at the rear of 74 Dennis Street. The area is an expanse of road that runs north from another section of road which has direct access to Queen Street.

There is no formed roadway along the length of this section of road, it is presently fenced along its perimeter and is overgrown by vegetation. Officers have assessed that this section of road is not reasonably required for future expansion of the road network. Closure of this road would not appear to compromise access to any property.

It is proposed to advertise Council's intention to discontinue this section of road.

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

Council will be responsible for any costs incurred in the road closure investigation. This would be expected to include advertising costs etc.

It is intended that any proposed discontinuance and sale process should it proceed would be undertaken so that Council remains in a cost neutral position. Prior to the consideration of

sale of the section of road, Council would need to have the land independently valued by a registered valuer. This valuation will form the reserve sale price.

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

No risk management considerations are applicable.

#### **Environmental and Climate Change Considerations**

No environmental considerations are applicable with respect to this matter.

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

Present procedure requires that Council give public notice of its intention to the discontinuance of a road. In addition, all abutting property owners will be written to advising them of Council's intention and their right to make submission.

All submissions received will be considered following the provisions of Section 223 of the LGA.

All utility companies will also be advised of Council's intention to discontinue the identified section of road to ensure that all necessary easements in favour of any underground services located within the area are created.

#### **Implementation**

All actions will be implemented upon resolution by Council.

#### **Conclusion**

From Council's perspective, the road is not reasonably required for public use and currently serves no broader public amenity. Council stands to slightly improve the management of its road network by reducing the amount of land it is responsible for and as such should advertise its intention to discontinue this section of road.

It is proposed that Council call for public submissions for the discontinuation of the road and intention to sell the discontinued road reserve in accordance with the Council's "Sale and Exchange of Council Land" policy and that a further report be provided back to Council in relation to proceeding with the sale of this property after hearing submissions under Section 223 of the LGA.

#### **Attachments**

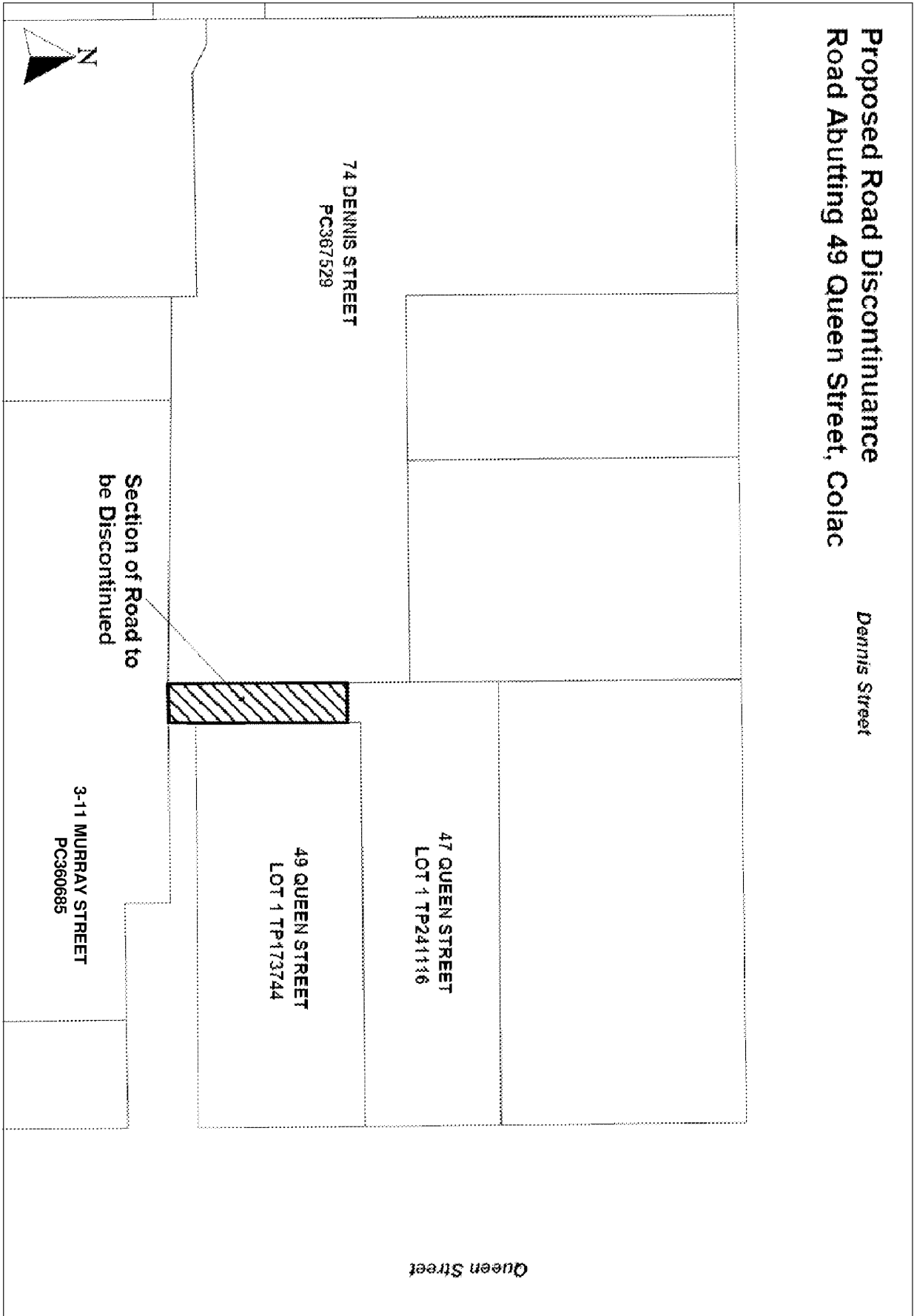
1. Locality Plan

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

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

- 1. Resolve to invite public submissions in accordance with Section 223 of the Local Government Act 1989 of its intention to discontinue the section of road separating 49 Queen Street (Lot 1 TP173744) and 74 Dennis Street (PC367529);***
- 2. Council considers submissions pursuant to Section 223 of the Local Government Act 1989 at COPACC at the January 2010 Council meeting.***
  - a)***
- 3. After hearing submissions in accordance with Section 223 of the Local Government Act 1989, consider a report in relation to the future of this piece of land.***

~~~~~\ ~~~~~



OM092810-11 TIMBER ROADS PROGRAM – LOCAL ROAD UPGRADES

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Adam Lehmann | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | GEN |

Purpose

The purpose of this report is for Council to consider supporting a Timber Roads Program grant funding application for the 2010/11 and 2011/12 Capital Works Budgets for a one seventh Council contribution to the upgrade the Old Beech Forest Road, Gellibrand and Pipeline Road, Irrewillipe.

Declaration of Interests

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

Background

The *Better Roads Victoria Program* provides a limited amount of financial assistance to municipalities for rural local timber roads affected by the cartage of significant quantities of timber from forests or plantations to facilitate the activities of the Victorian Timber Industry.

Council officers submitted an application for funding from this program on 9 October 2009. Details of each of the projects are as follows:

| Road Name | Ch. From (km) | Ch. To (km) | Proposed Treatment | Total Project Cost (\$) |
|-----------------------|---------------|-------------|---|-------------------------|
| Old Beech Forest Road | 1.7 | 13.4 | Gravel resheet, drainage improvements, vegetation control, signage improvements | \$659,726 |
| Pipeline Road | 0 | 5.0 | Heavy gravel resheet, drainage improvements | \$311,535 |
| | | | Total | \$971,261 |

The attached locality plan indicates the overall extent of works.

It has been identified that each of the local roads nominated will be affected by the cartage of significant volumes of timber in the short to medium term. These cartage routes require differing levels of upgrade to support the safe and efficient transport of timber from various harvest areas to the relevant processing facilities.

The need for the upgrade of the two (2) roads identified in the Council funding bid has been established through working closely with a number of key stakeholders, including local timber industry representatives.

Council Plan / Other Strategies / Policy

This project aligns with the following community priorities as identified in the Council Plan 2009-13:

- Manage our roads consistent with Council's Road Management Plan; and
- Improving local and regional transport networks to ensure safety and accessibility

Issues / Options

Funding under the *Better Roads Victoria* is allocated on a competitive basis with all applications assessed against the program eligibility and selection criteria. Proposals for projects in this category require a contribution by Council of one seventh of the total project cost.

The following table provides a summary of the financial details of the proposed projects. It is intended that works be undertaken in two (2) stages over separate financial years to minimize Council's overall contribution in any one period.

| Description | Stage 1
2010/11 | Stage 2
2011/12 |
|--|----------------------------|----------------------------|
| Project Cost | | |
| Total Stage Cost - Old Beech Forest Road | \$329,863 | \$329,863 |
| Total Stage Cost - Pipeline Road | \$155,768 | \$155,768 |
| Total | \$485,631 | \$485,631 |
| Income | | |
| Grant funds (Better Roads) | \$416,255 | \$416,255 |
| External Contributions (Other) | \$0 | \$0 |
| Net Cost To Council | \$69,376 | \$69,376 |

The proposed improvements along Old Beech Forest Road and Pipeline Road have previously been identified and included on the ten (10) year Capital Works and Major Projects Program. The priority level of these projects was further validated through wood flow projections obtained from Midway, HVP Plantations, and AKD.

This funding would be used to improve the road to allow the Council to have an improved road asset at the end of the works.

Proposal

To refer the projects to the future Capital Works Program for Consideration and prioritisation as part of the future Capital Works budget process, based on a shared funding arrangement.

The identified projects have multiple community and industry benefits. The timber industry is particularly reliant on local roads for the transportation of raw materials. Inadequacies in the local road network can affect the cost and timelines of transport in the immediate locality and throughout the region. Improvements to local roads are important in order to promote greater transport safety, and improve efficiencies and overall economic performance.

Financial and Other Resource Implications

It is the intention that an allocation of \$69,376, being the Council portion in each year, be considered in both the 2010/11 and 2011/12 budgets as Council's contribution towards the total cost project cost of \$971,261 for the upgrade of both Old Beech Forest Road and Pipeline Road as detailed.

If this application is successful, the balance of funds would be provided by VicRoads under a Better Roads grant.

Risk Management & Compliance Issues

Completion of the upgrade works to the identified roads will not only achieve benefits in terms of reduced vehicle operating costs, travel time savings, and increased transport competitiveness, but there will also be other road user benefits such as improved road safety.

Environmental and Climate Change Considerations

All statutory planning and other approvals in the interest of cultural heritage and environmental protection will be obtained where required. Any conditions of these will be considered both in the detailed design for the proposed works and the implementation of onsite management controls. No physical works will take place until all such matters are resolved.

Communication Strategy / Consultation

Council's application for funding for improvements to both Old Beech Forest Road and Pipeline Road was developed in close and detailed liaison with industry and transport operators.

Letters of support from various industry and community groups were provided with Council's application, and notice will be provided where required in accordance with the Council's Communications Policy.

Implementation

It is proposed that works would be carried out in accordance with the future Capital Works Program if grant funding is provided and the project endorsed by Council.

Conclusion

This project would provide an improved road for both the community and the timber industry with Council having an improved road asset at the end of the harvesting period.

Council acknowledges the need and importance of improving local transport infrastructure to enhance the competitiveness of the timber industry in the local and global marketplaces. This commitment has resulted in the preparation of the application to the *Better Roads Victoria Program* for the upgrade of both Old Beech Forest Road and Pipeline Road which are two key timber cartage routes within the Colac Otway Shire.

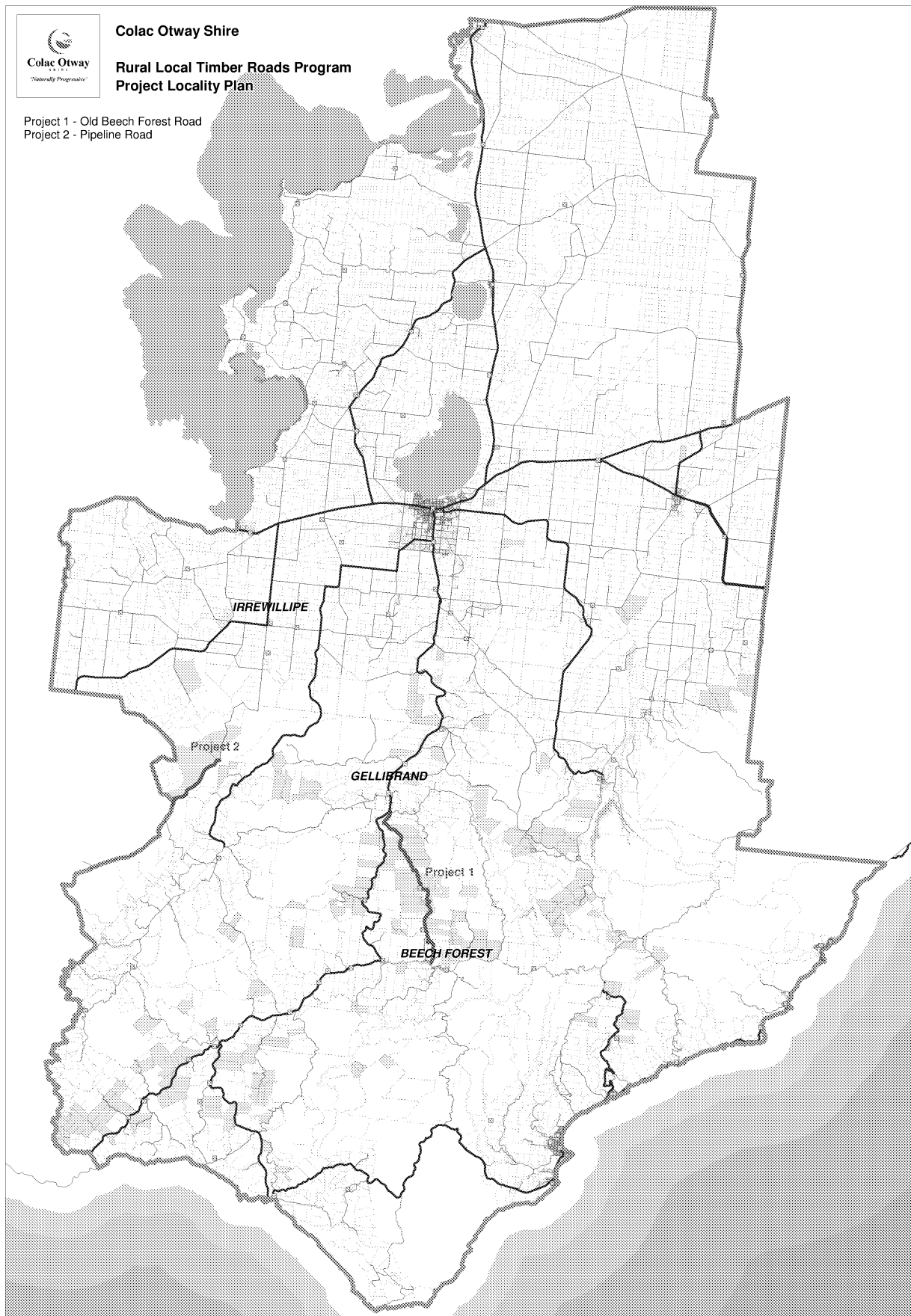
Attachments

1. Locality Plan

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

1. ***Resolve to support the grant funding application and consider allocations of \$69,376 in both the 2010/11 and 2011/12 Capital Works budgets as Council's contribution towards Better Roads grant funding of \$971,261 for the upgrade of both Old Beech Forest Road and Pipeline Road.***

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

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | D | W |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p> <p><b><u>OM092810-12 COMMUNITY ENGAGEMENT POLICY</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council endorse the draft Colac Otway Shire Community Engagement Policy, October 2009, for public comment.</i></p>                                                                                                                                                                         |   |   |
| <p><b><u>OM092810-13 BEEAC WINDMILL PARK AND HISTORY WALK FUNDING AGREEMENT</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council sign and seal the funding agreements between Regional Development Victoria and Colac Otway Shire in order to officially ratify the \$ 112,500 of funding received by Council for the Beeac Windmill Park and History Walk Project.</i></p>                                                                        |   |   |
| <p><b><u>OM092810-14 COLAC OTWAY SHIRE ENVIRONMENT STRATEGY</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li><i>1. Endorse the release of the current draft Colac Otway Shire Environment Strategy for public comment.</i></li> <li><i>2. Place the draft Colac Otway Shire Environment Strategy on public exhibition for a period of six weeks and invite written submissions.</i></li> </ol> |   |   |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

**OM092810-12****COMMUNITY ENGAGEMENT POLICY**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Mike Barrow                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | Gen01688   |

**Purpose**

To seek Council endorsement of the draft Colac Otway Shire Community Engagement Policy, October 2009 for public comment.

**Declaration of Interests**

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

**Background**

Colac Otway Shire's existing Community Consultation and Engagement Policy was adopted in 1999 and reviewed in 2002, 2006 and 2007. Although this policy is enabling Council to meet the requirements for consultation under the Local Government Act, the proposed Community Engagement Policy, October 2009 takes a more active and structured approach to planning community engagement so that consultation with the community is targeted and tailored for purpose and is able to provide more meaningful input to the Council decision making process. The new policy has also been designed to encourage an increased understanding of engagement within the Council organisation and provide appropriate tools for Officers to use in the planning and delivery of engagement processes.

The objectives of the draft Community Engagement Policy are to:

- Strengthen organisational capacity through the development of an integrated system that encourages a coordinated approach to community partnership.
- Establish clear processes and tools within a framework that can be applied with confidence across a range of issues and stakeholders.
- Build community capacity through enhanced opportunity to interact with Council in planning and decisions making.
- Ensure successful engagement by working within a continuous improvement framework that evaluates and improves approaches and knowledge.

The new policy has been developed with the aim of introducing the Public Participation Spectrum developed by the International Association for Public Participation (IAP2) that defines engagement as encompassing a range of interactions with people such as simple one way information sharing or more involved levels of community consultation and participation (Attachment 1, IAP2 Public Participation Spectrum table).

One of the other significant differences from the previous policy is the change to 'Agreed Minimum Timeframe for Key Council Engagement Documents'. Under the previous policy this timeframe had been 4 weeks. The recommended new time frame is six weeks taking into account community feedback that the four week timeframe is often too short to engage and respond; particularly by community organisations that meet less than monthly.

The IAP2 Public Participation Spectrum includes graduated levels of engagement that can be selected according to the type of issue, decision, or information that is the subject of the

process and the objective of the engagement. The lowest level of engagement and therefore lowest expectation in terms of two way participatory processes is 'Inform'.

When the objective is to provide the public with balanced objective information, then 'Inform' methods such as letters to businesses to inform them of training and development opportunities; and Council's Colac Herald Columns that inform the public on a range of Council activities and services would be the most appropriate.

The next level is 'Consultation'. When the objective is to obtain public feedback on Council alternatives directions, then 'Consultation' methods such as a survey of community opinion; letters and media releases informing and requesting feedback; community forums and public meetings would be the most appropriate.

'Involve' is the next level, and when the objective is to work directly with the community to ensure that public concerns and aspirations are consistently understood and considered in decision making, then 'Involve' methods such as community forums, public meetings, stakeholder focus groups and 'Enquiry by Design' would be the most appropriate.

A higher level of engagement is 'Collaborative', and when the objective is to partner with the community in every aspect of decision making and incorporation of public recommendation into Council decisions, then 'Collaborative' processes such as facilitated discussions on local priorities and citizen advisory committees would be the most appropriate.

The highest level of community engagement is 'Empower' and when the objective is to place final decision making in the hands of the public then 'Empower' processes such as funding of Otways Tourism Inc. to manage Colac Otway Shire internal tourism marketing and industry development would be most appropriate. Other methods include citizen juries and referendums on particular alternative decisions.

Every level of engagement is valid according to the circumstances and objectives. It would be most important that the correct level of engagement is selected because if the intention is to simply inform and the method selected is an 'Involve' method, then Council and the community would have conflicting expectations of the process and be mutually disappointed with the outcomes.

Another reason for correctly selecting the level of engagement is that just as each level includes a higher level of community participation it also includes a higher cost in terms of direct funding and use of Council's human resources. In order that both Councillors and Officers fully understand the proposed engagement process, future Officer reports to Council would include information on recommended engagement processes according to the IAP2 Public Participation Spectrum.

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

Consultation on Council services is mandatory under the Local Government (Best Value) Act 1999 which states that *"all services provided by Council must be responsive to the needs of the community and that a Council must develop a program of regular consultation with its community to the services it provides."*

The Colac Otway Shire draft Community Engagement Policy 2009, sets out a strategic and integrated approach to community engagement and consultation. The draft Community Engagement Policy, October 2009 is aligned with the Council Vision, Mission and Values:

#### Our Vision

*Council will work together with our community to create a sustainable, vibrant future.*



### Our Mission

*Council will work in partnership with our community and other organisations to provide:*

- *Effective leadership, governance and financial accountability*
- *Affordable and effective services*
- *An advocacy and engagement approach to sustainably grow our community*

### Values

*Council will achieve its Vision and Mission by acting with:*

- *Respect*
- *Integrity*
- *Goodwill*
- *Honesty*
- *Trust*

### **Issues / Options**

Council's existing Community Consultation and Engagement Policy, May 2007, provides a sound basis for engaging with the public and Council has achieved an increased rating from 76% in 2008 to 79% in 2009 on Council's interaction and dealing with the public as measured by the Local Government Community Satisfaction Survey. Council's rating has risen from 40% in 2008, to 52% in 2009 in the area of Council's engagement in decision making on key local issues. These figures suggest that the community believes Council is achieving a reasonable standard in terms of general customer contact and service but could improve on its level of community engagement. Council has also received significant anecdotal evidence that the community would welcome further enhancement of Council's efforts in this area, a circumstance that may be influenced by particular controversial issues that receive more than usual media coverage.

The proposed IAP2 Public Participation Spectrum is an international standard developed by the International Association for Public Participation to demonstrate the possible types of engagement with stakeholders and communities. It improves on the current Community Consultation and Engagement Policy, May 2007, by providing an easily understood and simplified structure for Council officers to use in planning and implementation of engagement strategies. The IAP2 model is outcomes driven and encourages people to consider the result they want prior to engaging.

The draft Colac Otway Shire Community Engagement Policy, October 2009 would improve on Council's current capacity and success in community engagement by embedding procedures and tools for implementation into Council processes.

Option 1 is that Council endorse the draft Colac Otway Shire Community Engagement Policy, October 2009 for public comment.

Option 2 is that Council does not endorse the draft Colac Otway Shire Community Engagement Policy, October 2009 for public comment.

Option 1 is preferred because Colac Otway Shire has expressed in its Vision, Mission and Values, a strong belief that effective governance is achieved through open leadership, and sensitivity to community needs, interests and aspirations. It is important that Council demonstrates that sensitivity through a strong commitment to community engagement. The IAP2 Public Participation Spectrum would provide a structured and systematic method of delivering on that commitment that would also enhance the culture of engagement within the Council organisation.

The IAP2 model is increasingly becoming the preferred model for community engagement in Victoria, not just for Local Government but for many other government agencies as well. It would be beneficial for Council to use a model that is widely recognised and understood across the state, from a consistency and efficiency point of view.

### **Proposal**

That Council endorse the draft Colac Otway Shire Community Engagement Policy, October 2009 for public comment.

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

There are no financial implications associated with this policy and procedure however the implementation of this policy will involve minor levels of expenditure according to the circumstances and level of engagement selected, which will be within current budget allocations.

Each business unit would be responsible for its own respective project's planning, implementation and resources as is currently the case.

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

There are no risk management implications associated with this policy and procedure however poor engagement processes can put Council at risk of conflict with the public. Provided objectives are clear and the methods selected are appropriate this risk should be diminished.

### **Environmental and Climate Change Considerations**

There are no environmental considerations associated with this policy and procedure.

### **Communication Strategy / Consultation**

If the draft Colac Otway Shire Community Engagement Policy, October 2009 is endorsed by Council, the communication strategy will follow the recommendations of the draft Policy.

The method selected would be 'Consult' and include:

- Media Release
- Public exhibition of the draft Policy for a period of six weeks.
- Letters to Progress Associations and key stakeholders advising them of the draft Policy and inviting them to make written submission.

### **Implementation**

Following the public engagement period, the Colac Otway Shire Community Engagement Policy, October 2009 will be presented to Council for adoption. If adopted, staff training would be conducted to ensure compliance and comprehension of policy and procedure.

Tools such as including a requirement in the Council Officer report template as above and the project plan as noted in the procedure section of the draft policy, would be developed to ensure the policy becomes embedded in project planning and implementation.

### **Conclusion**

Council has an obligation and a legal right to make decisions and govern on behalf of the citizens it represents. Colac Otway Shire has a strong belief that effective governance is achieved through open leadership and sensitivity to community needs, interests and aspirations. It is important that Council demonstrates that sensitivity through a strong commitment to community engagement. The IAP2 Public Participation Spectrum would provide a structured and systematic method of delivering on that commitment that would also create an organisational culture of engagement.

**Attachments**

1. Public Participation Spectrum
2. Draft Community Engagement Policy

**Recommendation(s)**

***That Council endorse the draft Colac Otway Shire Community Engagement Policy, October 2009, for public comment.***

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IAP2 Public Participation Spectrum

Developed by the International Association for Public Participation

INCREASING LEVEL OF PUBLIC IMPACT

| INFORM | CONSULT | INVOLVE | COLLABORATE | EMPOWER |
|---|---|--|---|---|
| Public Participation Goal:
To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions. | Public Participation Goal:
To obtain public feedback on analysis, alternatives and/or decisions. | Public Participation Goal:
To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered. | Public Participation Goal:
To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. | Public Participation Goal:
To place final decision-making in the hands of the public. |
| Promise to the Public:
We will keep you informed. | Promise to the Public:
We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. | Promise to the Public:
We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision. | Promise to the Public:
We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible. | Promise to the Public:
We will implement what you decide. |
| Example Techniques to Consider: <ul style="list-style-type: none"> ● Fact sheets ● Web sites ● Open houses | Example Techniques to Consider: <ul style="list-style-type: none"> ● Public comment ● Focus groups ● Surveys ● Public meetings | Example Techniques to Consider: <ul style="list-style-type: none"> ● Workshops ● Deliberate polling | Example Techniques to Consider: <ul style="list-style-type: none"> ● Citizen Advisory Committees ● Consensus-building ● Participatory decision-making | Example Techniques to Consider: <ul style="list-style-type: none"> ● Citizen juries ● Ballots ● Delegated decisions |



Colac Otway Shire –

DRAFT Community Engagement Policy

October 2009

Policy No:

Date Adopted:

File No: GEN01688

Revised:

1. PURPOSE

The Colac Otway Shire Community Engagement Policy details Council's commitment to the value of public participation and outlines principles and practical methods of successful engagement of the community to achieve a high level of mutual community and Council understanding, communication and deliberation in decision making.

The objectives of the Community Engagement Policy are to:

- Strengthen organisational capacity through the development of an integrated system that encourages a coordinated approach to community partnership.
- Establish clear processes and tools within a framework that can be applied with confidence across a range of issues and stakeholders.
- Build community capacity through enhanced opportunity to interact with Council in planning and decisions making.
- Ensure successful engagement by working within a continuous improvement framework that evaluates and improves approaches and knowledge.

2. INTRODUCTION

Council has an obligation and a legal right to make decisions and govern on behalf of the citizens it represents. Colac Otway Shire has a strong belief that effective governance is achieved through open leadership and sensitivity to community needs, interests and aspirations. Council is guided by the Council values of:

- Respect
- Integrity
- Goodwill
- Honesty
- Trust

Decisions will take into account relevant technical advice and information provided and the input from community engagement.

Community engagement fosters a sense of belonging to a community, sharing in decision making and recognition of personal community involvement and effort. Council has a commitment to building partnerships with a range of stakeholders, and seeking greater community involvement in its activities and decision making process.

Sound engagement processes build relationships with citizens. As these relationships are strengthened the ability of Council is strengthened to deal with complex issues as well as day to day delivery of services. As these relationships are strengthened the capacity of the community to respond to Council is also enhanced.

The Public Participation Spectrum developed by the International Association for Public Participation (IAP2) provides a structure that enables Council to build on existing community relationships and tools for actively increasing public participation and partnership. *Attachment 1*

This two-way relationship strengthening operates through differing levels of engagement depending on goals, time frames, resources and level of interest in the decision to be made or the goal to be reached.

The Colac Otway Shire Community Engagement Policy will be underpinned by the following principles:

- Transparency, openness and clarity - ensure stakeholders are given all the information they need to make informed contributions.
- Commitment - show respect for both stakeholders and participants in the process.
- Accessibility - provide different ways for people to participate.
- Accountability - respond to participants with information on how their contributions have influenced the outcome and final decisions.
- Responsiveness – a willingness to listen to the inputs of people who have participated in the process
- Willingness to learn – ensure the process is based on a willingness to learn from the consultation process

2.1 Links with Council Plan

Colac Otway Shire has committed in the Council Plan 2009 – 2013 to a Mission that:
“Council will work in partnership with our community and other organisations to provide:

- *Effective leadership, governance and financial accountability*
- *Affordable and effective services*
- *An advocacy and engagement approach to sustainably grow our community”.*

2.2 Links with Best Value

Consultation on Council services is mandatory under the Local Government (Best Value) Act 1999 which states the *“all services provided by Council must be responsive to the needs of the community and that a Council must develop a program of regular consultation with its community to the services it provides.”*

The Colac Otway Shire Community Engagement Policy sets out a strategic and integrated approach to community engagement and consultation.

2.3 Statutory Obligations in Consulting with the community

A number of Government legislative frameworks require Councils to consult with the community prior to adopting a policy or making a decision. These outline the minimum statutory requirement under the relevant frameworks. They include:

2.3.1 Planning and Environment Act 1997

Council has a number of obligations to advertise or ‘give notice’ of planning permit applications and amendments to the Colac Otway Planning Scheme which are set out under the Planning and Environment Act 1997.

By giving notice of planning permit applications and proposed amendments Council ensures members of the community know about changes that may affect them. It also gives those affected the opportunity to voice their concerns or support for the proposed changes.

Council also has a policy of allowing the proponent and objectors to speak briefly on planning proposals and items on the agendas of its Planning Committee meetings. Some examples of documents for consultation and minimum timeframes under the Planning and Environment Act 1997 include:

| Document | Minimum Timeframe Required Under Act |
|-------------------------------|--------------------------------------|
| Amendments to Planning Scheme | One month |
| Planning Permits | 14 days – Public Notice |

Whilst Council has scope to extend the period of notice for Planning Scheme Amendments beyond the minimum one month, there is no capacity to extend the 14 day notice period for Planning Permit Applications given the statutory time periods for Council decisions.

2.3.2 Local Government Act

Section 223 of the Local Government Act outlines provisions for the rights of people to make a submission to Council.

The minimum requirement for submissions from the date of publication of a public notice inviting submissions is 14 days. Some of the documents governed by Section 223 include:

| Document | Minimum Timeframe Required Under Act |
|---------------------|--------------------------------------|
| Council Plan | 14 Days |
| Budget | 14 Days |
| Local Laws | 14 Days |
| Road Closures | 14 Days |
| Road Discontinuance | 14 Days |
| Intention to Sell | 14 Days |
| Intention to Lease | 14 Days |

Section 163 of the Local Government Act 1989 governs Special Rate and Special Charges. Council has developed a Special Charge Scheme Policy to ensure the procedures for the creation and implementation of contributory projects in providing works and services authorised under Section 163 are consistent and equitable, and as a guide for the fair and reasonable distribution of costs for those persons obtaining a special benefit.

The Act requires Council to give public notice of its intention to declare a Special Charge at least 28 days before making the declaration. People can also make submissions on Special Rates and Special Charges under Section 223 of the Act.

Council is meeting its statutory obligations in following the requirements of these legislative frameworks.

However, Council can use the methods outlined in this policy and guidelines as a basis for determining the approach to and extent of the consultation process.

3. SCOPE OF THE POLICY

This policy applies to all full time, part-time, and casual Council officers and volunteers of Colac Otway Shire and the associated departments that are intending to undertake a consultation process with the community.

This policy and associated guidelines should be used as a basis for planning the consultation process for any document, policy or strategy not governed by state legislative frameworks. This includes initial consultation with the community prior to a document undergoing an official consultation process.

This procedure does not govern the community consultation processes undertaken during the implementation of Special Charge Schemes.

The Communications Coordinator is the key contact for any staff member undertaking consultation. The fortnightly Interdepartmental Managers Meeting will review and advise on all individual engagement processes.

The method of consultation within the IAP2 framework should be determined by utilising the attached guide. (Attachment 1)

4. DEFINITIONS

Community is a broad term that defines groups of people brought together through a common interest such as geographic location, common business or industry link, community club or sporting club affiliation, environmental sustainability or a particular environmental or land use planning issue.

Engagement is also a broad term that encompasses a range of interactions with people such as simple one way information sharing or more involved levels of consultation.

Council community engagement is the participation of Council and community in a two way relationship to achieve a particular outcome or resolve a range of issues.

Public Participation Spectrum is a tool developed by the International Association for Public Participation (IAP2). The spectrum of engagement demonstrates different levels of engagement for example:

- **Informing** the community of policy directions.
- **Consulting** the community as part of the process to develop policy or build community awareness and understanding.
- **Involving** the community through a range of mechanisms to ensure that issues and concerns are understood and considered as part of the decision making process.
- **Collaborating** with the community by developing partnerships to formulate options and provide recommendations.
- **Empowering** the community to make decisions and implement and manage change.

Stakeholder - A stakeholder or stakeholder group is any individual or group who may be involved in, affected by, or expresses a strong interest in, the management of a particular resource or area.

Primary Stakeholders - are those directly, ultimately or mostly affected by a proposal/project. They are generally those groups with some level of dependence on the resource or a long association with it. In most projects, primary stakeholders will be categorised according to social analysis. Thus, primary stakeholders should often be divided by gender, social or income classes, occupation or service user groups. In many projects, categories of primary stakeholders may overlap.

Secondary Stakeholders – are those that have a public or special interest or stake in the project. They are often those groups who have an intermediary role or a collective voice through a consultation process.

5. TRAINING REQUIREMENTS

Staff will be provided with training to ensure compliance with the policy and attached guide.

6. POLICY

6.1 Principles of Good Engagement

According to Best Value the following principles underlie all good engagement practice, and as such, will be adopted and incorporated into this policy.

6.1.1 Participation/Inclusiveness

Community members are welcome and encouraged to initiate discussion with Council. There are a number of ways in which this can occur, however, it is up to the individual or organisation to choose the method that they consider best suits their need or the issue at hand.

All affected and interested parties will be encouraged to participate in engagement. Equal opportunity and accessibility for participation will be given to all members of the community taking into account geography and diversity of the Shire.

Representatives may be selected to work with Council. Engagement will be sensitive to the needs of particular individuals or groups to maximise their ability to contribute. Council will actively seek out individuals for engagement.

6.1.2 Focus

- The rationale behind engagement will be clear
- The purpose of engagement will be documented in a clear statement
- Chosen engagement methods will be appropriate for the task or issue
- An engagement plan will be developed for every significant project, policy development and strategy and will be presented to Council as part of the endorsement of the draft document.

6.1.3 Provision of information

People who are to be consulted must be given sufficient information to be able to provide informed input.

6.1.4 Timing

The engagement process will be timed to ensure that community members are able to identify the issues and that community input is able to influence the decision-making process. Sufficient time will be allocated to ensure the greatest opportunity for input from all stakeholders.

The official consultation period, during which Council receives submissions on documents, strategies and policies, will be a minimum of six weeks. This timeframe does not refer to consultation conducted prior to a document being endorsed by Council for public comment.

Council will endeavour at all times to allow a reasonable period of time for public response during a period of community consultation. Officers should note that many interested persons are often not in their principle place of residence during holiday periods and consider the appropriateness of undertaking consultation during these times or make allowances. Officers should also note that many stakeholder groups such as Clubs or Committees meet only once a month and a six week time frame would generally be more appropriate to ensure that the respective stakeholder group has the opportunity to agenda and discuss the relevant strategy, policy or Council decision. Timeframes will be extended beyond minimum requirements where appropriate.

Council will agree to the following minimum timeframes for key council documents determined by Council as appropriate for community engagement processes. The justification for a decision on the appropriateness of engagement for example on internal Council 'New Policies' must be included in the report to Council to enable Council to make an informed decision.

Agreed Minimum Timeframe for Key Council Engagement Documents

| Document | Timeframe |
|----------------------------|-----------|
| Council Plan | 6 weeks |
| Council Budget | 6 weeks |
| New Policies | 6 weeks |
| Local Laws | 6 weeks |
| Structure Plans | 6 weeks |
| Strategies | 6 weeks |
| Planning Scheme Amendments | 6 weeks |

Shorter or longer time frames may be appropriate depending on statutory requirements or other circumstances related to external deadlines. The justification for the proposed time frame must be included in the report to Council to enable Council to make an informed decision or recommend alternative action.

These time frames do not apply to public notice of planning permit applications under the Planning and Environment Act.

6.1.5 Responsiveness and feedback

The engagement process will be transparent, providing community members with knowledge and understanding of how their input will be used. Council will consider submissions from all participants and community members. The engagement process will include continuous feedback. Council will make reasonable attempts to resolve conflicts, if they arise, and reach equitable, appropriate solutions. Council will communicate their decision with those involved in the engagement process.

6.1.6 Evaluation

If a difference occurs between community input and Council's final decision, the reasons will be clearly and unambiguously stated. As part of its commitment to the effectiveness of engagement, Council's associated decision making process will be evaluated after a final decision has been made.

All engagement plans will be evaluated once a decision is made. Participants will receive feedback about their input and how the final decision was reached.

6.17 When Will Engagement Occur?

Different issues and situations will call for different levels of engagement and different methods according to the IAP2 Spectrum. Examples of the different levels of decision making requiring different approaches to consultation are:

- **Site specific** – Matters about a particular site such as a change in use or sale of a property, excluding matters to be decided under the Planning and Environment act.
- **Area Improvement** – Matters that affect people in a neighbourhood or township e.g. change in service delivery, township strategy or structure plans.
- **Service planning for entire municipality** – To develop or improve a service that would see a significant change in the level of service.
- **Policy Development** – To develop or improve policies or Council's position on particular matters. This does not include internal operating procedures.
- **Key strategic issues/Major Development** – A project that, because of its size, could impact on the finances or future of the whole municipality.
- **Strategic Plans for the Shire** – Establishing the decision-making framework of Council. For example, the Council plan.
- **Legislative Requirements** – This refers to all prescribed activity under the Local Government Act (1989) and any other relevant Acts.

7. RELATED LEGISLATION

- Local Government Act (1989)
- Planning and Environment Act 1987
- Information Privacy Act

8. RELATED POLICIES/PROCEDURES/GUIDELINES

- Community Engagement Procedure
- Media Relations Policy and Guidelines
- Information Privacy Policy
- Special Rates and Charges Policy

Community Engagement Procedure

1. PURPOSE

This procedure aims to provide Colac Otway Shire staff with clear guidelines as to how to prepare and execute a Community Engagement process.

2. INTRODUCTION

Colac Otway Shire has a strong commitment to building partnerships with a range of stakeholders, and seeking greater community involvement in its activities and decision making process.

This procedure outlines a number of methods Council will use to gain community input into its service delivery decision making processes. It will identify the process for determining the level and methods Council will use to engage the community.

3. SCOPE OF THE POLICY

This policy applies to all full time, part-time, and casual Council officers and volunteers of Colac Otway Shire and the associated departments that are intending to undertake an engagement process with the community.

This policy and associated guidelines should be used as a basis for planning the engagement and consultation process for any document, policy or strategy not governed by state legislative frameworks. This includes initial engagement with the community prior to a document undergoing an official consultation process.

This procedure does not govern the community engagement processes undertaken during the implementation of Special Charge Schemes, nor public notice processes for planning permit applications under the Planning and Environment Act.

The Public Relations Coordinator is the key contact to advise any staff member undertaking community engagement. The community engagement plan may also be referred through the appropriate Unit manager to the Interdepartmental Meeting for assessment and advice.

4. TRAINING REQUIREMENTS

Staff will be provided with training to ensure compliance with this procedure.

5. PROCEDURE

Prior to any community engagement, Council staff will be required to develop an engagement plan based on the Public Participation Spectrum developed by the International Association for Public Participation (IAP2). Attachment 1

This plan should include reference to the timeframe, taking into account the agreed minimum timeframe for key Council engagement documents (See p7). It should also include reference to the method of engagement selected from the IAP2 Spectrum. The plan is to be presented to Council as part of the report to endorse the project or document for public comment. Reference to the plan and its key elements must also be included within the Council report under the heading Community Engagement.

6.1 Scoping a Project for Community Engagement

The following steps should be taken to ensure the completeness of any engagement process:

Research

- Identify the range of issues that may be involved
- Identify any policies or strategic plans of council that may impact on any of these issues
- Identify any resident's groups or other groups that may have an interest in any of the issues
- Establish what the responsibilities of Council are in relation to each of the core issues that have been identified

Setting the Framework for the Engagement

- Define the purpose of the engagement
- List specific aims
- Define all the internal stakeholders
- Define all the external stakeholders
- If an issue is likely to be controversial always consider including an independent expert who can develop credibility with both sides
- Using the IAP2 Spectrum decide the most appropriate way for working out how to reach these audiences.

Plan the Consultation Process

- Prepare a timetable for consultation that is realistic
- Establish that you have the necessary budget including for any analysis and reporting
- Prepare the initial information on which the engagement will be based
- Circulate this information or provide access to it for all the stakeholders you have identified

6.2 Engagement Methods

Please note: Hard copies of documents for public comment should be made available for inspection at Council's Colac and Apollo Bay Customer Service Centres and from Library Services in the Shire in ALL instances.

- **Print Media** – Advertisements in local print media are an important means of advising the community about an engagement matter. Print Media could include local newspapers such as The Colac Herald, The Echo, or regional newsletters such as The Otway Light, Apollo Bay News Sheet or Birregurra Mail. The choice of where to advertise and advertising frequency should be guided by a requirement to maximise the opportunity to reach key stakeholders.
- **Website** – Information will be placed on Colac Otway Shire's internet site at www.colacotway.vic.gov.au. Residents can provide feedback via Council's email address inq@colacotway.vic.gov.au.
- **Colac Otway Shire's Community News Column** – This column will be an avenue for information about community engagement activities/events.
- **Write a Letter** – This is a personally addressed letter to all affected households. It will outline the issues and invite comment. It will always indicate where the comment should be directed within Council. Citizens may initiate an exchange through this medium.
- **Township and Community Groups** – Local Progress Association and Community Groups are a valuable means of giving and receiving feedback on a range of issues. When the issue is localised it may only be selected individuals or associations that are consulted.

- **Media Release** – This involves issuing media releases and conducting interviews with local journalists. The media release will be made available to local television, newspapers and relevant community newsletters.
- **Survey** – This is a statistically correct survey of particular qualitative and quantitative data. The data may include individual's attitudes, beliefs or information.
- **Letterbox drop** – Council seeks feedback through an unaddressed leaflet or flyer delivered to an affected area. The flyer will summarise the relevant issues.
- **Personal briefings** – These are held at the request of a member or members of the local community to discuss a particular issue with a responsible officer, which may include a Councillor(s).
- **Focus groups/review groups/forums** – These are discussion groups of around 15-20 people, usually led by a trained person or appropriate staff member. The participants are invited because they are residents or because they have a particular interest, involvement or stake in the subject being discussed. The group may be made up of professionals and/or residents with particular skills and competences relevant to the issue. The purpose is to find out the range of options that exist on a particular topic. Focus groups cannot measure how widely those various opinions are held in the community.
- **Public Meetings/Information Sessions** – These may be held at a community venue, at the site of the matter under engagement, or at the Council offices. Invitations will be sent by either an advertisement, letterbox drop or via the media.
- **Telephone** – Two way communication between Council and resident (initiated by either)
- **Mediation** – Independent mediators may be appointed by Council to either manage a consultation or engagement process or to provide independent advice on the issue.
- **Receive petitions** – Council receives and responds to petitions generated by residents/stakeholders and reacts appropriately, in accordance with Colac Otway Shire Local Law.
- **Workshops** – Workshops may use a number of different styles and presentation formats as a means of involving communities in the engagement process. The workshop could include techniques such as storyboarding (to plan action and suggest means of problem solving), mind maps (brainstorming exercise for exploring solutions to problems), soap boxes or speak out (where individuals are provided with the opportunity to provide an opinion or information within a specified time period), or kitchen table discussion (small informal meeting usually in someone's home or a local café).
- **Exhibitions/Street Stalls/Festivals** – Informal methods of communication allowing community engagement and consultation to take place "where the people are." It is important that the individuals conducting the exhibitions etc be sufficiently briefed and prepared to deal with a wide range of issues raised by the community.
- **Posters** – A simple poster placed in a high profile area (post office, noticeboard, corner store etc) could help you reach secondary stakeholders or help reinforce key aspects of the consultation process.

- **Photovoice** – A process of collecting information and expressing issues and concerns through photography. Community members may be provided with disposable cameras or film which enables them to record things as they see it and provide examples. This tool is useful for both policy and planning.

6.6 Evaluation

Evaluation is imperative to the ongoing development and refinement of the Community Engagement process. Feedback and monitoring should be encouraged throughout the entirety of the engagement process. Evaluation can assist in identifying what has been learned and what might be done better. The evaluation should focus on both the impact and process of community engagement. It should include the views of participants about the value of the exchange, especially whether the consultation process achieved its objective and whether the methods used were suitable.

6.7 Conclusion

Whichever IAP2 level of community engagement or methods chosen, the process needs to be open, responsive, inclusive, consistent and accountable.

Council should make a concerted effort to confer with all parties for whom there are issues, which may be of interest or concern. There is a need to recognise that different methods may need to be employed to reach different groups or individuals, and to allow for variations in circumstance.

Council should guard against the possibility of being unduly swayed by vocal or influential minorities. Satisfactory engagement also requires that the community is given adequate time and opportunity to respond during any consultation process.

Council must meet its obligations giving prompt and effective feedback and following through with any undertakings it gives.

6. RELATED LEGISLATION

- Local Government Act (1989)
- Information Privacy Act
- Planning and Environment Act 1987
- Information Privacy Policy
- Special Rates and Charges Policy

7. RELATED POLICIES/PROCEDURES/GUIDELINES

- Community Engagement Policy Oct 2009
- Media Relations Policy and Procedure

Engagement Template

This template should be used as a guide to develop your Community Engagement Strategy. Your engagement strategy should form part of the planning process for your project.

1. Determining the need for engagement (Research phase)

This addresses the principle focus to ensure that the engagement is purpose driven and the type of engagement chosen from the IAP2 Spectrum is appropriate to the task.

- What is the issue or issues to be resolved?
- Are there any policies/strategic plans of council that may impact on any of these issues?
- What are Council's responsibilities in relation to any of the core issues identified?

2. Determining Objectives for the Engagement

- What outcome are you trying to achieve?

More than one method of engagement may be needed to achieve a successful outcome.

| Objectives | IAP2 Spectrum | Methods |
|------------|---------------|---------|
| | | |
| | | |
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| | | |
| | | |
| | | |
| | | |

3. Identifying Stakeholders

| Stakeholder | Concerns |
|-------------|----------|
| | |
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| | |
| | |
| | |

4. Design Of Key Messages

What do you want to communicate to stakeholders involved in the engagement process? What information do they need to know to make an informed decision? What information could stakeholders get wrong or misunderstand?

Use plain English and keep messages short. Remember the less key messages the easier it is for stakeholders to retain information.

5. Develop a Timeline for Project Completion

6. Evaluation

For each of your objectives consider how you will know when you have achieved success.

| Objective | Performance Indicator |
|-----------|-----------------------|
| | |
| | |
| | |
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| | |

OM092810-13 BEEAC WINDMILL PARK AND HISTORY WALK FUNDING AGREEMENT

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Michael Cosgriff | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | GEN01662 |

Purpose

To seek Council's endorsement of the funding agreement between Regional Development Victoria and Colac Otway Shire and to affix the Common Seal of the Colac Otway Shire on the two (2) copies of the legal agreement between Regional Development Victoria and the Colac Otway Shire in relation to the Beeac Windmill Park and History Walk Project.

Declaration of Interests

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

Background

In late 2010 Beeac celebrates its 150th year as a settlement. It has been acknowledged that local businesses in the area were pioneers in the construction of windmills.

The Beeac community have expressed their desire to establish the Beeac Windmill Park and History Walk to highlight the history of the township and the surrounding area. The community sought funding through Council's Small Town Improvement Program (STIP) and received \$25,000, which together with contributions from the community in cash and in-kind, was used to gain funding of \$112,500 from Regional Development Victoria (RDV).

The development of the Windmill Park will provide an area where the Beeac community can publicly display and celebrate its heritage with the installation of the refurbished heritage windmills, a wishing well, pathways and interpretive, historical and tourist information. The site is on the eastern side of the Colac-Ballarat Road and is being transferred to Council as part of a residential subdivision.

The Historical shelter within the park will form the hub for tourist information in the town and the starting point for the history walk which includes the designation of sites around the township with interpretive information podiums.

Council Plan / Other Strategies / Policy

The Beeac Windmill Park and History walk is supported by the Beeac Township Master Plan which was reviewed in 2006.

Issues / Options

The Common Seal is a requirement of all legal agreements between rural and regional Victorian Councils and Regional Development Victoria for projects above \$100,000.

Option 1

That Council endorse the funding agreement and provide the Common Seal of the Colac Otway Shire to the two (2) legal agreements.

Option 2

That Council not provide the Common Seal of the Colac Otway Shire to the two (2) legal agreements and therefore withdraws the funding opportunity.

Option 1 is the preferred option, as it affirms past commitments by Council to the project and provides for the project to proceed.

Proposal

The Beeac Windmill Park and History Walk will provide an attractive rest stop for visitors to the town as well as improved visitor information which will showcase the surrounding areas' businesses and attractions, such as Red Rock and the Dry Stone Walls. In addition to this, the park will create an inviting and amenable place for local residents which will generate interest from visitors and instil a sense of civic pride in the local residents.

It is for these reasons that it is recommended that Council affix the Common Seal of the Colac Otway Shire for the purposes of the two (2) legal agreements to ensure that Council obtains the \$112,500 in funding from Regional Development Victoria.

Financial and Other Resource Implications

Council has already allocated \$25,000 towards this project from its Small Town Improvement Program Budget. There is no further allocation sought. The project will be managed by the Economic Development Unit within the normal course of duties.

Risk Management & Compliance Issues

The Economic Development Unit will undertake the appropriate risk assessments for the project as per the project management requirements of the Colac Otway Shire prior to the project works commencing.

Environmental and Climate Change Considerations

There are no environmental considerations for this project. The land to be developed has formerly been used for agriculture and does not contain significant environmental values.

Communication Strategy / Consultation

The Beeac community has been consulted in the development of the plans for the Beeac Windmill Park and Heritage Walk and have committed financially and in-kind to the project works. The Economic Development Unit will engage with the Beeac community via the Beeac Windmill Park and Heritage Walk Committee, which is a subcommittee of the Beeac Progress Association, in delivering their specific components of the project.

The State Government funding has been recently announced by Gayle Tierney, MP for Western Victoria, and subsequently reported in the local print media.

Implementation

Following the Common Seal on the legal agreement, the Economic Development Unit will send the two (2) legal agreements to Regional Development Victoria in order for Council to officially receive the \$112,500 funding.

Conclusion

The Beeac Windmill Park and History Walk will provide an area where the Beeac community can showcase and celebrate its heritage. The installation of the refurbished heritage windmills, a wishing well, pathways and interpretive, historical and tourist information will be the foundation of a new community and tourist facility.

With the construction of a Historical Shelter, the park will become the hub for tourist information and for the History Walk which includes designation of sites around the township with interpretive information podiums.

The History Walk will highlight the town's history in an interactive fashion that will allow visitors and residents alike to appreciate the heritage of the town.

It is for these reasons that it is recommended that Council endorse the funding agreement and affix the Common Seal of the Colac Otway Shire for the purposes of the two (2) legal agreements to ensure that Council obtains the \$112,500 in funding from Regional Development Victoria.

Attachments

1. Copy of Legal Agreement - Beeac Windmill Park and Herritage Walk Project

Recommendation(s)

That Council sign and seal the funding agreements between Regional Development Victoria and Colac Otway Shire in order to officially ratify the \$112,500 of funding received by Council for the Beeac Windmill Park and History Walk Project.

~~~~~) ~~~~~

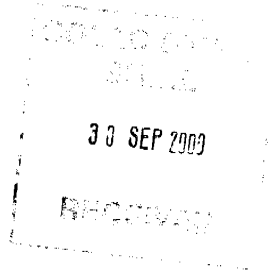


## Regional Development Victoria

Ref: 0809583

29 September 2009

Mr Rob Small  
Chief Executive Officer  
Colac Otway Shire  
PO Box 283  
COLAC VIC 3250



Victorian Business Centre  
69 Moorabool Street  
PO Box 1877  
Geelong Victoria 3220  
Australia  
Telephone: (03) 5223 2104  
Facsimile: (03) 5229 9503

Dear Mr Small,

### **SMALL TOWNS DEVELOPMENT FUND PROGRAM BEEAC WINDMILL PARK AND HISTORY WALK PROJECT**

Please find enclosed two copies of the legal agreement for the above project to be signed,  
witnessed and returned to:

**Regional Development Victoria  
Victorian Business Centre  
69 Moorabool Street  
GEELONG VIC 3220**

The legal agreement documents should be left undated. Once finalised and signed by the  
Minister or a representative, a copy will be forwarded to you.

If you have any questions in relation to this, please call Ian Seuren on 5223 2104.

Yours sincerely

**Julie Brocks**  
Business Support Officer  
Barwon South West Region

Encl





This GRANT Agreement is made on the \_\_\_\_\_ day of \_\_\_\_\_ 2009

**THE CROWN IN RIGHT OF THE STATE OF VICTORIA ("the State") as represented by its DEPARTMENT OF INNOVATION, INDUSTRY AND REGIONAL DEVELOPMENT ("the Department")** of 121 Exhibition Street, Melbourne 3000.

**AND COLAC OTWAY SHIRE COUNCIL ABN 32 4308 19755** whose offices are located at 2-6 Rae Street, Colac 3250 ("the Council").

WHEREAS

- A. The Department may make payment from monies appropriated by Parliament for the purposes of the economic development of Victoria.
- B. The Council desires to carry out the Project described in clause 1 and has applied to the Department for a grant to assist it with the Project.
- C. The Department desires to make the Grant and the Council agrees to accept the Grant upon the terms and conditions set out below.
- D. This Agreement is legally binding upon the Council and the Crown in right of the State of Victoria.

IT IS HEREBY DECLARED:

PROJECT

1. For the purposes of this Agreement "the Project" shall mean the Beeac Windmill Park and History Walk. This Project will deliver a brand new community and tourism asset in Beeac. The Project will highlight the history of windmill manufacturing in the area and also become the town's main public open space. The Project includes:
  - (a) Three refurbished heritage windmills;
  - (b) A shelter to provide historical and tourism information;
  - (c) Seating in and around the park;
  - (d) Pathways throughout the park;
  - (e) Interpretive signage;
  - (f) A wishing well;
  - (g) History walk around the township to promote the heritage of the district; and
  - (h) Tree planting and landscaping.

APPLICATION OF THE GRANT AND DATE FOR COMPLETION

2. The Council shall only apply the Grant to the Project and shall complete the Project by 31 October 2010 ("the completion date"). The Department may in its absolute discretion extend the date for completion.

GRANT

3. Subject to the conditions set out in this Agreement, the Department shall advance to the Council an amount not exceeding \$112,500 ("the Grant") exclusive of GST in accordance with clause 4 to assist the Council with the Project.

PAYMENT

4. Subject to the provisions of this Agreement the Grant shall be advanced in two instalments as follows:
- (a) the first instalment not exceeding 50% of the Grant shall be paid within thirty days of the Council providing a Tax Invoice and:
    - (i) a Statutory Declaration to be declared by the Chief Financial Officer or Chief Executive Officer of the Council evidencing to the Department's satisfaction that the Project is ready to proceed and that the Council will imminently incur capital expenditure of at least \$56,250;
    - (ii) written confirmation of the Project costs, timelines and milestones and that all relevant planning, regulatory and other statutory permits for the Project have been obtained;
    - (iii) evidence of resolution of all legal, land tenure, regulatory, planning and environmental issues including evidence of land ownership;
    - (iv) a schedule of works for the Project;
    - (v) written confirmation that the funds required to complete the Project are available; and
    - (vi) a Project status report.
  - (b) the second instalment not exceeding 50% of the Grant shall be paid within thirty days of the Council providing a Tax Invoice and:
    - (i) an audit opinion evidencing that the Council has incurred at least \$140,000 of capital expenditure on the Project;

- (ii) where in-kind contributions to the Project have been made (\$10,000), a written report together with a Statutory Declaration as specified in Schedule 3 are to be submitted evidencing to the Department's satisfaction that the in-kind contributions as specified in the Council's application for the grant, have been made; and
  - (iii) a copy of the report pursuant to clause 18.
- 5. Each instalment advance under clause 4 shall only be made if the Council provides the requisite Statutory Declaration, audit opinion and other evidence:
  - a) in case of the instalment under clause 4(a) by 31 January 2010; and
  - b) in case of the instalment under clause 4(b) by 30 November 2010.
- 6. If:
  - (a) the Council fails to incur at least \$140,000 of capital expenditure on the Project, as evidenced by the audit opinion provided by the Council under clause 4(b)(i); or
  - (b) the total Project cost (\$150,000) is less than the total amount of the capital expenditure as evidenced by the audit opinion provided by the Council under clause 4(b)(i) and the Statutory Declaration under clause 4(b)(ii),

the Department may, in its absolute discretion, make a pro rata payment, based on either:

  - (c) the level of capital expenditure incurred by the Council on the Project, in accordance with paragraph (a) above; or
  - (d) the total cost of the Project in accordance with paragraph (b) above,

as the case may be.
- 7. The Department may in its absolute discretion, extend any of the dates for compliance under this Agreement.

GST

- 8. Each payment under this Agreement shall be increased by an amount equal to any GST payable with respect to the Taxable Supply for which the payment is made provided that with the claim for payment, the Company submits a Tax Invoice, unless the parties have agreed in writing to have issued a Recipient Created Tax Invoice. The total amount of moneys paid under this Agreement will be increased to include the total amount of GST payable.

9. In this Agreement wherever referred to, the expressions, "GST", "Tax Invoice", "Recipient Created Tax Invoice" and "Taxable Supply" where used in this Agreement have the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*. Further, for the purposes of this Agreement "Taxable supply" means the obligations of the Company under the terms of this Agreement.

TERMINATION OF THE PROJECT

10. The Council must advise the Department in the event that any part or parts of the site works and services for the Project are terminated and in the event of such termination, the Department may require the refund of the whole or part of the Grant as deemed appropriate.

SEPARATE ACCOUNT

11. The Council must, within its accounting systems, account for all Grant funds, revenue and expenditure with respect to the Project separately from other funds managed by the Council.

TOTAL PROJECT FUNDING

12. The Council shall at all times ensure that there are sufficient funds available to complete the Project on the scale proposed. Nothing contained in this Agreement is to be construed as creating any obligations, commitment or undertaking by the Department to provide additional or further funding or assistance beyond that provided in the Agreement.

RUNNING OF THE PROJECT AND RELATIONSHIP WITH COUNCIL

13. The Council shall be responsible for the running of the Project and shall convey all relevant information to any organisation that is to benefit from the Grant. The Department shall only have dealings with the Council for the purposes of the Project in accordance with this Agreement.
14. Neither the Council nor its employees, servants or agents shall by reason of the Grant, be or become an agent of or in the service or employment of the State of Victoria in relation to the Project or for any other purpose whatsoever and the Council shall be responsible for all matters requisite as employer or otherwise in relation to such persons.

AUDIT OPINION

15. The audit opinion referred to in clause 4(b)(i) must be prepared in the form set out in Schedule One of this Agreement (or such other form approved by the Department) and must be prepared by a person who is not an officer or employee of the Council and is:
  - (a) a person who is registered as a company auditor under a law in force in the State; or
  - (b) a member of the Institute of Chartered Accountants in Australia or of the Australian Society of Certified Practising Accountants.

STATUTORY DECLARATIONS

16. The Statutory Declaration referred to in clause 4(a) of this Agreement must be prepared in the form set out in Schedule Two of this Agreement (or such other form approved in writing by the Department) and must be declared by the Chief Financial Officer or Chief Executive Officer of the Council.
17. The Statutory Declaration referred to in clause 4(b) of this Agreement must be prepared in the form set out in Schedule Three of this Agreement (or such other form approved in writing by the Department) and must be sworn by the Chief Financial Officer of the Council.

WRITTEN REPORTS

18. The Council shall provide a final report in writing upon the Project to the Department by 30 November 2010.
19. The report provided in accordance with clause 18 shall be in the form as specified in Schedule 4 and shall include the following:
  - (a) evidence to the satisfaction of the Department that the Project as described in the Council's grant application has been completed (including where required by the Department or her representative, an inspection report by a representative of the Department);
  - (b) where appropriate, a copy of the certificate of completion/occupancy signed by the Project Architect or Engineer; and
  - (c) details any other benefits to the region as a result of the Project.
20. The Council shall (in addition to the report submitted under clause 18) at the expiration of 12 months after the completion of the Project, provide such information as may be agreed with the Department's representative, to assist in the evaluation and determination of the economic and community

benefits/outcomes that have accrued as a result of the Project against the stated objectives in the Council's application for the grant.

AUDIT

21. The Department shall be entitled to audit the monies expended from the Grant upon the Project, and for that purpose the Council shall:
  - (a) permit access to and copying of its financial and other records by any person duly authorised by the Department;
  - (b) answer any enquiries put to it by any person duly authorised by the Department;
  - (c) assist any person duly authorised by the Department in the conduct of the audit; and
  - (d) permit any person duly authorised by the Department to inspect the Project Site and any plant machinery and equipment.
22. The Council shall if required provide the Auditor General of Victoria with access to accounting records and documentation in respect of funds granted under this Agreement.

COMPLIANCE WITH AGREEMENT

23. Where the Department is of the opinion that the Council has failed to comply to the Department's satisfaction with some or all of its obligations pursuant to this Agreement, or that the Council will not proceed to complete the Project, the Department may in its absolute discretion withhold, suspend, cancel or terminate any payment or payments due or to fall due under the Grant.

ENTIRE AGREEMENT AND VARIATION

24. This Agreement constitutes the entire agreement between the parties and supersedes all communications, negotiations, arrangements and agreements, whether oral or written, between the parties with respect to the subject matter of this Agreement.
25. No agreement or understanding varying or extending this Agreement shall be legally binding upon either party unless in writing and signed by both parties.

ASSIGNMENT

26. This Agreement shall not be transferred or assigned without the prior written consent of the Department which consent may be withheld in the Department's absolute discretion.

WAIVER

27. The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single or partial exercise of a power or right preclude any other or further exercise of that or any other power or right. A power or right may only be waived in writing, signed by the party to be bound by the waiver.

CONFIDENTIALITY

28. The Council shall not disclose or permit the disclosure of any information relating to the Grant (including this Agreement) except:
- (a) to the Department or the State;
  - (b) where otherwise permitted under this Agreement.
  - (c) where the information disclosed is already in the public domain other than due to a breach of this Agreement; or
  - (d) where the disclosure is required by law.
29. Clause 28 shall survive the termination of this Agreement.

PUBLICITY

30. The Department may publicise the benefits accruing to the Council and the State as the result of the provision of this Grant. The Department may include the name of the Council as a Grant recipient and the amount provided in its annual report.
31. The Department reserves the right to issue a mutually agreeable press release announcing the Government's participation in the Project. The Council must not publicise the Grant until after the publicity release by the Department without the approval of an authorised Departmental officer.
32. The Council must ensure that the Victorian Government's contribution (except the sum provided) to the Project is acknowledged on all promotional materials and appropriate signage.

EQUAL OPPORTUNITY AND PRIVACY LEGISLATION

33. The Council shall comply with the provisions of all applicable Commonwealth and State Equal Opportunity, anti discrimination, affirmative action and privacy legislation.

STAMP DUTY

34. The Council shall pay any stamp duty and any other taxes or imposts which may be payable in connection with this Agreement.

SEVERANCE

35. Each provision of the Agreement, and each part thereof shall, unless the context requires otherwise, be read and construed as a separate or severable provision, or as a separate and severable part thereof, so that if any provision or part thereof is void or otherwise unenforceable for any reason then that provision, or part thereof, as the case may be, shall be severed and the remainder shall be read and construed as if the severable provision or part thereof, had never existed.



GOVERNING LAW

36. This Agreement shall be governed by the laws of the State of Victoria.

**SIGNED** by Justin Hanney, Chief Executive, )  
Regional Development Victoria, for and on )  
behalf of the Department of Innovation, )  
Industry and Regional Development )  
of the State of Victoria, in the presence of: )

.....  
**JUSTIN HANNEY**

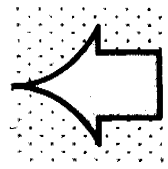
.....  
WITNESS (signature)

.....  
WITNESS (print name)

AND BY THE EXECUTION HEREOF THE COUNCIL DOES PROMISE AND  
DECLARE THAT IN CONSIDERATION OF THIS GRANT IT SHALL COMPLY  
AND BE BOUND BY ITS TERMS

**SIGNED** on behalf of **SHIRE OF** )  
**COLAC OTWAY** by its Chief Executive Officer )  
In the presence of )

.....



signature:.....  
print name:.....  
position:.....

signature:.....  
print name:.....  
position:.....

**Schedule One  
Audit Opinion  
(to be on the letterhead of the accounting firm)**

Department of Innovation,  
Industry and Regional Development  
121 Exhibition Street,  
Melbourne 3000

**COLAC OTWAY SHIRE COUNCIL**

This audit opinion is prepared for the purposes of the Grant Agreement dated ..... ("the Agreement") between the Crown in Right of the State of Victoria as represented by its Department of Innovation, Industry and Regional Development and the Colac Otway Shire Council ("the Council").

Scope

We have conducted an independent audit in accordance with Australian Auditing Standards of the [attached . . . . . insert description of relevant Council document audited – may be statement by Council's chief financial officer] provided by the Council which specifies an amount of . . . . . capital expenditure on the Project, in order to express an opinion on it for the purposes of the Agreement.

Our audit involved an examination, on a test basis, of evidence supporting the amount of capital expenditure incurred. This included an examination of the Council's financial records and receipts, and an evaluation of the policies and procedures used to calculate the capital expenditure on the Project. These procedures have been undertaken to form an opinion as to whether the methodology used to calculate the capital expenditure on the Project, is in accordance with the Agreement, and that the figure stated is true and fair.

This audit opinion expressed in this report has been formed on the above basis.

Audit Opinion

We confirm that in our opinion, the Council, has incurred \$..... in capital expenditure on the Project (as defined in the Agreement) in accordance with the terms of the Agreement.

.....  
Name of the Accounting Firm

..... (Signed)

Print Name:.....

Position: .....

Date:.....

**Schedule Two**  
**STATUTORY DECLARATION**

I, \_\_\_\_\_ in the State of Victoria, do solemnly and sincerely declare that:

| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | I am the _____ of the Colac Otway Shire Council ("the Council").                                                                                                               |                                                 |                    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |       |          |
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| <p>These accounts and quotations relate to works to be undertaken on the above Project and are exclusive of the GST.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                |                                                 |                    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |       |          |

AND I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

DECLARED at \_\_\_\_\_ )  
in the State of Victoria this \_\_\_\_\_ )  
day of \_\_\_\_\_ Two Thousand and \_\_\_\_\_ )  
\_\_\_\_\_ )  
Before me \_\_\_\_\_ )

*Justice of the Peace;  
A Commissioner for taking Affidavits;  
Clerk of the Magistrates' Court; or  
any other person empowered under the  
Evidence Act to take Declarations.*

**Schedule Three**

**STATUTORY DECLARATION**

I, \_\_\_\_\_ in the State of Victoria, do solemnly and sincerely declare that:

| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | I am the _____ of the Colac Shire Council ("the Council").                                                                                                                       |                                                |                    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |       |          |
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Evidence Act to take Declarations.*

SCHEDULE 4

**SMALL TOWNS DEVELOPMENT FUND**

**PROJECT COMPLETION REPORT**

|                                          |                                             |
|------------------------------------------|---------------------------------------------|
| <b>COUNCIL:</b>                          | <b>COLAC OTWAY SHIRE</b>                    |
| <b>PROJECT TITLE:</b>                    | <b>BEEAC WINDMILL PARK AND HISTORY WALK</b> |
| <b>TOTAL PROJECT COST:</b>               | <b>\$150,000</b>                            |
| <b>STDF GRANT APPROVED:</b>              | <b>\$112,500</b>                            |
| <b>REPORT PREPARED BY:<br/>POSITION:</b> |                                             |

**INTRODUCTION**

Councils must prepare a Project Completion Report when finalising a Small Town Development Fund (STDF) project. The purpose of this report is to:

- *Confirm the physical completion of this STDF project.*
- *Comment on the management of the project including any problems or issues you encountered along the way.*
- *Highlight any positive outcomes of the project for your community.*
- *Reflect on how you will determine whether the project objectives have been achieved.*
- *Formally acquit your commitments under the Terms & Conditions or Legal Agreement for this grant.*

**PROJECT IMPLEMENTATION**

1. Please comment (where relevant) on the following aspects of the project:
  - Did everything go according to plan? (eg planning, approvals, tendering, contractors, construction)
  - Were there any problems? How were they overcome?
  - Was the project delivered within agreed timelines and on budget? (If not, what occurred)
  - Community consultation and engagement in the implementation phase (if relevant).
  - The nature of community involvement in delivering this project (this might include the provision of in-kind labour).
  - Now that the project is complete, what actions are being taken to facilitate or promote use?
  - Explain what you have learned from the project, what worked well and what you would do differently in the future.

**EVALUATION PLAN**

2. Over the next 12 – 18 months you will be working with your Rural Community Development Officer to evaluate this project. These are the objectives that you set for your Project:

Please outline any progress that you have made to date in the evaluation process

**ACKNOWLEDGEMENT OF GOVERNMENT SUPPORT**

- 3. Please attach the following:
  - Photographic evidence of permanent project signage or commemorative plaque
  - Copies of any media coverage that the project has attracted.

**APPENDIXES**

4. Please attach press clippings, photographs, community feedback and other relevant material.

**CERTIFICATION OF REPORT BY CEO**

A signed endorsement of this report by the Council’s Chief Executive Officer is required.

I, ....., am the CEO of .....Council,  
*(Please print)*

I endorse this completion report as an accurate account of the management of this project by Council.

Signature.....Date...../...../.....

**OM092810-14****COLAC OTWAY SHIRE ENVIRONMENT STRATEGY**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Stewart Anderson                   | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | GEN00127   |

**Purpose**

The purpose of this report is to request Council to endorse the release of the draft Colac Otway Shire Environment Strategy for public comment.

**Declaration of Interests**

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

**Background**

In 2007 the Colac Otway Shire became a signatory of the Victorian Local Sustainability Accord (the Accord). The Accord is a partnership initiative designed to strengthen collaborative efforts by the Victorian State Government and Local Governments to create better environmental sustainability outcomes at the local level. To become a signatory Council was required to develop a Local Environment Priority Statement (LEPS).

The development of an Environment Strategy is identified in the Colac Otway Shire's LEPS as being the highest priority. An Environment Strategy would enable the development of integrated Environmental Action Plans for the Colac Otway Shire.

In December 2008 Council secured funding (\$30,000) from Sustainability Victoria to develop an Environment Strategy. An Environment Strategy Steering Committee (ESSC) was formed in December 2008 to oversee the development of the strategy. The ESSC has the following members:

## Colac Otway Shire

- Councillor (Chair)
- Manager for Environment and Community Safety
- Environment Officer (Executive Officer)
- Manager Capital Works
- Corporate Support Officer
- Manager Recreation Art and Culture
- Manager Planning and Building

## Government Agencies

- Department of Sustainability and Environment
- Department of Primary Industry
- Parks Victoria
- Environment Protection Authority

## Statutory Organisations

- Corangamite Catchment Management Authority

#### Non-government Organisations

- Upper Barwon Landcare Network representative
- Southern Otway Landcare Network representative
- Lismore Landcare Network
- Greening Australia

The development of the Environment Strategy was first discussed with Councillors at a Councillor Workshop held in February 2009. In this session Councillors were provided with the details for the process of developing the strategy and were asked to nominate a Councillor to Chair the ESSC. Councillor Stephen Hart was nominated and subsequently accepted the position.

A first draft of the Environment Strategy was developed through discussion with the ESSC and through workshops held in February 2009 with Council and Council Managers. Information was also collected from the broader community through the development of the Council Plan in March. The first draft was reviewed by the ESSC in early June and a number of changes suggested. Another draft of the Environment Strategy was reviewed by Council in July. Further changes were incorporated in the document and a fourth draft completed in August.

In September Council undertook an extensive community engagement process as part of the Strategy. The community engagement programme comprised four community forums and three open house sessions.

The fourth draft of the strategy and the findings of the community consultation were examined by the ESSC at a meeting on 8 October. Accordingly, the ESSC recommended that a number of changes be made to draft four of the strategy. These suggestions were discussed with Council at a workshop on 14 October. After discussion with the Council the next step in the development of the strategy was to incorporate the findings from the community engagement programme and develop a fifth draft of the Strategy (see attached document).

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

The development of the Environment Strategy aligns with requirements outlined in the following documents:

1. Colac Otway Shire Council Plan 2009
2. Colac Otway Shire Council - Annual Business Plan – Environment and Community Safety 09/10.
3. Colac Otway Shire Local Environment Priority Statement (2007).

#### **Issues / Options**

The Colac Otway Shire Environment Strategy is focused on four major areas:

- Council Managed Land;
- Planning and Regulations;
- Physical Works and General Services; and
- Education and Awareness.

For each of these areas the strategy identifies recent achievements, objectives for improvement and targets that are specific, measurable, achievable, realistic and timely (SMART targets). The strategy also includes an Advocacy and Facilitation section that was developed to address issues that are of major concern to the community which Council has only a limited ability to influence.



A summary of the community engagement findings are shown in the table below.

| <b>KEY ISSUES</b>                                                                      |                                                                     |
|----------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Issues that Council can control and strongly influence                                 | Overdevelopment/inappropriate density/ settlement boundaries        |
|                                                                                        | Right to be able to do what we want on our land                     |
|                                                                                        | Access to Heathfield Estate                                         |
|                                                                                        | Weed management and use of chemicals                                |
|                                                                                        | More recycling, less litter, more/cheaper rubbish collection        |
|                                                                                        | Lake Colac environment                                              |
| Issues that Council can control on its land and advocate and facilitate in other areas | Weed management                                                     |
|                                                                                        | Sustaining biodiversity                                             |
|                                                                                        | Feral animals                                                       |
|                                                                                        | Reducing fire risk (esp. along roads)                               |
|                                                                                        | Degradation of waterways                                            |
|                                                                                        | Maintenance of roads (esp. dirt roads)                              |
|                                                                                        | Population pressure                                                 |
|                                                                                        | Diminishing local food production                                   |
| Issues for which Council can advocate or facilitate Change                             | Lowering carbon emissions                                           |
|                                                                                        | Reducing fire risk (esp. fuel reduction and community preparedness) |
|                                                                                        | Water security                                                      |
|                                                                                        | Waterway and estuary health                                         |
|                                                                                        | Lack of community effort                                            |
|                                                                                        | Lack of integration across agencies                                 |
| Management of parks (esp. for weeds and fire risk)                                     |                                                                     |

The ESSC and Council have made a concerted effort to ensure all of the issues identified by the community are addressed in the draft of the strategy.

### **Proposal**

It is proposed that Council endorse the release of the draft Colac Otway Shire Environment Strategy for public comment.

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

As mentioned previously, funding for this project has been secured through Sustainability Victoria. The Strategy will lead to the identification of actions that will have various funding and resource implications. Many of the actions will be able to be carried out within current funding and resource constraints however any new funds or resources that are required will be subject to approval in the Council budget and/or successfully obtaining external support.

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

There are no risk management issues relevant to this report.

### **Environmental and Climate Change Considerations**

There are no other environmental considerations related to this project.

### **Communication Strategy / Consultation**

As previously stated a multi agency steering committee was established to oversee the development of the strategy. In addition a community engagement programme was carried

out that included four community workshops and three open house sessions. Over one hundred and forty people were engaged in these events.

### **Implementation**

If the recommendation is endorsed then copies of the draft Colac Otway Shire Environment Strategy will be placed at the front desk in both the Colac and Apollo Bay Council Offices and on the Council website and written comment will be sought from the public within a six week period. The public's comments will then be incorporated into a final draft that will be submitted to Council for sign off. The aim is to have the final draft submitted to Council in January.

### **Conclusion**

The current draft Environment Strategy incorporates feedback from Councillors, the Steering Committee and the Community. Council is asked to endorse this draft for public exhibition and to seek written feedback before its finalisation.

### **Attachments**

1. Draft Environment Strategy

### **Recommendation(s)**

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

1. ***Endorse the release of the current draft Colac Otway Shire Environment Strategy for public comment.***
2. ***Place the draft Colac Otway Shire Environment Strategy on public exhibition for a period of six weeks and invite written submissions.***

~~~~~U~~~~~



Environment Strategy

2010-2018

DRAFT 6

October 2009



Colac Otway Shire Environment Strategy 2010-2018

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Colac Otway Shire Environment Strategy 2010-2018

FOREWORD

The Colac Otway Shire is fortunate to have a very unique and precious environment that provides the basis for a healthy and prosperous community. The climatic conditions, the soils, the vegetation and the internationally recognised waterways and Great Ocean Road coastline all make this a place people want to live, work and visit.

Council is committed to working with the community to create a sustainable vibrant future. Achieving this vision relies heavily on protecting, enhancing and where possible restoring environmental values. Although Council is only one of many key stakeholders in environmental management it can control its own activities, strongly influence other activities and advocate on behalf of the community in relation to other environmental concerns.

The 2010-2018 Colac Otway Shire Environment Strategy sets ambitious targets for Council operations and identifies major issues the community want Council to try to address on their behalf. A target has been set for Council to be Carbon Neutral by 2016. This target highlights Council's commitment to sustainable environmental management and demonstrates the leadership required to tackle a major issue such as climate change.

The community will be provided with regular updates on the progress against the targets in the strategy and although Council is committed to achieving the targets we rely heavily on the community to achieve a sustainable vibrant future. Therefore the success of the strategy will ultimately depend on Council further developing and maintaining strong relationships with the community to protect, enhance and restore our environment.

**Cr Brian Crook
Colac Otway Shire Mayor**

Colac Otway Shire Environment Strategy 2010-2018

ACKNOWLEDGEMENTS

Traditional land owners

The Aboriginal people of the Colac Otway Shire region have existed on this land for thousands of years. They nurtured the environment for thousands of years, always acknowledging an inherent responsibility to care for country and an understanding that is vital to maintain a holistic relationship with country. In terms of environmental management, Indigenous and non-Indigenous cultures must genuinely engage with each other, learn from each other, and recognise the value of black and white knowledge in regards to the environment. Working side by side, we have a greater chance of responding appropriately to current environmental challenges. Involving Aboriginal people at all levels of environmental management will benefit the whole of the community.

Sustainability Victoria

In 2007 Council became a signatory of the Victorian Local Sustainability Accord (the Accord). The Accord is a partnership initiative designed to strengthen collaborative efforts by the Victorian State and Local Governments to create better environmental outcomes at the local level. To become a signatory, Council was required to develop a Local Environment Priority Statement (LEPS). The development of an Environment Strategy was identified in Council's LEPS as being the highest priority because setting priorities across business units at a project level is problematic in the absence of any overarching direction. Through this process Council was able to secure funding from Sustainability Victoria to develop an Environment Strategy.

Environment Strategy Steering Committee

The Environment Strategy Steering Committee was initiated to oversee the development of the document. The broad function of the group was to:

- bring knowledge and experience of environmental issues, threats and actions in the region;
- make recommendations in relation to the scope and structure of the Strategy;
- evaluate and integrate environmental issues and actions within the context of all south-western Victoria and beyond, along with other spheres of activity (economic and social);
- promote and link the Strategy with existing and new strategies, policies, plans and community networks; and
- prepare community networks, authorities and local government for active implementation of the Strategy.

The committee membership included representation from relevant environmental organisations and the community from across different geographical and social areas in the Shire. The group was comprised of:

Colac Otway Shire

- Councillor (Chair)
- Manager for Environment and Community Safety
- Environment Officer (Executive Officer)
- Manager Capital Works
- Corporate Support Officer
- Recreation, Arts and Culture Manager
- Manager Planning and Building

Government Agencies

- Department of Sustainability and Environment
- Department of Primary Industry
- Parks Victoria
- Environment Protection Authority

Colac Otway Shire Environment Strategy 2010-2018

Statutory Organisations

- Corangamite Catchment Management Authority

Non-government Organisations

- Upper Barwon Landcare Network representative
- Southern Otway Landcare Network representative
- Lismore Landcare Network
- Greening Australia

Colac Otway Shire Environment Strategy 2010-2018

EXECUTIVE SUMMARY

The environment provides the basis for the social and economic integrity of the Colac Otway Shire community and has elements that are recognised at state, national and international level. The Colac Otway Shire Environment Strategy (the Strategy) aims to protect and enhance the environment, promote sustainable use of natural resources, strengthen partnerships with key stakeholders and build community capacity through environmental education and awareness raising programmes. The Strategy has an eight year lifespan (2010-2018) with a review to be undertaken in 2014.

In order to achieve the aim the Strategy sets targets and outlines a process for identifying the actions that need to be undertaken in order to achieve the targets. The Strategy is not an action plan. The Strategy provides the foundation for actions to be developed over time that are based on current knowledge and are adapted to the current social, economic and environmental conditions. The Strategy sets targets that are specific, measurable, achievable, realistic and timely for four major areas:

- Council Managed Land;
- Planning and Regulation;
- Physical Works and General Services; and
- Education and Awareness Raising Programmes.

Council currently manages a number of parcels of land that have significant environmental value. Priority is given in the Strategy to areas of high environmental value and the protection and enhancement of the environmental values in these areas. Although the Strategy does not aim to restore significant environmental values on all Council Managed land, it recognises the need to manage areas that have significant threats present such as pest plants and animals, erosion, salinity and acid sulphate soils.

The administering and enforcement of the planning scheme and other relevant regulations provides Council with the ability to influence environmental management across the landscape. Although the planning scheme provides an opportunity for Council to significantly improve environmental management across the landscape, making changes to the planning provisions is not always within the complete control of Council.

Physical works and general services are carried out by Council on behalf of the community and include everything from road works to rubbish collection. Many works require significant amounts of resources and if not undertaken carefully can cause significant environmental degradation. Targets are set in the Strategy to minimise the impacts and maximise the benefits of Council works and services for the environment.

To create a community that is prepared to address the environmental challenges, Council must encourage environmental values and develop skills of the people that live and work in the Shire including Council staff. The Strategy seeks to ensure that education and awareness raising activities are integrated with other initiatives outlined in the Strategy and are tailored to the specific needs of this community.

The Strategy also recognises a number of issues that have significant implications for Council and the community, but for which Council has no direct responsibility or ability to control the outcome. Council recognises the importance of these issues and commits to advocating concerns and facilitating progress on behalf of the community with the relevant stakeholders.

Colac Otway Shire Environment Strategy 2010-2018

Implementation of the Strategy will be achieved through the development of an action plan every two years. The two year action plan will identify priority projects and programmes that will address the targets presented in the Strategy. Progress against the targets in the Strategy will be monitored and reported on. After four years a detailed review of the objectives and targets in the Strategy will be undertaken to ensure that they remain appropriate.

Colac Otway Shire Environment Strategy 2010-2018

1.0 INTRODUCTION

Colac Otway Shire (the Shire) is regarded as one of the most environmentally diverse municipalities in Victoria. It comprises spectacular coastal areas, lush rain forested hinterlands and vast open plains with rare native grasslands. The diverse environments of the Shire provide the basis for the social and economic integrity of the local community and have values that are recognised at state, national and international level. Therefore it is important that the environmental values within the Shire are protected from degradation and where possible enhanced and restored.

Since formation in 1994 the Colac Otway Shire Council (the Council) has demonstrated a strong commitment to the protection, enhancement and restoration of the environmental values in the Shire. This commitment was supported in the Council Plan 2009-2013, which states "Council will protect and enhance the environment entrusted to us, demonstrate efficient use of natural resources and minimise climate change impacts".

1.1 AIM

The Colac Otway Shire Environment Strategy (the Strategy) aims to protect and enhance environmental assets in the Shire, promote sustainable use of natural resources, strengthen partnerships with key stakeholders and build community capacity through environmental education and awareness raising programmes. In order to achieve this aim the Strategy sets objectives and targets and provides a process for identifying the actions that need to be undertaken in order to achieve the targets. The Strategy also outlines a monitoring and reporting process to allow progress against the targets to be assessed on a regular basis. The Strategy is not an action plan. The Strategy provides the foundation for actions to be developed over time that are based on current knowledge and are adapted to the current social, economic and environmental conditions.

1.2 SCOPE

As shown in Figure 1 the Strategy focuses on areas that are within Council's direct control or where Council can have a significant influence. Accordingly, the Strategy sets targets for four major areas: Council Managed Land; Planning and Regulation; Physical and General Services; and Council Education and Awareness Raising Programmes. The Strategy does not set objectives or targets for matters outside the focus area.

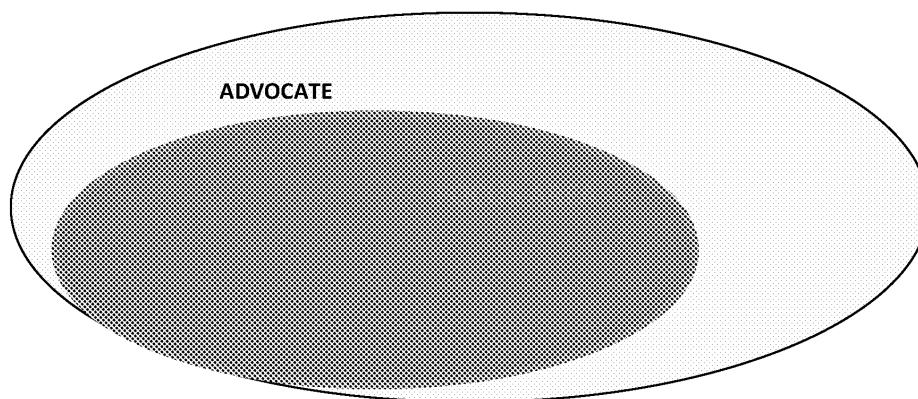


Figure 1: Levels of influence

Colac Otway Shire Environment Strategy 2010-2018

It is important to highlight that although the Strategy is not an aspirational document, issues of major concern to the community which Council has only a limited ability to influence will be acknowledged and addressed. These issues are identified in the section titled 'Advocacy and Facilitation'. Figure 1 shows that areas where Council can only be an advocate are not within the focus area of the Strategy, therefore targets are not set in relation to the issues identified in the 'Advocacy and Facilitation' section of the Strategy.

It is important to also highlight that the Strategy does not simply direct the actions of Council's Environment Unit. As shown in Figure 2 the Strategy provides direction for the twelve business units within Council.

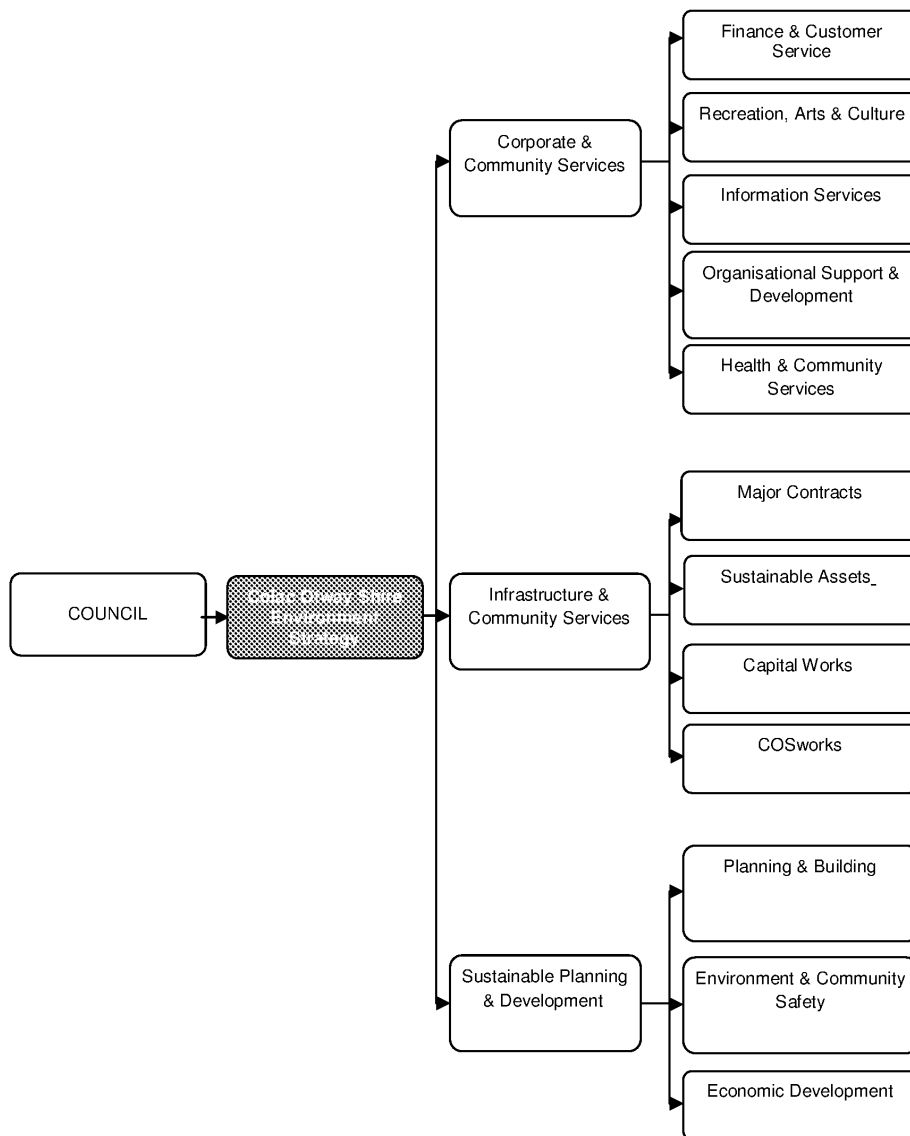


Figure 2: Environment Strategy position in Council organisational structure

Colac Otway Shire Environment Strategy 2010-2018

1.3. HOW THIS STRATEGY WORKS

Figures 3 and 4 show the framework for the Strategy that makes it work. Figure 3 is a simplified model that depicts how the Strategy relies on three key elements operating in a loop. Objectives and targets direct implementation of actions which are followed by monitoring, evaluation and review (MER) processes. The MER process feeds back information to the objectives and targets element. This framework ensures that the Strategy is adaptable and resilient to change over its lifespan. The colours used to depict the three key elements in Figure 3 correlate with the elements in the more detailed framework diagram shown in Figure 4.

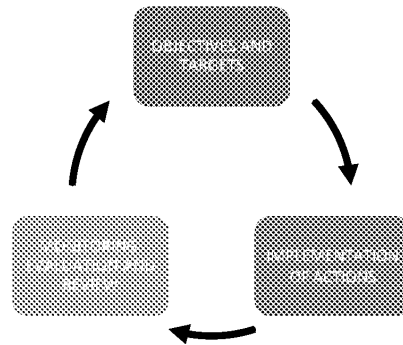


Figure 3: Framework Key Elements

1.3.1 OBJECTIVES AND TARGETS

As shown in Figure 4 the Council Plan sets the overarching strategic direction for the Strategy. The Strategy has been developed to have an eight year lifespan (2010-2018) with a review to be undertaken in 2014 that aligns with the development of the next Council Plan. This will allow any new directions set by Council, plus information gathered through monitoring, to filter down and influence the strategic direction of Council's environmental management.

As previously stated the Strategy is focused on four key areas: Council Managed Land; Planning and Regulations; Physical Works and General Services; and Council Education and Awareness Raising Programmes. For each of these areas the Strategy identifies recent achievements, objectives for improvement and targets that are specific, measurable, achievable, realistic and timely (SMART targets). As previously explained there is an advocacy and facilitation section that identifies issues that Council cannot control and therefore cannot set targets for. Although there are no objectives or targets set in this section, the issues identified will be considered in the implementation phase and actions identified to address them.

1.3.2 IMPLEMENTATION OF STRATEGY

The Strategy does not identify actions. However, actions that contribute to the achievement of the targets set in the Strategy will be identified in a separate plan. Section eight of the Strategy sets out the process and standard requirements for the development of an Action Plan every two years. The actions identified in the plan will be included in Business Plans for the various business units across Council shown in Figure 2. This will ensure that the actions are budgeted for and carried out in a timely manner.

Colac Otway Shire Environment Strategy 2010-2018

This approach allows new knowledge and experience to be used every two years to identify the most effective actions for achieving the targets in the Strategy. Identifying actions many years in advance (i.e. 4-8 years) in this document would be inappropriate, given that they would not have a guaranteed budget, and new knowledge and experience may identify actions that will achieve the targets more effectively.

Council's current Sustainability Working Group (SWG) will become the key committee in implementing the Strategy. Council's Environment Unit provides the executive support for this committee that is chaired by the Chief Executive Officer. As stated in the Terms of Reference (TOR) for the SWG, the group's function is to plan for and aid implementation of Council's current and future environmental sustainability strategies and projects.

Although the SWG currently has a strong focus on energy and resource consumption, there is scope to revise the TOR to ensure that other environmental issues are covered. The memberships of the TOR will require adjustment to ensure that appropriate representation from across Council's business units.

1.3.3 MONITORING AND REPORTING

The Colac Otway Shire Council, like all Victorian local governments, is required under the Local Government Act (1989) to produce a Council Plan that lists objectives and goals over a four year period. Each unit in Council is required to produce an annual Business Plan that lists what actions will be undertaken to meet Council Plan objectives.

To monitor the progress of actions in Business Plans, each Council Officer is required to provide an update quarterly, through a computerised reporting system. The actions that are carried out, under the direction of the Strategy, will be reported on through this business planning reporting process. This will allow progress against the targets in the Strategy to be monitored and will also allow annual reporting to Council to be done in a clear and efficient manner.

As shown in Figures 3 & 4 the information gathered will inform the development of the next two year action plan and the next four year Council Plan.

Colac Otway Shire Environment Strategy 2010-2018

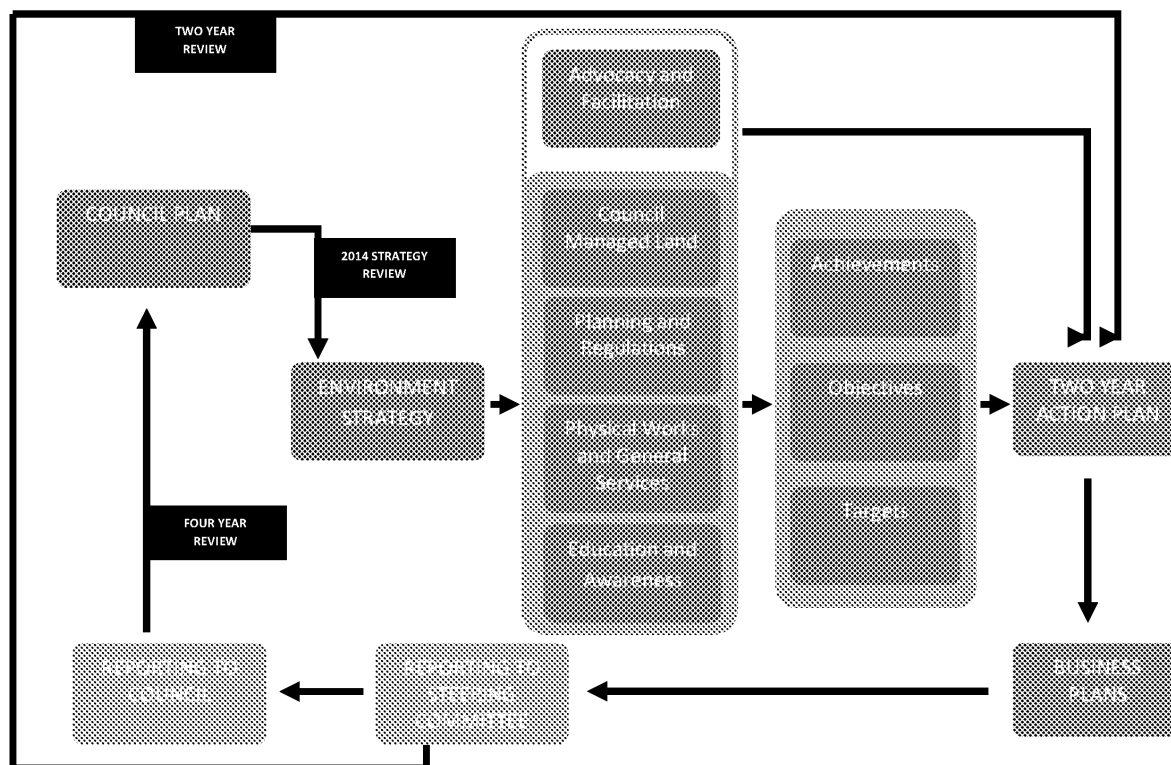


Figure 4: Colac Otway Shire Environmental Strategy Framework

2.0 BACKGROUND

To give context for the targets set in the Strategy, background information is provided in relation to the following areas:

- 2.1 Development of the Strategy;
- 2.2 Basic demographics of the Shire;
- 2.3 Environmental Values of the Shire;
- 2.4 Environmental Achievements by Council;
- 2.5 Community Consultation Findings;
- 2.6 Environmental Challenges; and the
- 2.7 Environmental Management Sector.

2.1 DEVELOPMENT OF THE STRATEGY

In 2007 Council became a signatory of the Victorian Local Sustainability Accord (the Accord). The Accord is a partnership initiative designed to strengthen collaborative efforts by the Victorian State and Local Governments to create better environmental outcomes at the local level. To become a signatory, Council was required to develop a Local Environment Priority Statement (LEPS). The development of an Environment Strategy was identified in Council's LEPS as being the highest priority because setting priorities across business units at a project level is problematic due to the absence of any overarching direction. Through this process Council was able to secure funding from Sustainability Victoria to develop an Environment Strategy.

Colac Otway Shire Environment Strategy 2010-2018

2.2 BASIC DEMOGRAPHICS OF THE SHIRE

Located in Victoria's south west, the Shire is diverse, with volcanic lakes, craters and plains in the north, and the hinterland forests of the Otway Ranges and the Great Ocean Road coastline in the south. The Shire encompasses a total land area of 3,400 square kilometres (sq km), of which a large proportion is National Park.

Colac is the key industrial, commercial and service centre for the Shire and surrounding region with a population of 11,093 people. Colac is situated on the southern shoreline of Lake Colac, on the Princes Highway, 138 kilometres (km) south west of Melbourne. Apollo Bay is the other major urban centre in the Shire with a permanent population of 1,000 that swells to over 15,000 people during the summer season. The current Shire population is approximately 20,000 people.

The Colac region supports a network of over 1,200 businesses and well over 800 farms. The main industries are dairy, beef, sheep, crops, specified pastures, horticulture and organic farming, timber, manufacturing and service, construction, retail and wholesale. Tourism, centering on the Great Ocean Road and the coastline, is becoming increasingly important.

2.3 ENVIRONMENTAL VALUES OF THE SHIRE

The Shire contains some of the most significant environmental assets found in Australia. Appendix 1 is a map showing the Sites of Biodiversity Significance in the Shire. The map illustrates the extensive network of water bodies, some of which are Ramsar listed (i.e. of international significance). Also shown are 15 sq km of habitat and vegetation protection areas that contain over 20 threatened species and plant communities. In addition, the Shire has over 300 km of very high conservation roadside reserves, as well as approximately 100 km of the internationally recognised Great Ocean Road. This spectacular coastal environment includes not only the coastal dunes and estuaries but also the marine environment.

Table 1 lists environmental assets of state, national or international significance in the Shire under three categories: endangered vegetation communities; listed threatened species and high value aquatic systems. The majority of the vegetation in the Shire has been cleared since European settlement and although some areas of pristine vegetation remain in the Otways twenty nine of the fifty four vegetation communities in the region are listed as endangered or vulnerable and only nine are not of concern. The Plains Grasslands have recently been nationally listed under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) because only very small areas remain intact, the majority of which are on private land.

The environmental assets found in the Shire can be categorised by the Bioregions in which they are found. Bioregions reflect natural boundaries and relationships between biodiversity assets and natural resource based activities. Appendix 2 shows that four Bioregions are found in the Shire; Victorian Volcanic Plain (VVP), Warrnambool Plain, Otway Plain and the Otway Ranges.

- **Victorian Volcanic Plain (VVP) Bioregion**

Colac Otway Shire covers in excess of 900 square kilometres of the VVP that once supported large tracts of the Ecological Vegetation Community (EVC) Plains Native Grassland and Plains Grassy Woodland vegetation. These are now restricted to tiny areas on roadsides, the margins of the region's brackish and saline lakes and scattered small remnants (usually highly degraded) on private land.

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These Endangered EVC's have been almost totally lost throughout their Victorian range, with only 2.3% of the original Plains Grassy Woodlands remaining (and most of that highly degraded by grazing and weeds), while less than 1.3% of Plains Native Grasslands still exist (DSE 2002). The recent listing of this EVC under federal legislation as a protected plant community indicates that the flora and fauna of this bioregion are some of the most threatened in Australia (Tonkinson 2007). The VVP also hosts internationally protected Ramsar Lakes supporting several rare and threatened waterbirds.

- **Warrnambool Plain (WP) Bioregion**

The Warrnambool Plain extends into a relatively small area of the Shire from the west and is often referred to as the Coastal Plain. The identifying features of the Warrnambool Plain are nutrient deficient soils over low calcareous dune formations. Much of the limestone has been overlain by more recent sediments, and between the limestone dunes, areas of swamplands are characterised by highly fertile peats and seasonal inundation.

- **Otway Plain (OP) Bioregion**

Similar to the VVP, the Otway Plain covers over 900 square kilometres of the Shire. This bioregion includes coastal plains and dunes, foothills with river valleys and swamps in the lowlands. The upper terrain supports Lowland Forest and Heathy Woodland ecosystems, whereas the floodplains and swamps predominantly contain Grassy Woodland and Floodplain Riparian Woodland. Much of this vegetation remains intact on private land and protected in Crown land.

- **Otway Ranges (OR) Bioregion**

The largest, and most protected, bioregion within the Shire is the Otway Ranges. Consisting of moderately steep slopes and moist gullies, this bioregion supports Shrubby Wet Forest and Cool Temperate Rainforest ecosystems on the higher slopes; and Shrubby Foothill Forest on the lower slopes. Large intact examples of these vegetation communities are found in the Shire and remain well protected as over 50% are found in the Great Otway National Park.

- **Environment Assets**

The degradation of vegetation communities often results in individual species endemic to those areas being threatened with extinction. Due to the large amount of clearing there are a number of listed threatened flora and fauna species in the region. Some of the threatened species listed in Table 1 are threatened in Victoria and some of them are also listed as threatened at the national level due to a greater likelihood of extinction (e.g. Spiny Riceflower).

Table 1 also identifies a number of high value aquatic systems in the Shire. A large proportion of the Otway Ranges bioregion is protected by being in the Great Otway National Park. This ensures protection of many high value waterways that flow to the sea from the Otway Ranges. However it is worth noting that the Ramsar Lakes located in the VVP bioregion are surrounded by farm land. Therefore these environmental assets face more significant threat of degradation than those located within the national park.

Colac Otway Shire Environment Strategy 2010-2018

Table 1: Environmental Assets in the Shire

| Endangered Vegetation Communities | Listed Threatened Species | High Value Aquatic Systems |
|--|---------------------------|---|
| Aquatic Herb land/Plains Sedgy Wetland Mosaic | Spiny Rice Flower | Lake Beeac |
| Cool Temperate Rainforest | Otway Black Snail | Ramsar Lakes and Wetlands (e.g. Lake Corangamite) |
| Damp Heath Scrub | Long Nosed Bandicoot | Aire River |
| Estuarine Wetland | Spotted Tailed Quoll | Barham River |
| Floodplain Reedbed | Swamp Antechinus | St George River |
| Floodplain Riparian Woodland | Common Bent Winged Bat | Wye River |
| Grassy Forest | Corangamite Water Skink | Kennett River |
| Grassy Woodland | Growing Grass Frog | Grey River |
| Plains Grassland | Southern Brown Bandicoot | Wild Dog Creek |
| Plains Grassland/Plains Grassy Woodland Mosaic | Striped Legless Lizard | Skenes Creek |
| Plains Grassy Wetland | Leafy Greenhood | Gellibrand River |
| Plains Sedgy Wetland | Short Water-starwort | Barwon River |
| Scoria Cone Woodland | Satinwood | Parker River |
| Sedgy Riparian Woodland | Wrinkled Buttons | |
| Swamp Scrub | Broad-leaf Prickly Moses | |
| Swampy Riparian Woodland | Brooker's Gum | |
| Wet Heathland | Dwarf Silver Wattle | |

2.4 ENVIRONMENTAL ACHIEVEMENTS BY COUNCIL

As previously stated Council has displayed a strong commitment to environmental management. The numerous achievements Council has made are outlined briefly in the body of the Strategy against the relevant areas, whether it be Council Managed Land; Planning and Regulations; Physical Works and General Services or Education and Awareness Programmes. Examples of the major achievements in these areas are outlined below.

- **Council Managed Land:**

Over the past two years over ten thousand indigenous plants have been planted along Barongarook Creek and Lake Colac in tandem with strategic weed control including the removal of large exotic trees. In addition to these works over 150 tonnes of Carp were removed from the creek in 2007-2008. These works have improved the overall health of the creek and the lake.

- **Planning and Regulations:**

Over the past two years Council has developed and implemented an auditing programme to ensure that the requirements of the Code for Private Forestry Operations is adhered to. This initiative has been implemented alongside a programme to develop a web tool that will allow information required from the industry to be submitted to Council in a consistent and efficient manner.

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- **Physical Works and General Services:**

Through implementation of the Greenhouse Action Plan, which lists energy reduction measures, Council has completed Milestone 4 of the Cities for Climate Protection Programme (CCP). The CCP Programme helps local governments address climate change through a strategic milestone framework that empowers councils to make an inventory of their greenhouse gas emissions, set reduction goals, plan and implement actions, and monitor their progress. The achievement of Milestone 4 has been made possible through the Sustainability Action Fund that has funded various activities including retrofitting of public toilets and implementation of more efficient lighting in Council facilities.

- **Education and Awareness:**

Council has carried out many community events that raise awareness through direct involvement in environment projects. Close links have been forged with schools to give young people experience in protecting our environment. All the events and projects to date have been very successful and schools are using the environment days as part of their curriculum. The major events that are run each year are Clean Up Australia Day, World Environment Day, National Tree Day and National Threatened Species Day. In 2008/2009 over 1,000 school children planted over 21,000 plants through involvement in these events.

2.5 COMMUNITY CONSULTATION FINDINGS

A community engagement programme, which comprised of four community forums and three open house sessions, was carried out by Council in September and October 2009 to ensure that the major issues and concerns of the community were addressed in the Strategy. Over 140 people were involved from across the Shire. The key findings are shown in Tables 2 and 3 below. It is worth noting that a number of quotes obtained from community members are placed throughout the document where relevant.

"I'm excited by the possibilities of this Strategy"
(Apollio Bay Forum Participant)

Table 2: Environmental Assets

| KEY ASSET | NUMBER OF TIMES IDENTIFIED |
|---------------------------------|----------------------------|
| Forests/National Parks | 38 |
| Coast /beaches | 30 |
| Lake Colac and surrounds | 17 |
| Water – plentiful, clean | 15 |
| Rolling Green Hills | 14 |
| Flora and Fauna | 13 |
| Diversity of landscapes | 11 |
| Rainfall | 10 |
| Undeveloped nature of the coast | 8 |

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Table 3: Environmental Issues

| KEY ISSUES | |
|--|---|
| Issues that Council can control and strongly influence | Overdevelopment/inappropriate density/ settlement boundaries |
| | Planning scheme requirements |
| | Access to Heathfield Estate |
| | Weed management and use of chemicals |
| | More recycling, less litter, more/cheaper rubbish collection |
| Issues that Council can control on its land and advocate and facilitate in other areas | Lake Colac environment |
| | Weed management |
| | Sustaining biodiversity |
| | Feral animals |
| | Reducing fire risk (esp. along roads) |
| | Degradation of waterways |
| | Maintenance of roads (esp. dirt roads) |
| | Population pressure |
| | Diminishing local food production |
| Lowering carbon emissions | |
| Issues for which Council can advocate or facilitate Change | Reducing fire risk (esp. fuel reduction and community preparedness) |
| | Water security |
| | Waterway and estuary health |
| | Lack of community driven initiatives |
| | Lack of integration across agencies |
| Management of parks (especially for weeds and fire risk) | |

The results from the community engagement process were carefully considered by the ESSC and have been incorporated into the Strategy. Through the community engagement process it was possible to derive a Community Vision for the future of environmental management. Although the Strategy is focused on what Council can control or strongly influence the aspirations of the community are recognised as the underlying intent.

Community Vision

"The Colac Otway environment is a diverse, pristine and beautiful area, with abundant and indigenous Flora and Fauna. Endangered species have returned and the sea is teeming with life. Weeds and rubbish exist no more. Lake Colac is revegetated and healthy with clean stormwater inflows and all waterways are crystal clean with improved aquatic biodiversity.

Residents of the Colac Otway Shire have a sense of pride in the environment in which they live. It is a place of sanctuary and a model for others to aspire to. Individuals assume responsibility for their own space; they are aware of the impacts of their actions, working together to deal with environmental challenges. The healthier environment has contributed to improved community health. There is enough local food to meet the community's needs and there are no longer any concerns about water security because rainfall is used and stormwater stored.

The Shire Office is renowned for its Sustainability Centre – a centre of excellence, visited by people from around the world for the purposes of education and inspiration. Planning is less restrictive but targets specific needs. Plantation buffers have improved the

Colac Otway Shire Environment Strategy 2010-2018

aesthetics and wind protection of local surroundings. Diversity in land usage is encouraged and does not focus on one industry alone. There is a local Recycling Centre ('tip shop'), negating the need for a tip or transfer station. Tourism is sustainable and visitors come to the Shire, not for its amenities but for its natural and beautiful environment."

2.6 ENVIRONMENTAL CHALLENGES

The State of the Environment Report for Victoria 2008 highlights some important assumptions that provide the basis for the Strategy:

- Our wellbeing relies on a robust, healthy environment;
- Our way of life continues to be maintained and enhanced through the gradual degradation of our natural environment;
- All Victorians have a role to play in deciding what kind of future we will have; and
- The future cannot be an extension of the past.

Although the Strategy is focused on matters that are within Council's direct control or where Council can have a significant influence, it is important to recognise the major environmental challenges that we are faced with at a State, National and International level.

The State of the Environment Report for Victoria 2008 states that the key drivers of environmental degradation in Victoria are:

- Population growth and settlements;
- Economic growth and consumption; and
- Climate change.

As stated in the strategic snapshot which forms part of the 2009-2013 Council Plan, the major challenges faced by the local community are:

- Sustainable resource use and waste management;
- Pest, plant and animal control;
- Native plant, animal and habitat protection and enhancement;
- Waterway protection and enhancement;
- Coastal and marine protection and enhancement; and
- Climate change impacts.

Council has an important role to play in addressing all of these challenges; however it is not realistic for Council to set broad objectives and targets in relation to them that it cannot possibly monitor or meet. It is more realistic to consider how Council can work within the environment sector most effectively to address them at a Shire scale. Accordingly, the key Council challenges are:

- Protection of environmental values on Council owned and managed land;
- Protection of environmental values on private land through planning tools;
- Protection of environmental values in the Shire through sustainable resource use and waste management;
- Increasing the capacity of the community to improve environmental values through increased education and awareness;
- Advocating on behalf of the community on issues outside of Council's control;
- The scope of climate change issues and the limitations of Council's influence; and
- Working with key agencies to strengthen relationships to promote information flow for the decision making process.

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The first five challenges are addressed in the major sections of the Strategy. Ways to manage the challenges associated with climate change and relationships are outlined for each of the three major sections in the Strategy under specific headings.

Climate change is a global issue that national governments are struggling to handle. Climate change is particularly difficult because it further complicates the way to best address the other key environmental challenges we are facing locally. For example, if annual rainfall is expected to reduce, what does this mean for the future of Lake Colac, will the lake dry out more often and if so, what are the implications for management? A brief outline on Climate Change predictions for the region is provided below.

2.6.1 CLIMATE CHANGE

The United Nations Intergovernmental Panel on Climate Change has declared that climate change is 'unequivocal' and due, with a probability of greater than 90% to human activity. Climate change is affecting us already, with six of the hottest years on record in Victoria occurring since 1990, and annual rainfall over the last ten years has been well below the long term average (State of the Environment Report 2008).

The climate change projections for the Shire, based on analysis carried out by CSIRO on behalf of the Victorian Government (Department of Sustainability and Environment 2008), are as follows:

- Higher average temperatures (between 1.3-2.4 degrees by 2070);
- Lower average rainfall (between 6-12% less by 2070);
- More extreme fire danger days (11 extra days over 35 degrees each year by 2070);
- Flows in rivers and streams halved by 2070; and
- Storm surges of over two metres above sea level could be expected every five years by 2070.

Although the extent of environmental degradation that will occur from climate change is not known, it is widely accepted that moderate climate change projections will further stress the environment. For example it is predicated that these changes would result in loss of habitat, reduction in biodiversity, increased weed invasions and increased sea level. The Victorian Coastal Strategy suggests a precautionary strategy of planning for sea level rise of not less than 0.8m by 2100.

Although it is hard to predict what it will be like to manage the environment under climate change scenarios it is useful to consider that under current predictions Colac's average temperature would be similar to Horsham or Bendigo with an average rainfall more like Hamilton. This highlights the importance of society reducing carbon emissions to prevent more extreme predictions occurring but also the need to prepare for and adapt to climate change impacts.

Although climate change is a global challenge, the Victorian Climate Change Green Paper (2009) states *"that Local Government plays a critical role because they deliver a wide range of programmes and administer regulations that influence climate change mitigation and adaptation. Regional development agencies, local councils and regional business and industry organisations have a major role to play in helping to design and deliver policies and programmes that have a particular regional and community focus. Local government also has an important role in monitoring the effects of national policies on local and regional communities and economies"*.

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2.7 ENVIRONMENTAL MANAGEMENT SECTOR

The Council, like all local governments, is guided by a host of legislative requirements, policy frameworks and strategies that define how environmental management is undertaken. Within the environment management sector some of the legislation, policy and strategies are administered, or have been developed, by Council. However in most cases other organisations have the primary responsibility for administering legislation and developing strategies. This fact highlights the importance of Council developing strong relationships with other key agencies involved in environmental management. The following information is a brief explanation of the agencies involved in environmental management that Council needs to work with, and the key legislation, policy frameworks and strategies as they relate to Council.

2.7.1 AGENCIES

There are a range of environmental management agencies that are involved in addressing environmental issues within the Shire. Table 4 shows some of the many government, statutory and non-government agencies involved at different levels. It is important to note that the government and statutory agencies have legislative responsibilities they are required to administer. However all of the agencies have their own set of priorities that are implemented through various plans, strategies and policies that all aim to improve environmental management.

The fact that Local Government is at the bottom of the government hierarchy is not a reflection of its importance in the environment management sector. Counter to intuition, the amount of complexity in the environment management sector increases as it draws down to the local level because the legislation, strategies and plans set by all the other agencies in the sector need consideration. This makes managing the environment at the local level very complex and increases the importance of having strong relationships with all the relevant agencies. It is worth noting that many environmental issues do not respect municipal boundaries and therefore Council needs to work closely with neighbouring Shires to manage environmental issues effectively.

2.7.2 LEGISLATION

A recent inquiry by the Victorian Competition and Efficiency Commission into Victorian environmental legislation has found that a total of 41 Acts shown in Figure 5 are responsible for the management and protection of environmental assets in Victoria. Figure 5 does not include the Federal legislation (e.g. Australian Environmental Protection and Biodiversity Conservation Act) that also applies to the environment. Council is required to work within all of these legislative requirements that extend from weed and native vegetation management through to energy and resource use. Those that Council has a role in implementing (i.e. the Victorian Local Government Act and the Victorian Planning and Environment Act) and or have significant implications for the Council are discussed below.

- **Australian Environmental Protection and Biodiversity Conservation Act (1999)**

This Act adopts an environmental assessment and approval process that will ensure activities that are likely to have significant impacts on the environment are properly assessed to provide for the protection of ecological assets. The Act aims to promote ecologically sustainable development through the conservation and sustainable use of natural resources and to promote the conservation of biodiversity. The Act is administered by the Australian Department of Environment, Water, Heritage and the Arts.

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- **Victorian Local Government Act (1989)**





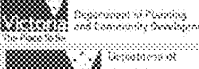
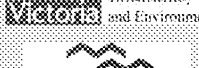


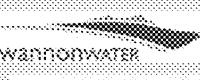





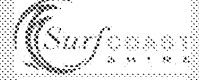

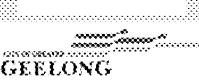

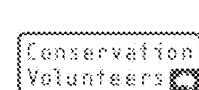













The purpose of this Act is to establish a legislative scheme that supports local government to provide leadership for the local community through advocacy, decision making and actions. The objectives of Council are to ensure the social, economic and environmental viability and sustainability of the municipal district. This relates to Council utilising resources efficiently and effectively to best meet the needs of the community. Council plays a critical role in administering this act within the Shire through initiatives such as the development of this Strategy.

- **Victorian Planning and Environment Act (1987)**

The purpose of this Act is to establish a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians. The objectives of this legislation is for the fair, orderly, economic and sustainable use, and development of land; and the protection of natural resources and the maintenance of ecological processes and genetic diversity. Council plays a critical role in administering this act within the Shire through implementation of the planning scheme.

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Table 4: Agencies in the Environmental Management Sector

| | NATIONAL BODIES | STATE BODIES | REGIONAL BODIES | LOCAL BODIES |
|-----------------------|--|--|---|---|
| GOVERNMENT/STATUTORY | 
 | 




 | 


 | 



 |
| NON-GOVERNMENT BODIES | 

 | 

 | 



 | 


 |

- Victorian Flora and Fauna Guarantee Act (1988)**
 The purpose of this Act is to establish a legal and administrative structure to enable and promote the conservation of Victoria's native flora and fauna and to provide for a choice of procedures which can be used for the conservation, management or control of flora and fauna and the management of potentially threatening processes. This Act places responsibility with Council to act in a way that conserves and protects Victoria's flora and fauna, protects their genetic diversity and manages potentially threatening process. This Act is administered by the Victorian Department of Sustainability and Environment.

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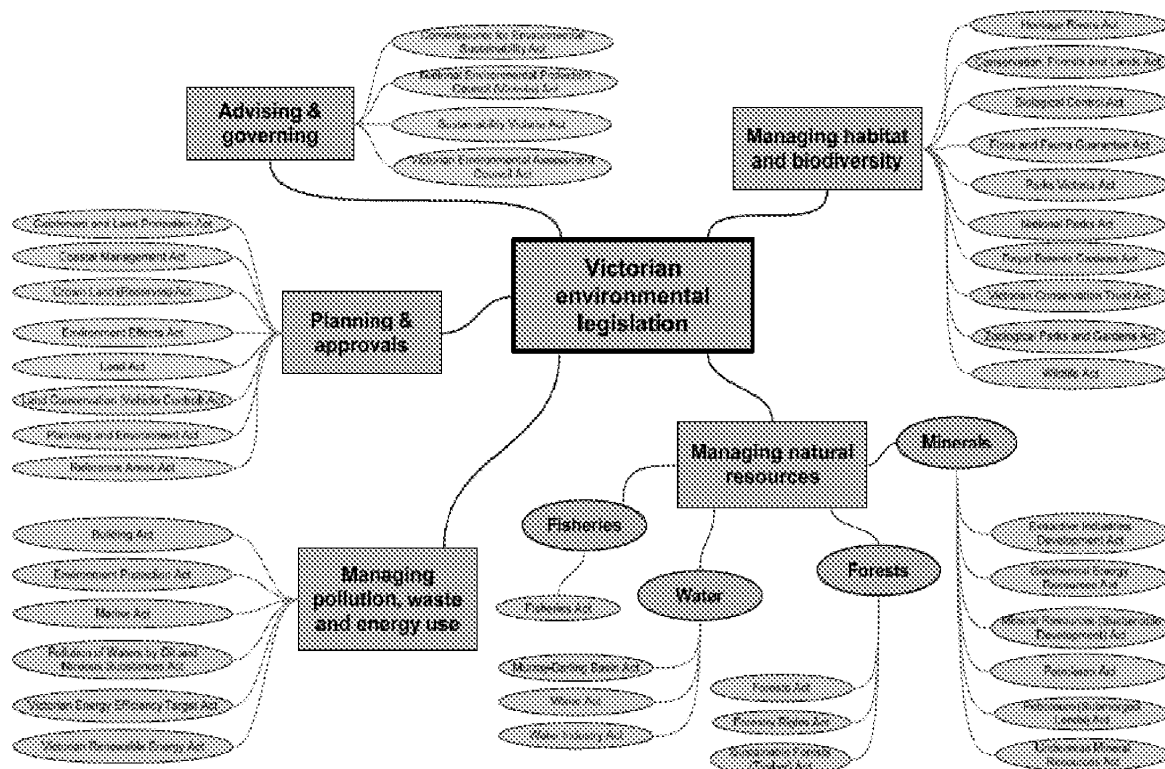


Figure 5: Victorian environmental legislation (VCEC 2009)

- Victorian Catchment and Land Protection Act (1994)**
 This Act sets up a framework for the integrated management and protection of catchments; to encourage community participation in the management of land and water resources; and to set up a system of controls on noxious weeds and pest animals. This legislation states that Council, like any private landowners, must undertake routine pest plant and animal control to ensure that property managed by Council remains pest free. The Act also gives rise to the development of a Regional Catchment Strategy that sets regional targets for natural resource management. This Act is administered by various organisations including the Corangamite Catchment Management Authority (CCMA) and the Victorian Department of Primary Industries (DPI).
- Victorian Environment Protection Act (1970)**
 The purpose of this Act is to create a legislative framework for the protection of the environment in Victoria having regard to the principles of environment protection. This Act establishes the Environment Protection Authority, which sets guidelines, quality objectives, regulations and management programmes for things such as air, surface and ground water, noise, waste and water pollution.

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2.7.3 PLANS AND STRATEGIES

There have been a significant amount of resources invested by Council and other organisations into developing plans and strategies that direct environmental management in the Shire. Table 5 classifies relevant Council (internal) documents as either issue based or area based. The documents have been developed for various reasons by various departments across Council. The Strategy will provide an overarching direction for implementing the actions in these documents.

It is important to highlight that there are also a number of other Council plans and strategies that although not specifically focused on environmental management do have a strong influence on how Council manages environmental issues. For example the Municipal Fire Prevention Plan and the Road Management Plan both have a community safety focus however the management of environmental impacts associated with this activity is recognised and therefore processes are required to ensure the objectives of this Strategy are considered when implementing these plans. There are many other examples such as the Economic Development Action Agenda and the Colac Otway Recreation Strategy and the Festival and Events Strategic Plan which all make reference to specific environmental issues and make recommendations which are consistent with this Strategy's objectives and targets.

As previously stated the Strategy is focused on areas Council can control. Therefore implementation of Council's plans and strategies is the focus however it is also important for Council to recognise and, where possible align with other policies and strategies that aim to protect and enhance the environmental values in the Shire. Table 5 shows a few of these external documents and demonstrates that they are developed by a range of organisations at a national, state and regional scale.

Those plans and strategies that have the strongest relationship with environmental management are discussed briefly below. The key thing to appreciate is that there are many plans and strategies that guide works that affect the environment and that strong relationships need to be established and maintained both internally and externally to ensure that activities are being carried out in a strategic manner.

INTERNAL PLANS AND STRATEGIES

- **Sustainable Water Use Plan (2007)**

The Sustainable Water Use Plan identifies actions to reduce water consumption for all Council assets and facilities (e.g. sporting grounds and office buildings). The plan builds on existing water saving measures by identifying opportunities to explore new water saving initiatives, including improvements to Council operations and infrastructure, and also investigating alternative supplies to potable drinking water.

- **Greenhouse Action Plan (2007)**

The Greenhouse Action Plan aims to reduce greenhouse gas emissions from Council operations and help reduce emissions from the Colac Otway community. The actions detailed in the Greenhouse Action Plan aim to reduce both Council's greenhouse gas emissions and energy costs for the future. Such actions are likely to provide for environmental, social and economic benefits for all residents of the Shire, now and in the future.

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- **Lake Colac Management Plan (2002)**

The Lake Colac Management Plan aims to provide a framework for the community, Local and State agencies to manage and promote ecologically sustainable development and land use practices for Lake Colac and its catchment.

- **Roadside Vegetation Management Plan (2005)**

The Roadside Vegetation Management Plan is intended for use by Council staff and contractors, in conjunction with the roadside mapping, to enable them to determine high priority remnants and to support the protection of the same. The plan outlines the work methods and responsibilities required of contractors and all other persons undertaking work on roadsides. It is intended that this document will set the standard for environmental contract provisions, promoting best practice in the management of roadside vegetation.

Table 5: Plans and Strategies

| | ISSUE BASED | AREA BASED |
|-----------------|--|--|
| INTERNAL | Roadside Vegetation Management Plan (2008) | Municipal Strategic Statement |
| | Greenhouse Action Plan (2007) | Barongarook Covenant Property Management Plan (2006) |
| | Rural Land Strategy (2007) | Poorneet Road Grassland Management Plan (2007) |
| | Weed Management Strategy (2002) | Apollo Bay Structure Plan |
| | Sustainable Water Use Plan (2007) | Lake Colac and Barongarook Creek Revegetation and Weed Control Plan (2009) |
| | Domestic Wastewater Management Plan (2007) | Lake Colac Management Plan (2002) |
| | Waste Water Management Strategy (2002) | Kennett River, Wye River and Separation Creek Structure Plans (2008) |
| | Municipal Fire Prevention Plan (2007) | Colac Structure Plan (2007) |
| | Road Management Plan (2009) | |
| | | |
| EXTERNAL | National Carbon pollution Reduction Scheme | Corangamite Regional Catchment Strategy 2003 |
| | Victorian Coastal Strategy 2008 | G21 Region Plan 2007 |
| | Victoria's Native Vegetation Management Framework (2002) | Draft Great Otway National Park Management Plan (2008) |
| | Corangamite River Health Strategy (2002) | Western District Lakes Ramsar Site Strategic Management Plan 2002 |
| | Victorian Pest Management Framework (2002) | |

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- **Weed Management Strategy (2000)**
The Weed Management Strategy identifies a list of environmental weeds in the Shire and a range of actions to improve weed management processes and the appropriate agencies responsible. Those species which have 'weedy' characteristics, but are not declared noxious weeds under the CaLP Act, are also listed in this document.
- **Municipal Fire Prevention Plan (2007)**
Councils in Victoria have a statutory obligation to have a Municipal Fire Prevention Plan that looks at fire risk environments, including agricultural, industrial, commercial, residential and natural and is audited by State appointed auditors every three years. Significant opportunities exist to carry out fire prevention works in such a way as to also improve environmental values in the shire. For example ecological burns and weed control works can be undertaken that not only reduce risk of fire but also improve the condition of native grassland located along roadsides.
- **Road Management Plan (2009)**
The Colac Otway Shire has adopted a Road Management Plan to set reasonable standards in relation to the performance of its road management functions for the maintenance of its public roads and associated road-related assets. The Road Management Plan has been developed to address requirements of the State Government's new Road Management Act 2004 (the 'Act'). The Plan provides a framework for relevant standards and policy in relation to Council's road management responsibilities. It provides a vision for how Council plans to manage its road network ensuring the community is provided with a road system that returns optimum economic benefit while recognising social, safety, environmental and user needs.

EXTERNAL PLANS AND STRATEGIES

- **Victorian Native Vegetation Framework (2002)**
The Native Vegetation Management Framework was released in 2002. It was developed to implement the objectives of Victoria's Biodiversity Strategy and the National Strategy for the Conservation of Australia's Biological Diversity. The Framework's main goal is to achieve an increase in the extent and quality of native vegetation across Victoria. The framework is administered by the Victorian Department of Sustainability and Environment (DSE).
- **Corangamite Regional Catchment Strategy (2003)**
The Corangamite Regional Catchment Strategy provides long-term direction for managing the future of land, water resources, biodiversity and seascape of the Region, and provides a foundation for investment decisions to ensure improved natural resource outcomes. The strategy is administered by the Corangamite Catchment Management Authority.
- **Victorian Coastal Strategy (2008)**
The Victorian Coastal Strategy provides a comprehensive integrated management framework for the coast of Victoria. It is established under the Coastal Management Act 1995. The Act directs the Victorian Coastal Strategy to provide for long-term planning of the Victorian coast for the next 100 years and beyond. The strategy is administered by the Victorian Coastal Board.

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3.0 COUNCIL MANAGED LAND

Council's current land asset database shows that there are 485 pieces of land that the Council owns freehold and 59 pieces of Crown land that are managed by Council. Many of these areas of land are less than one hectare; however there are a number of more substantial areas (e.g. Barongarook Covenant Property 8 Ha). The total area of Council owned and managed land parcels equals 1,342 ha (850 ha are Council owned, 492 ha are Crown land managed through the Council either by Committee of Management or Advisory Committees). This does not include the roadside reserves managed by Council.

It is important to recognise that the vast majority of these parcels are dedicated to non conservation roles such as recreational purposes (e.g. parks and football fields), and as such have minimal environmental value. However, there are a number that contain intact remnant vegetation with significant indigenous flora and fauna species.

*"Lake Colac needs a
vision!"*

(Colac Forum participant)

As identified in the Road Management Act (2004), Council is responsible for managing the roadside reserves for the 1,600km of roads. Although Council's primary responsibility under the Road Management Act is to make the roads safe it is important to recognise that roadside reserves can contain significant environmental values in terms of habitat corridors and threatened species. Roadside reserve management is difficult given the number of stakeholders involved in their management and the competing priorities.

Council has entered into a Memorandum of Understanding with the Department of Sustainability and Environment that aims to strike the balance between the maintenance that is required along roadsides for safety and the preservation of environmental values. However it is important to note that the responsibility of Council managing these reserves does not extend to the management of declared weeds listed under the Catchment and Land Protection Act (1994). There has been ongoing debate over this interpretation of the Catchment and Land Protection Act and at the time of writing this document the issue has yet to be resolved.

Due to the amount of land Council is responsible for and the limited resources available, the Strategy uses an asset based approach to managing environmental values on Council managed land. This means that the priority is given to areas of high value and the protection and enhancement of the environmental values in these areas. The secondary priority is to identify areas that could become high value areas if efforts were made to increase their values (e.g. through revegetation or weed control).

Although the Strategy does not aim to restore significant environmental values on all Council Managed land, it recognises areas that have significant threats present such as pest plants and animals, erosion, salinity and acid sulphate soils. Where significant threats are present, management actions may be required to ensure the threat does not increase. This may mean that a low value area of land (e.g. recreation park land) may be given priority but only where a significant threat is present (e.g. Ragwort).

3.1 SELECTION CRITERIA

A selection criteria was developed to identify Council managed land that contains important environmental assets. The selection criteria shown in Table 6 includes a range of environmental aspects that can be applied to current Council managed land parcels as well as future land acquisitions when they occur.

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Given that this assessment is based on current data it is important to note that the assessment could change when new data is acquired or where management actions are completed. More detailed on-site assessments of the threat status for Council managed land parcels and roadsides are required and therefore the list needs to be updated when new information is gathered and appropriate management actions applied. This highlights the need for re-assessing Council managed land every four years based on the latest data to ensure appropriate management actions are being implemented.

A significant amount of data needs to be analysed to properly apply the criteria. Accordingly, there are some assessment criteria that need to be clarified:

- As a default, the highest Ecological Vegetation Community (EVC) conservation status is applied to sites that contained more than one EVC;
- Adjoining roadsides that have not been surveyed were given a zero value; and
- The edge effect (the ratio of intact indigenous vegetation to exotic vegetation, determines the reserves vulnerability to weed invasion) was calculated on the vegetation identified in the aerial photographs, where this was not possible the whole parcel was included.

Classifying areas requires a threshold to be set that identifies a point at which the assets are not considered significantly valuable. This threshold has been set at a score of twelve for high value areas. The threshold for areas, considered to be moderately valuable has been set at eight. Areas considered to have a significant threat were identified to allow appropriate measures to be prescribed however a score was not attributed in such cases.

Table 7 shows that based on current data eight land parcels were identified as high value areas, two land parcels were identified as moderate value and two were identified as having a significant threat present. The eight high value land parcels will be registered as environmental reserves on Council's land asset database. It is possible for a high or moderate value site to also have a threat status. For example the Heathfield Open Space site located along the Barham River has moderate value but due to the presence of Ragwort, a Regionally Controlled weed species, it also attracts a threat status. Table 7 also shows whether detailed site assessments or a management plan have been completed or are whether they are still required for each of the high and moderate land parcels.

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Table 6: Selection Criteria

| | Criteria | Category | Score |
|----|--|--|---------|
| 1 | Ecological Vegetation Community | Endangered | 10 |
| | | Vulnerable | 5 |
| | | Depleted | 3 |
| | | Rare | 5 |
| | | Least Concern | 0 |
| 2 | National Conservation Status | Presumed Extinct | 10 |
| | | Critically Endangered | 10 |
| | | Endangered | 5 |
| | | Vulnerable | 3 |
| 3 | Victorian conservation Status | Presumed Extinct | 10 |
| | | Endangered | 10 |
| | | Vulnerable | 5 |
| | | Rare | 3 |
| | | Poorly Known | 2 |
| 4 | Status under the FFG Act (1988) | Listed as threatened | 10 |
| | | Nominated for listing | 5 |
| | | Rejected for listing | 3 |
| | | Delisted as threatened | 2 |
| | Status under the EPBC Act (1999) | Listed | 10 |
| | | Nominated | 5 |
| 5 | Adjoining Roadside Conservation Status
(from the roadside Biodiversity assessments) | Very High | 3 |
| | | High | 2 |
| | | Medium | 1 |
| | | Low/not application | 0 |
| 6 | Tenure of land within 200m (either the land itself or adjoining land within 200m, if multiple land tenures, count only highest score). | National Park | 5 |
| | | Forrest Park | 2 |
| | | Private Land, forested | 2 |
| | | Private Land, agricultural | 0 |
| 7 | Edge effect = site area (km ²) ÷ edge length (km). (*sites 1 ha or smaller are automatically 'high' irrespective of shape). | Low 0.5-0.2 | 3 |
| | | Medium 0.2-9.15 | 2 |
| | | * High < 0.15 | 1 |
| 8 | Adjacent waterway or wetland | Ramsar Wetland | 10 |
| | | Declared waterway with a high index of stream condition. | 8 |
| | | Declared waterway | 4 |
| | | Drainage lines | 1 |
| 9 | Environmental Overlays | VPO 1 & 2 | 5 |
| | | EMO | 5 |
| | | LSIO | 5 |
| | | ESO 2 & 4 | 5 |
| 10 | Previous Investment | Weed Control Works | 2 |
| | | Revegetation | 2 |
| | | Prescribed Burns | 2 |
| 11 | Pest Plants and Animals | Fox or Rabbit infestation | Present |
| | | Emergent weed | Present |
| | | Regionally controlled weed | Present |
| 12 | Salinity, Acid Sulphate Soils or Erosion | Erosion | Present |
| | | Salinity | Present |
| | | Acid Sulphate Soils | Present |

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Table 7: Land Assessment Status

| Name | Score | Status | Detailed Assessment | Management Plan |
|------------------------------------|-------|-------------------------------|---------------------|-----------------|
| Barham River Confluence | 33 | High Value | Required | Required |
| Lake Corangamite Bathing Boxes | 30 | High Value | Complete | Complete |
| Barongarook Creek | 22 | High Value/Threat | Complete | Complete |
| Marengo Flora Reserve | 20 | High Value | Required | Required |
| Barongarook Covenant Property | 19 | High Value | Complete | Complete |
| Beac Grasslands | 18 | High Value | Complete | Required |
| Deepdene Road Reserve | 18 | High Value/Threat | Complete | Required |
| Lake Colac | 13 | High Value/Threat | Complete | Complete |
| Wye River Drainage Reserve | 11 | Moderate Value | Required | Required |
| Heathfield Open Space (Apollo Bay) | 8 | Moderate Value/Threat Present | Complete | Required |

To identify the roadside reserves status, the Strategy has utilised an existing biodiversity database that provides an assessment of the reserves by a qualified independent botanist. The method employed for this assessment, although similar, has distinct differences from the criteria above used for land parcels. The Roadside Conservation Advisory Committee (RCAC) method is used as it is specifically designed for assessing roadside reserves. It differs from the land parcel method as it does not consider the edge effect (given that these reserves are linear) or place significant weight with adjoining land status (given that the majority is modified private land).

Figure 6 shows the conservation status lengths for Council roads: 212 km very high conservation, 110 km of high conservation; 280 km of medium conservation and 714 km of low conservation. The very high and high conservation roadsides will be registered as sites of biodiversity significance and listed under a vegetation protection planning overlay. Although the asset based approach will be applied to managing the roadsides (i.e. protect the best) where there are significant threats, or a small section of low value roadside separating high value areas, then resources may be directed toward roadsides with low conservation status. It is important to note that detailed botanical assessments are still being carried out and once all 1600 km of roads are completed it is expected that there will be over 400km of high and very conservation values roadside. Currently only Poomeet Lane has a specific management plan. However Council has a Roadside Vegetation Management Plan and roadside prescriptions that do provide guidance on how to protect the values of all roadside reserves.

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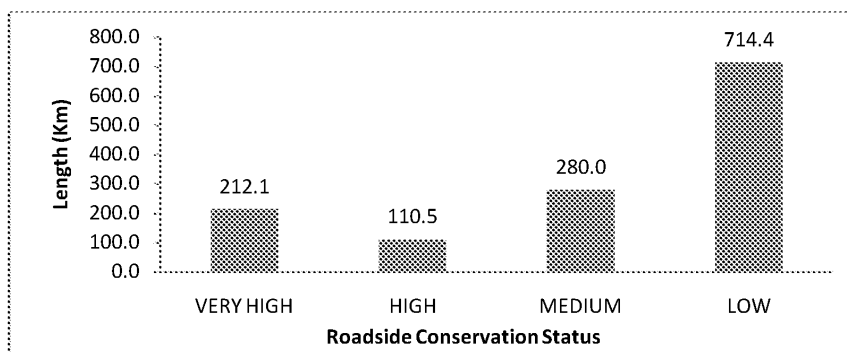


Figure 6: Roadside conservation values

3.2 ACHIEVEMENTS

Table 8: Council Managed Land Achievements

Installation of four Gross Pollutant Traps (GPT) in the Lake Colac Catchment

Assessment and identification of environmental assets on Council managed roadsides.

Strategic weed management programme that protects the environmental assets of the Shire, for example Elm removal along Barongarook Creek.

Improved pest animal control including removal of 150 tonnes of Carp from Barongarook Creek.

Revegetation along waterways to improve water quality; including Lake Colac and Barongarook Creek.

Monitoring and recording of water quality in streams and creeks in the Lake Colac catchment and estuaries along the Great Ocean Road.

Revegetation of the Deepdene Reserve through an offset arrangement with VicRoads.

Management Plans developed and implemented for high conservation areas, for example Lake Colac, Barongarook Covenant and Poorneet Lane.

Fire management regimes that enhance environmental values, for example Poorneet Lane and Deepdene Reserve.

Signage installed along high conservation roadsides.

Grassland restoration research at the Beeac Grasslands.

Ecological burns carried out in partnership with the CFA on high value areas.

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3.3 OBJECTIVES

Table 9: Council Managed Land Objectives (CMLO)

| | |
|---------------|--|
| CMLO 1 | Undertake on-site environmental asset and threat assessments on Council managed land considered to have environmental value, and develop management plans to direct appropriate actions. |
| CMLO 2 | Ensure the protection and enhancement of environmental values on Council owned and managed land parcels. |
| CMLO 3 | Ensure the protection and enhancement of environmental values on Council managed roadsides. |
| CMLO 4 | Improve management of environmental threats on Council managed roadsides through implementation of strategic management actions. |
| CMLO 5 | Protect the listed high value areas through development and implementation of strategic management plans. |
| CMLO 6 | Enhance the listed moderate value areas through implementation of strategic management actions. |
| CMLO 7 | Develop and implement an Open Space Strategy that acknowledges environmental values when Council is acquiring new land. |

3.4 TARGETS

Table 10: Council Managed Land Targets (CMLT)

| | |
|----------------|---|
| CMLT 1 | Undertake assessments of environmental assets and threats on Council Managed roadsides by 2010. |
| CMLT 2 | Develop a policy to ensure that when acquiring land as part of a sub-division it will be assessed against the selection criteria and priority given to areas with more environmental value by 2011. |
| CMLT 3 | Develop a policy to ensure that when acquiring any land consideration will be given to environmental management requirements by 2011. |
| CMLT 4 | Review and update the current roadside vegetation management plan and the environmental weed strategy by 2011. |
| CMLT 5 | Continue to implement Councils existing management plans for Council owned and managed land and review progress by 2014. (e.g. Lake Colac Revegetation and Weed Control Plan) |
| CMLT 6 | Undertake detailed assessments of environmental assets and threats on all Council managed land of high value and moderate value by 2014. (e.g. Marengo Flora Reserve). |
| CMLT 7 | Develop and begin implementation of site specific management plans for all Council managed land of high value and moderate value by 2014. (e.g. Barham River Confluence) |
| CMLT 8 | Continue to implement Councils existing management plans for Council owned and managed roads and review progress in 2014. (e.g. Poorneet Lane Management Plan) |
| CMLT 9 | Develop and begin implementation of site specific management plans for all high value roadsides by 2014. (e.g. Beeac-Dreette Roadside) |
| CMLT 10 | Develop and begin implementation of site specific management plans for all medium value roadsides by 2018. (e.g. Dewings Bridge Road Geranagamete) |
| CMLT 11 | Ensure that all management plans for high value Council managed land and roadsides consider issues associated with adapting to climate change. |

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3.5 CLIMATE CHANGE

In order to achieve the targets set in the Strategy it is important to acknowledge that measures will need to be taken to adapt to climate change. Current modelling suggests that the Shire will have higher temperatures, lower annual rainfall and more frequent extreme weather events, meaning more floods and more wildfires. These changes may have a significant impact on the value scoring associated with Council managed land. For example, the number of threatened species may increase resulting in an increase in the number of areas listed as high value. These issues reinforce the need for re-assessing Council managed land every four years to ensure climate change implications are being accounted for. In addition, all new management plans developed for high value areas will have a section outlining measures that will help ensure preservation of values under climate change scenarios.

3.6 RELATIONSHIPS

External

For each area of land Council manages there are a unique set of external stakeholders that Council needs to work with in order to protect, enhance or restore environmental values. However in general terms the external key stakeholders include:

- DSE (e.g. Crown Land Manager Lake Colac and Council Managed Roadsides);
- Parks Victoria (e.g. Committee of Management for Lake Colac);
- DPI (e.g. weed management on private land); and
- Adjoining land holders or land managers (e.g. private land owners adjoining roadsides).

To ensure strong working relationships are established each area needs to be treated differently. In some cases where there are complex land tenure arrangements and community expectations a consultative committee may be established, for example the Weeds Consultative Committee formed in 2002 to direct Council's weed control works. The committee is chaired by a Councillor and has membership from various government agencies and environmental groups. In other cases it may be appropriate to simply write letters to adjoining landholders informing them of the values in the area, the management actions being undertaken and who to contact if they have any questions (e.g. high conservation roadsides).

There are a number of high value areas of Council managed land that form part of a larger environmental asset. Lake Colac is an example of this where Council is the Committee of Management for less than 10% of the area. Other examples include land that is a part of Lake Corangamite and the Barham River Catchment. Due to the importance of these environmental assets Council will advocate to the relevant stakeholders the importance of integrated catchment management. Accordingly these areas have been identified in the Advocacy and Facilitation section of the Strategy. By advocating and facilitating action through community driven groups such as the Lake Colac Consultative Committee and the Otway Barham Reference Group more holistic benefits can be achieved for the environment.

It is important to highlight that all new management plans developed for high value areas will be developed through consultation with key stakeholders. The plans will have a section outlining measures that will help ensure that the relationships with key stakeholders are strengthened to enable the best possible outcome.

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Internal

Strong internal relationships are also critical to improving management of Council managed land. Regular inter-departmental meetings along with internal referral processes have been implemented to ensure good communication particularly in areas with environmental sensitivity. On-site meetings are also being carried out in some cases to ensure all parties are clear on the prescriptions that need to be adhered to. The effectiveness of these processes needs to be regularly reviewed to ensure internal relationships are maintained and enhanced, particularly when new staff joins the Council. Council's Environment Unit will carry out these reviews and report to the Executive Management Team of Council if there are any issues that need to be rectified.

4.0 PLANNING AND REGULATIONS

The Planning and Environment Act (1987) provides the legislative backing for the development of the Colac Otway Shire Planning Scheme. The scheme sets out policies and provisions for the use, development and protection of land in the Shire. Key provisions of the scheme are set by the State Government. For example section 52.17 defines state wide provisions on native vegetation. Appendix 2 provides details on other key elements of the planning scheme (listed below) that Council has more ability to influence:

- Municipal Strategic Statement (Local Planning Policy Framework);
- Zoning; and
- Overlays.

It is important to note that Council is also responsible for regulating provisions under the Environmental Protection Act (e.g. littering and septic tanks), the Country Fire Authority Act (e.g. issuing of fire prevention notices) and codes of practice (e.g. Code of Practice For Timber Production On Private Land). Local Laws also provide Council with the ability to manage environmental issues, for example Council's Livestock Local Law has provisions to ensure that grazing of roadsides is carried out in an environmentally sensitive manner.

The administering and enforcement of the planning scheme and the other relevant regulations provides Council with the ability to influence environmental management across the landscape. However it is important to note that Council cannot make changes to the planning scheme or the regulations without an amendment being approved subject to prescribed public notices and consultation processes. Amendments may also need to be approved by another government agency. Therefore, although the planning scheme and regulations provide an opportunity for Council to significantly improve environmental management across the landscape, making changes to the provisions is not within the complete control of Council. This needs to be appreciated when considering the targets set in this section of the Strategy.

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4.1 ACHIEVEMENTS

Table 11: Planning and Regulation Achievements

| |
|---|
| Updating the Municipal Strategic Statement, Local Planning Provisions (e.g. overlays) and completion of Amendment C55 providing direction for sustainable land use for the Shire. |
| Appointment of a Planning Enforcement Officer to implement a system to monitor and enforce planning scheme compliance with assistance from Local Laws. |
| Auditing of private forestry operations against the State Government code of practice and Councils Timber Harvesting Prescriptions. |
| Climate change considerations for sea level rise in line with the Victorian Coastal Strategy. |
| Improved septic tank systems in proclaimed water catchments. |
| Improved water quality at Wye River, Separation Creek and Kennett River through septic tank improvements. |
| Land management plans required for developments in areas with significant environmental values. |
| Land use controls implemented through the Colac Otway Shire planning scheme to protect environmental values. |
| Processes for monitoring septic tank condition and enforcing replacement as required. |
| Reduction of litter on private land (silage wrap) through enforcement of regulations by Local Laws. |
| Implementation of a strategic fire prevention programme that also considers the ecological benefits of fire (e.g. weed control). |
| Small town master plans developed that identify sustainability principles. |
| Review of Council's Roadside Grazing Procedure to ensure environmental assets are protected. |

4.2 OBJECTIVES

Table 12: Planning and Regulation Objectives (PRO)

| | |
|--------------|---|
| PRO 1 | Environmentally Sustainability principles incorporated into new developments and storm water quality leaving residential, commercial and industrial environment and entering waterways and soil profiles is improved. |
| PRO 2 | Ensure the Planning Scheme contains the most up to date information with regards to overlays, associated schedules and controls that match. |
| PRO 3 | Ensure the protection and enhancement of environmental assets on private land through land management plans and enforce compliance with planning permit conditions. |
| PRO 4 | Integrated fire prevention measures that also provide ecological benefits. |
| PRO 5 | Achieve a net gain in the quality and quantity of native vegetation on private land. |

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4.3 TARGETS

Table 13: Planning and Regulation Targets (PRT)

| | |
|--------|---|
| PRT 1 | Incorporate most current environmental mapping into Councils planning scheme and review as required. |
| PRT 2 | Develop and implement response strategies to environmental pollution events by 2011. |
| PRT 3 | Develop and commence implementation of an offset management procedure to manage native vegetation off-sets established across the Shire by 2011. |
| PRT 4 | Develop a Council Environmental Sustainability policy for the organisation that addresses opportunities for improving sustainability of new developments by 2012. |
| PRT 5 | Implement a Council Environmental Sustainability policy for the organisation that addresses opportunities for improving sustainability of new developments by 2012. |
| PRT 6 | Review the municipal strategic statement by 2014 and ensure climate change, salinity, sustainable land use and acid sulphate soils are recognised appropriately and are managed through statutory controls. |
| PRT 7 | Implement recommendations in the Colac Otway Shire Domestic Wastewater Management Plan, review the Plan's performance and renew by 2014. |
| PRT 8 | Develop and implement standards for domestic wastewater treatment systems near waterways and in water supply and ground water recharge areas by 2014. |
| PRT 9 | Develop and commence implementation of an Integrated Fire Management Plan by 2014 for safety and ecological outcomes. |
| PRT 10 | Undertake audits of at least 20 properties with land management plans and 20 logging coupes every year with a target of 100% compliance by 2018. |

4.4 CLIMATE CHANGE

In order to achieve the targets set in this section of the Strategy it is important to acknowledge that measures will need to be taken to not only adapt to but also prevent climate change. Planning and regulations can prepare the community to adapt to climate change impacts (e.g. sea level rise) but they can also prevent activities that will increase carbon emissions from the region (e.g. housing developments solely reliant on car usage).

Targets have been set in the Strategy to help achieve more sustainable developments that will result in reduced carbon emissions for new developments however targets have not been set specifically in relation to planning provisions for adapting to climate change. This is due to the complexity associated with this issue and the significant amount of research that is currently being undertaken to understand the implications of climate change (e.g. DSE Future Coasts Project). Until there is more certainty in this area (i.e. how much will the sea level rise?) Council has to rely on the information and guidance being provided by State and Federal Government agencies that have the expertise and resources to undertake the research and analysis required.

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The Victorian Coastal Strategy (Victorian Coastal Council, 2008) sets out a section for climate change, highlighting that sea level rise and storm surges are significant issues. A minimum allowance of 0.8m is stipulated along with three adaption options:

- Protect (protection of beaches, dunes and infrastructure; land use and development)
- Accommodate (planning and building policies and provisions, redesign and rebuild)
- Retreat (relocation of infrastructure, land use and development).

It is also important to note that the State Government is in the process of developing the Land and Biodiversity White Paper and a Climate Change White Paper. It is certain that these documents will have implications for how all Victorian local governments respond to climate change through planning and regulatory means.

4.5 RELATIONSHIPS

External

There are many external stakeholders that Council needs to work with in order to administer the planning scheme and the various regulations. However in general terms the key stakeholders include:

- Department of Planning and Community Development (responsible for approval of planning scheme amendments);
- Department of Sustainability and Environment (referral authority for biodiversity and native vegetation matters);
- Corangamite Catchment Management Authority (referral authority for land subject to inundation and works on water ways permits);
- Country Fire Authority (referral authority for land subject to wild fire)
- Environmental Protection Authority (sets regulations for littering and septic tanks);
- Department of Primary Industries (sets regulations for forestry on private land); and
- Permit applicants (e.g. private land owners adjoining roadsides).

To ensure strong working relationships are established and maintained each circumstance needs to be treated differently. In some cases there are many parties who need to be engaged (e.g. planning scheme amendments) while in other areas it may be appropriate to meet with only the permit applicant informing them of the values in the area, the management actions required and who to contact if they have any questions.

Where Council is monitoring compliance and where enforcement measures are required it is particularly important that all the key stakeholders have a clear and transparent relationship. In such cases Council will ensure that stakeholders are kept informed of all developments in writing and rely on strong relationships with other relevant authorities to ensure that mixed messages are not being given to the community. Where strong relationships exist often an on-site meeting can be undertaken to expedite a resolution satisfactory to all parties.

Internal

It is important to highlight that activities undertaken by Council (e.g. capital works projects) are almost always subject to the same requirements under the planning scheme and the various regulations. Therefore strong internal relationships are critical to ensuring Council works are carried out appropriately. Regular inter-departmental meetings along with internal referral processes have been implemented to ensure good communication particularly in areas with environmental sensitivity. On-site meetings are also being carried out in some cases to ensure all parties are clear on the prescriptions that need to be adhered to.

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The effectiveness of these processes needs to be regularly reviewed to ensure internal relationships are maintained and enhanced particularly when new staff joins the Council. Council's Environment Unit will carry out these reviews and report to the Executive Management Team of Council if there are any issues that need to be rectified.

5.0 PHYSICAL WORKS AND GENERAL SERVICES

Physical works and general services are carried out by Council on behalf of the community and include everything from road works to rubbish collection. This section covers a wide range of works, each with its own set of regulations and legislative requirements.

*"This is a good
opportunity for the Shire
to demonstrate
leadership ..."*

(Beech Forest Forum participant)

Physical works are defined as any works of a physical nature, encompassing both capital and maintenance works. Capital works are defined as building and engineering works that create an asset, as well as constructing or installing facilities and fixtures. These works typically include construction of buildings, roads and bridges. Maintenance works are undertaken to maintain existing assets in working condition. These keep an asset functioning and do not enhance the asset significantly. This is in contrast to capital works on an existing asset, which will substantially change or improve the asset through expansion or upgrades.

General services include a myriad of activities including the ongoing provision of street lighting; rubbish collection; street sweeping and trimming of trees along roadsides. General services also covers the purchasing of equipment (e.g. computers) as well as general purchases (e.g. stationary and catering) Council is required to undertake as part of the provision of general services.

The environmental management approaches for physical works and general services can be divided into the two categories; environmental considerations and environmental outcomes. Environmental considerations are required when undertaking a project or programme that is aimed primarily at addressing a different issue. For example, when purchasing new vehicles the primary aim is to have affordable vehicles that allow Council staff to get from A to B safely in a timely manner. Consideration is given to fuel efficiency but not at the cost of achieving the primary aim. In contrast physical works and general services that aim to provide environmental outcomes have environmental objectives as the primary aim. For example the Kennett River Wetland was constructed primarily to prevent degradation of the river by trapping nutrients coming from the town.

This distinction between whether works or services require environmental considerations and whether they are aimed primarily at achieving an environmental outcome needs to be understood when considering the targets set in this section of the Strategy.

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5.1 ACHIEVEMENTS

Table 14: Physical Works and General Services Achievements

| |
|---|
| Formation of the Sustainability Working Group to oversee implementation of the Greenhouse Action Plan and the Sustainable Water Use Plan through investment from Council's Sustainability Action Fund |
| Energy conservation and carbon emission reduction measures implemented. Examples include: implementation of more efficient lighting in Council facilities; and a light fleet policy encouraging the purchasing of more fuel efficient vehicles. |
| Water conservation measures implemented. Examples include: retrofitting of public toilets; and water management action plans for major Council water users (i.e. Blue Water Fitness Centre, Sale Yards, Botanic Gardens, Central Reserve) |
| Significant increases in green purchasing each financial year. Examples include: recycled paper; and recycled materials used in street furniture. |
| Improved Recycling and Green Waste management processes to reduce landfill waste and a reduction in non organic litter in public spaces through implementation of receptacles for waste. |
| Active involvement in recognised sustainability programmes such as ECOBuy, Waste Wise, Cities for Climate Protection, and the Barwon Region Waste Management Group. |
| Improved project management processes that recognise values and minimise impacts to ensure environmental protection for works carried out by Council and by contractors on behalf of Council. |
| Improved Stormwater Management. For example: installation of seven Gross Pollutant Traps in Colac and Apollo Bay; and construction of the Kennett River Wetland. |
| Regular water quality monitoring for Wye River, Kennett River, Skenes Creek, Birregurra and Lake Colac. |
| COSworks has an ISO1401 accredited Environmental Management System. This has led to a reduction in the number of stockpile and dump sites located throughout the Shire and improvements in vehicle hygiene practices to reduce the spread of weeds. |
| Environmental management plans required for major events approved through Council. |
| Council policy that directs routine vehicle hygiene measures for works crews. |

5.2 OBJECTIVES

Table 15: Physical Works and General Services Objectives (PWGSO)

| | |
|----------------|---|
| PWGSO 1 | All Council programmes, projects, services, plans and policies to have environmental considerations incorporated into them that aim to demonstrate the current best management practices. |
| PWGSO 2 | Council policy that encourages purchasing of more environmentally friendly services and products. |
| PWGSO 3 | Implementation and review of the Greenhouse Action Plan to reduce Council's energy use. |
| PWGSO 4 | Implementation and review of the Sustainable Water Use Plan to reduce Council's water use. |
| PWGSO 5 | Reduced waste entering landfill by increasing the amount of waste being re-used or recycled. |
| PWGSO 6 | Environmental credentials of lessees, contractors and service providers assessed in selection processes to encourage best environmental management practices. |

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| | |
|-----------------|---|
| PWGSO 7 | A Green Business Network established using green marketing tools to encourage more businesses to become more environmentally responsible in their operations. |
| PWGSO 8 | Identify water quality issues that pose a threat to environmental health and take appropriate action. |
| PWGSO 9 | Protect sensitive areas from pollution through improved stormwater and waste water management. |
| PWGSO 10 | Environmentally Sustainable Development practices for all capital works carried out by Council. |
| PWGSO 11 | Environmental management incorporated into all events carried out in the Shire. |
| PWGSO 12 | Ensure cultural heritage values are protected during works carried out by Shire. |

5.3 TARGETS

Table 16: Physical Works and General Services Targets (PWGST)

| | |
|-----------------|---|
| PWGST 1 | Maintain regular water quality monitoring at nine waterway sites across the region and place results on the Council website every three months. |
| PWGST 2 | Develop a Memorandum of Understanding with local aboriginal groups, to ensure protection of cultural heritage and to engage them in environmental management initiatives by 2011. |
| PWGST 3 | Develop and implement a criterion for assessing the environmental credentials and plans of contractors, in a manner appropriate for the nature and scope of the works by 2011. |
| PWGST 4 | Develop and implement a Council Environmental Sustainability policy to direct Council's programs, projects, processes and services by 2012 and undertake audits to ensure compliance. |
| PWGST 5 | A total of 65% recovery rate (by weight) of waste produced through Council operations for re-use, recycling or energy generation by 2013. |
| PWGST 6 | Develop an Environmental Management System that encourages best management practices for all Council programmes, projects, services, plans and policies by 2014 and investigate having it ISO14001 accredited by 2016. |
| PWGST 7 | Council to improve water use efficiency by implementing Water Management Action Plans for Council facilities that consume more than 10ML per year and review progress by 2014. |
| PWGST 8 | Obtain Waste Wise certification for 11 major Council facilities by 2014. |
| PWGST 9 | Implement the recommendations of the Colac Otway Stormwater Management Plan and review progress in 2014. |
| PWGST 10 | Waste Wise certification requirement for all Council approved community events and festivals held within the Shire by 2014. |
| PWGST 11 | Council to increase green purchasing to 2.5% of total operating budget by 2014 and to 5% by 2018. (Note: Total operating budget includes human resource expenditure) |
| PWGST 12 | Council to become Carbon neutral (zero net emissions) by 2016. |
| PWGST 13 | Council to satisfy 15% of its water consumption requirements through rainwater harvesting or treated water by 2016. (Note this will require flow metres to be placed on rainwater tanks to measure usage) |

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5.6 CLIMATE CHANGE

Physical works and general services will need to adapt to climate change but the targets set in the Strategy focus on reducing emissions that contribute to climate change. Achieving the targets set in this section of the Strategy will dramatically reduce Council's carbon footprint. Physical works may need to be changed or maintenance regimes changed to adapt to climate change impacts. For example an increase in the number of extremely hot days each year will cause roads to warp and crack and increase maintenance requirements. Reduced average rainfall, an increase in wild fire events and sea level rise will also have impacts on Council assets that will need to be managed. Targets have not been set for adaptation due to the complexity of predicting impacts. However Council's capital works programme needs to consider the latest research findings and try to account for the increased costs that may be incurred as a result of climate change. New information is being published regularly and more specific targets may be able to be identified in the review of the strategy in 2014.

5.7 RELATIONSHIPS

External

There are many external stakeholders, groups and organisations that Council needs to work with in order to carry out physical works and general services. Some of the key stakeholders include:

- Environmental Organisations (e.g. ECOBuy, Waste Wise and the Barwon Region Waste Management Group);
- Environmental Networks (e.g. Landcare Networks and the Local Government Environment Officer Network);
- Business Networks (e.g. Otway Business Inc., Otway Tourism and the Apollo Bay Chamber of Commerce and Tourism);
- Contractors (e.g. Engineering Companies); and
- Lessees (e.g. sporting clubs).

To ensure strong working relationships are established and maintained each works project or service needs to be treated differently. In some cases there are many parties who need to be engaged (e.g. construction of a new council building) while in other cases it may be appropriate to meet with only the permit applicant informing them of the values in the area, the management actions required and who to contact if they have any questions. In some cases a stakeholder committee may be developed to ensure the programme is undertaken effectively.

Internal

It is important to highlight that strong internal relationships are critical to ensuring works and services are carried out appropriately. As previously stated regular inter-departmental meetings along with internal referral processes have been implemented to ensure good communication particularly in cases with environmental sensitivity. On-site meetings are also being carried out in some cases to ensure all parties are clear on the prescriptions that need to be adhered to.

These internal processes are strengthened through two other environmentally focused working groups. The Sustainability Working Group was formed in 2007 to oversee implementation of the Greenhouse Action Plan and the Sustainable Water Use Plan through investment from Council's Sustainability Action Fund. The group is chaired by the Chief Executive Officer of Council and is critical to achieving the targets set in this section of the strategy.

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A Water Managers Working Group was formed in 2008 to provide a coordinated response on strategic water management issues and initiatives. The current drought and the threat posed by climate change demand that even more attention be given to the strategic management of water. The Water Managers Working Group, chaired by the General Manager for Infrastructure and Services, is also critical to achieving the targets set in this section of the strategy.

The Environment Unit within Council provides a critical role in ensuring that the internal relationships are maintained. The Environment Unit provides the executive support for the two working groups described above and will monitor the effectiveness of these processes to ensure internal relationships are maintained and enhanced particularly when new staff joins Council. Council's Environment Unit will carry out these reviews and report to the Executive Management Team of Council if there are any issues that need to be rectified.

6.0 EDUCATION AND AWARENESS RAISING PROGRAMMES

To create a community that is prepared to address the environmental challenges, Council must encourage environmental values and develop skills of the people that live and work in the Shire including Council staff. Importantly, education and awareness raising build people's capacity to innovate and implement solutions independently.

*"Don't be afraid to think
big – small groups can
achieve great things"*
(Apollo Bay Forum Participant)

Education and awareness raising are not the only means to improve environmental management by the general community. Other measures referred to in the Strategy include, legislation, planning scheme provisions, regulation and demonstration of best management practices. With its focus on knowledge, skills, values and behaviour, education and awareness raising are critical tools in achieving enduring change. However the prospects of success in implementing change are enhanced when the tools are integrated. Therefore the Strategy seeks to ensure that education and awareness raising targets are integrated with the targets outlined in the previous sections of the Strategy.

The education and awareness raising programme presented in the Strategy has three core elements:

1. Demonstrating leadership through Council's own policies, programmes and operations;
2. Working with business and industry on incentives for change such as improved efficiencies, cost savings and corporate reputation; and
3. Harnessing community spirit to act by creating opportunities for local communities to get involved in local projects and for individuals to take action in their own lives.

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6.1 ACHIEVEMENTS

Table 17: Education and Awareness Achievements

| |
|--|
| Demonstration of environmental management through Council Operations (e.g. achievements outlined in previous sections for Council managed land and Council operations). |
| Education and training for Council staff on relevant legislation and sites of biodiversity significance. |
| Facilitating businesses to participate in VIC 1000, a Sustainability Victoria programme that assesses the environmental impacts of a business and helps to implement changes. |
| Increased community and Council awareness of the environmental significance of the region and the major environmental issues through various initiatives (e.g. regular Environmental Column in local paper and Community education workshops on various issues). |
| Annual community events that provide people an opportunity to learn about what they can do to help the environment (e.g. National Tree Day, Earth Hour and World Environment Day). |
| Improved resource and energy use by the community through provision of information (e.g. sustainable living guide on Council website). |
| Improved weed management by the community through provision of information on environmental weeds (e.g. Weed identification pamphlet). |

6.2 OBJECTIVES

Table 18: Education and Awareness Objectives (EAO)

| | |
|--------------|--|
| EAO 1 | Increase and then maintain Community awareness of environmental management actions being undertaken by Council. |
| EAO 2 | Increase and then maintain Council staff and Councillors understanding of the environmental values/issues in the Shire, relevant environmental legislation and regulation along with the associated agencies in the sector and relevant Council processes and policies. |
| EAO 3 | New Council staff and Councillors to be inducted on the environmental values, programmes and policies for the Shire. |
| EAO 4 | Increase the awareness of the business community on opportunities to improve efficiency through improved environmental management and also the potential marketing benefits. |
| EAO 5 | Increase and maintain community understanding of the environmental values/issues in the Shire, relevant environmental legislation and regulation along with the associated agencies in the sector and provide information to help them be more sustainable in their own lives. |
| EAO 6 | Provide various opportunities for the community to be involved in local environmental projects and to form groups that carry out ongoing works. |

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6.3 TARGETS

Table 19: Education and Awareness Targets (EAT)

| | |
|-------|--|
| EAT 1 | Maintain regular updates on environmental initiatives undertaken by Council through monthly media releases and highlight significant achievements in a detailed advertorial placed in local papers every two years. |
| EAT 2 | Develop ongoing 'general' and 'issue specific' training programmes for Council staff and Councillors addressing major issues in the Shire and relevant environmental/cultural heritage legislation and regulation by 2011. |
| EAT 3 | An environmental/cultural heritage induction process for new Council staff and Councillors to be developed and initiated by 2011. |
| EAT 4 | Develop and promote a web based information package targeted at local businesses and industry and identify any specific training needs by 2011. |
| EAT 5 | Develop and promote a web based information package targeted at the general community and identify any specific training needs by 2011. |
| EAT 6 | Develop and implement an ongoing training programme for local business', industry and community by 2014. |
| EAT 7 | Provide a minimum of two environmental community days each year and support Landcare Groups to carry out ongoing works where community interest is sufficient. |

6.4 CLIMATE CHANGE

Achieving the targets set in this section of the Strategy will help reduce the communities' carbon footprint and raise awareness of actions Council is taking to reduce carbon emissions in order to demonstrate to the community ways to mitigate and adapt to climate change.

6.5 RELATIONSHIPS

There are many external stakeholders, groups and organisations that Council needs to work with in order to carry out education and awareness raising programmes. Some of the key stakeholders include:

- Government and Statutory bodies (e.g. Sustainability Victoria);
- Environmental Networks (e.g. Landcare Networks);
- Business Networks (e.g. Otway Business Forum); and
- Local community groups (e.g. Progress Associations).

To ensure strong working relationships are established and maintained each programme needs to be treated differently. In some cases there are many parties who need to be engaged to organise an event (e.g. World Environment Day activities) while in other cases a small number of technical experts need to be engaged to develop an information package (e.g. Environmental weed pamphlet).

As stated in previous sections of the strategy a number of internal mechanisms already exist to ensure regular communication. These mechanisms will be critical to developing appropriate actions to achieve the two targets (i.e. EAT 2 and EAT 3) set in this section of the Strategy that focus on Council staff and Councillors. Council's Environment Unit will lead this process and use existing networks (e.g. the Weeds Consultative Committee) to ensure the education and awareness raising programmes are effective.

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7.0 ADVOCACY AND FACILITATION

As previously stated the focus of the Strategy is on areas Council can control or strongly influence. Areas outside of this focus area that are important to Council and the community are identified in this section to direct Council's efforts to advocate concerns or issues on behalf of the community.

Council has identified a number of the recommendations in the State of the Environment Report Victoria 2008 that are of high importance to the local community. Each of these, as well as additional issues identified through the community engagement process, is listed in Table 18. Council recognises the importance of these issues and commits to advocating concerns and/or facilitating progress on behalf of the community with the relevant stakeholders. As part of this process, Council will determine what method will be used to advocate on behalf of the community. Possible methods include:

- Asking questions;
- Offer advice;
- Facilitate discussion with relevant parties; and/or
- Facilitate community action.

Given that Council resources are limited the Strategy identifies an advocacy process shown in Figure 7 that ensures appropriate resources are dedicated to a specific issue. It is important to highlight that the process allows new issues to be identified and added to the list in Table 18 as they arise. When the issue is raised by the community it is first examined by the SWG. The SWG prepares a report for Council Executive that decides whether Councillors should be briefed on the issue. If so, Councillors make a decision in relation to the approach Council should take on the issue and the community will be notified on the decision.

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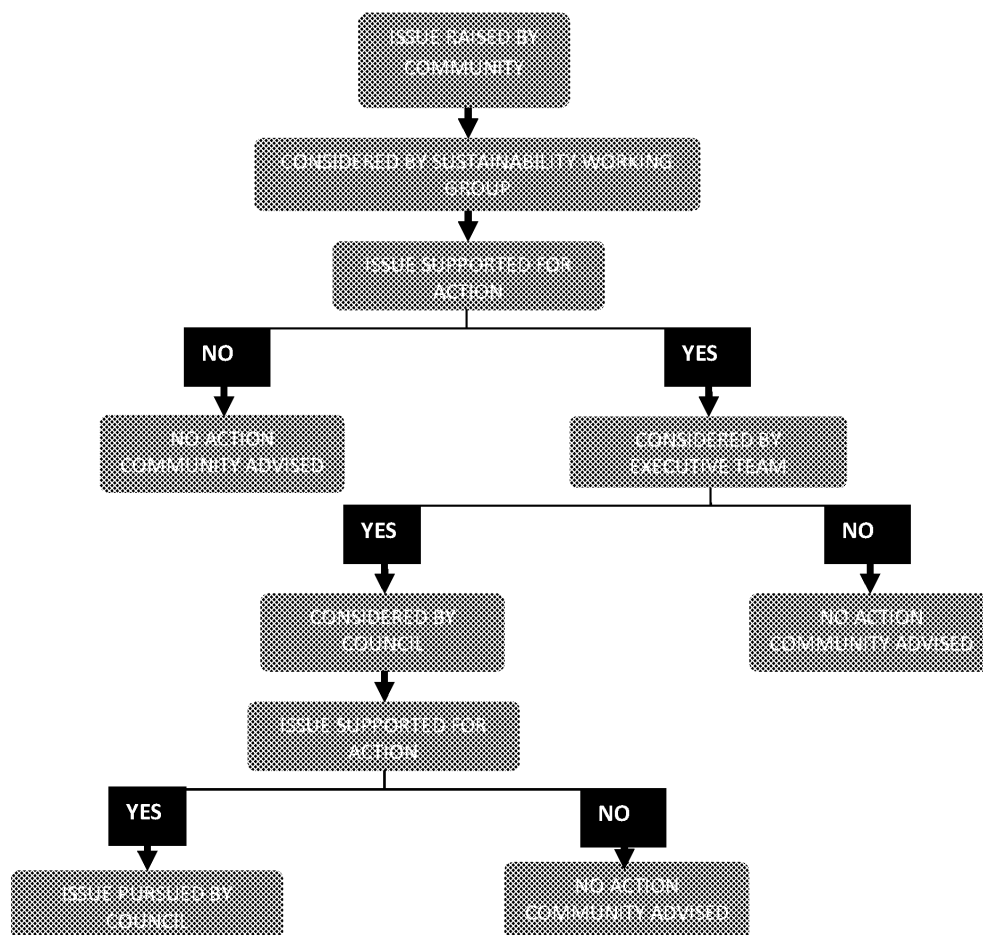


Figure 7: Advocacy and Facilitation process

"Lots of public land is full of weeds and feral animals and no one seems to take responsibility"
 (Beach Forest Forum Participant)

"A bottom up, community-developed plan for collective action, based on community priorities and agreed outcomes is needed."
 (Apollo Bay Forum Participant)

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| Table 20: Advocacy and Facilitation Issues |
|--|
| <p><u>Climate Change</u>
<i>The need to:</i></p> <ul style="list-style-type: none"> • Formulate a response to the increased risk of extreme weather events that are arising from climate change. • Increase the knowledge and understanding of the impacts of climate change on the environmental values of inland waters; including risks posed by soil acidification and issues associated with dry lakes. • Update the Victorian Coastal Strategy as outcomes of the Future Coasts project become known. • Ensure mechanisms are established to provide information to local governments to assist in planning decisions that may be impacted by climate change. • Establish processes/mechanisms to ensure the inflow of information from State Government to Local Government and the community. • Advocate to State and Federal Governments on Climate Change and reducing Victoria's and Australia's carbon emissions. <p><u>Sustainable Resource Use and Waste Management</u>
<i>The need for:</i></p> <ul style="list-style-type: none"> • Establishment of a set of national, mandatory minimum standards for water and energy use efficiency in new appliances, homes, commercial and government premises and subdivision design. • Increased water efficiency performance thresholds expected from the 5 star building standards that include stormwater quality objectives and energy use objectives. • Increased numbers of local businesses in the region certified through ECOBuy and Waste Wise programmes. • Investigation of how to use treated water more widely. <p><u>Soil Health</u>
<i>The need to:</i></p> <ul style="list-style-type: none"> • Update the soil surface pH map layer to indicate the current soil pH status. • Develop and implement an Acid Sulphate Soil strategy, which identifies risk areas and extend it to inland areas and also develop statutory controls for local government. <p><u>Native plant, animal and habitat protection and enhancement</u>
<i>The need to:</i></p> <ul style="list-style-type: none"> • Identify where vegetation is being undertaken and ensure off-sets are being tracked across the State by DSE. • Ensure that DSE has adequate resources to assess the additional vegetation clearing permit applications being referred by local governments. • Increase promotion of the threats to grassy ecosystems and the protection under state and federal regulation to the community. <p><u>Pest Plants and Animal Control</u>
<i>The need for:</i></p> <ul style="list-style-type: none"> • Adequate resources for a regular review of the Noxious Weeds list to ensure that the Catchment and Land Protection Act is informed by accurate and up-to-date listings of weed species threatening Victoria's environment and economic productivity. • Clarification on the roles and responsibilities for management of regionally controlled weeds along roadsides and develop strategies to adequately support implementation. • An investigation of how to effectively develop partnerships with the broader community to achieve weed and pest animal control, since these problems occur across tenures. |

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Waterway protection and enhancement

The need for:

- Scientific rigour of groundwater management and the practice of managing surface and groundwater as a single inter-connected system.
- Improved management of Ramsar wetlands, to ensure the obligations of the Convention are met.
- Updated and streamlined governance arrangements to facilitate protection and restoration of Crown Land water frontages.
- Integrated Catchment Management of Lake Colac.

Coastal and marine protection and enhancement

The need to:

- Examine the implications of population pressure, including the impact of tourism.
- Update the Victorian Coastal Strategy as outcomes of the Future Coasts project become known.
- Improve the health of estuaries, coastal dunes and marine environments.

Community Action

The need to provide support to local communities to develop local solutions and initiatives:

- To address local food security and develop Peak Oil Action Plans.
- To identify targets for reducing community water and energy use (e.g. 20% reduction against 2009 levels by 2018).
- To explore various sustainability initiatives (e.g. plastic bag free).

8.0 TWO YEAR ACTION PLAN DEVELOPMENT PROCESS

Implementation of the Strategy will be achieved through the development of an action plan every two years. The two year action plan (the Plan) will identify priority projects and programmes that will address the targets and objectives presented in the Strategy. The Plan will identify the following details for each of the projects and programmes identified:

- The target being addressed;
- The Council business unit responsible for implementation;
- Possible funding sources;
- Possible partners;
- Relevant internal and external documents; and
- Key Milestones and dates for completing the actions.

The Plan development process is shown in Figure 8. The process will begin at the start of July and be completed by the end of September. This approach has been adopted to allow budget requests to be submitted in line with Council's annual budget process. This process comprises of four main major elements:

- Strategic Direction;
- Implementation Committee;
- Stakeholder Engagement; and
- Approval and Circulation.

8.1 STRATEGIC DIRECTION

The targets and objectives identified in the Strategy will form the strategic direction for the development of the Plan. Therefore, actions that do not contribute to achieving the targets in the Strategy will not be included in the Plan. However as previously stated the Strategy will be reviewed in 2013 and as a result new objectives and targets may be incorporated at this time.

Colac Otway Shire Environment Strategy 2010-2018

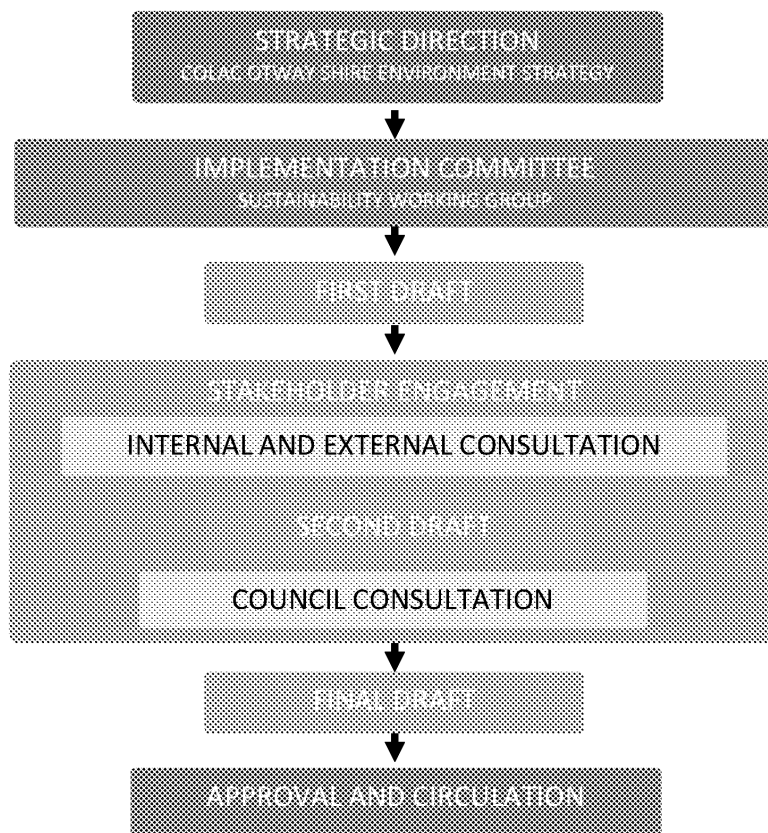


Figure 8: Two Year Action Plan Development Process

8.2 IMPLEMENTATION COMMITTEE

A Steering Committee will be appointed to manage the process and rationalise information in order to develop drafts of the Plan. It is proposed that Council's Sustainability Working Group (SWG) be the responsible group for this process and their current Terms of Reference revised to include details that reflect this role and responsibility.

The committee will be responsible for identifying actions that will address the targets listed in the Strategy. Understandably, developing actions that address these issues will require open discussions and advice from various departments. The SWG is an appropriate committee for this process given that it is chaired by Council's Chief Executive Officer and has a range of representatives from across the organisation. This process also allows for consideration of the resources required, the urgency, the feasibility and capacity to carry out the works.

8.3 STAKEHOLDER ENGAGEMENT

Engaging internal staff is critical to the Plan development process. Given that staff across Council will be responsible for implementing the actions listed, it is crucial that they have time to assess the actions and determine if they are achievable. Therefore the first draft of the Plan will be provided to the Managers in Council to discuss with their staff. Their feedback will then be taken back to the SWG and incorporated into the second draft of

Colac Otway Shire Environment Strategy 2010-2018

the Plan. The second draft will then be provided to Councillors for consideration. The feedback from Councillors will be taken back to the SWG and incorporated into a final draft of the Plan.

8.4 APPROVAL AND CIRCULATION

Once the committee agrees on a final draft of the Plan it will be formally approved by Council before it is circulated. The Plan will be placed on Council's website to enable the community to view it. Hard copies of the Plan will only be provided upon request. The business unit within Council identified against each action in the Plan will ensure the action is included in their Business Plan for the next financial year. It is important to note that business units will need to submit budget requests for any actions that require additional funds. There is no guarantee that any request will be approved.

9.0 MONITORING, EVALUATION AND REVIEW

The actions that are ultimately carried out through the implementation of the Strategy will be reported on through Councils' business planning software (Interplan). Interplan allows a report to be generated that draws out progress reports for the environmental actions being carried out across the various business units in Council. This will allow progress against the targets in the Strategy to be monitored and also allow annual reporting to Council to be done in a clear and efficient manner.

As shown in Figure 4 the information gathered will in turn inform the development of the next two year action plan and the next four year Council Plan. In addition target EAT1 requires that a detailed advertorial be placed in local papers every two years highlighting Council's performance against the Strategy.

In some cases more detailed monitoring and evaluation at the project or programme scale will be required. For example systems need to be installed to effectively monitor resource consumption for all Council operations. Where Council is monitoring its own compliance it is particularly important that where possible Council's performance is validated through independent assessments (e.g. Waste Wise or ECOBuy). It is worth noting that a target has been set to develop an environmental management system (EMS) for Council. If achieved an EMS would provide a process for monitoring, evaluating and reviewing Council's environmental management performance and facilitate continuous improvement.

In addition if external auditing is carried out as part of ISO14001 accreditation processes this information will further corroborate Council's progress against the targets set in this Strategy. The Monitoring, Evaluation and Review findings will be critical to informing the review of the strategy in 2014 and to enable further improvement at the sunset of the Strategy in 2018.

Colac Otway Shire Environment Strategy 2010-2018

10.0 GLOSSARY OF TERMS

Best Practice

Managing and implementing activities in ways that are designed to achieve agreed and beneficial environmental outcomes and performance targets based on the most current knowledge and experience.

Biodiversity

Is the totality of the variety of living organisms, the genetic differences among them and the communities and ecosystems in which they occur. It is the natural wealth of the earth, which supplies all of our food and much of our shelter and raw materials.

Catchment

An area of land that drains naturally to its lowest point.

Cities for Climate Protection Programme

An international programme initiated by the International Council for Environmental Initiatives (ICLEI) and now being run by Council's around Australia.

Climate Change

A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

Conservation

The protection, preservation and careful management of natural resources.

Ecological footprint

A concept that defines a theoretical area of land (hectares per person) needed to provide products for human consumption as well as that required for waste disposal.

Ecologically Sustainable Development

Using, conserving and enhancing the community's resources so that ecological processes are maintained and the total quality of life now and in the future can be increased.

Ecosystem

A community of organisms interacting with one another plus the environment in which they live and with which they also interact.

Environmental Weed

A weed is a plant out of place. Most pest plants or environmental weeds are plants that have spread from the home garden into bushland, roadsides and foreshore areas.

Fauna

The collective name for the animals or animal life of any particular region.

Flora

The collective name for the plants or plant life of any particular region.

Green Power

Energy derived from renewable resources. (ie wind, water, solar, biomass)

Colac Otway Shire Environment Strategy 2010-2018

Gross Pollutant Trap

A structural device placed within the stormwater drainage system to collect litter and debris washed into drains.

Habitat

The normal abode or locality of an animal or plant.

Indigenous

Native or original to an area, not introduced from outside the particular region or environment.

Integrated Catchment Management

The management of all the components of catchment assets and their inter-relationships in a cooperative and coordinated manner.

Municipal Strategic Statement

Is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. It is within the Local Planning Policy Framework of the Colac Otway Shire Planning Scheme.

Net Gain

Is where, over a specified area and period of time, losses of native vegetation and habitat, as measured by a combined quality-quantity measure (habitat hectare), are reduced, minimised and more than offset by commensurate gains.

Noxious Weed

A plant proclaimed under the Catchment and Land Protection Act 1994.

Ramsar

Refers to wetlands listed under the Convention on Wetlands of International Importance which was signed in Ramsar, Iran in 1971. Australia is a signatory to the treaty which aims to halt the loss of wetlands and to conserve through wise use and management.

Remnant Vegetation

Any patch of native indigenous vegetation remaining in an area where most or all of the original distribution has been removed.

Renewable Resource

Natural resources that come from an essentially inexhaustible source (i.e. solar energy from the sun).

Riparian

The area adjacent to the edge of a waterway, including the banks.

Stormwater

Is runoff from hard surfaces like roads, roofs, pavements and car parks.

Sustainability

The simultaneous pursuit of economic prosperity, social equity and environmental quality.

Water Sensitive Urban Design

A philosophical approach to urban planning and design that aims to minimise the hydrological effect of urban development on the surrounding environment.

Colac Otway Shire Environment Strategy 2010-2018

Wetlands

Areas of either permanent or ephemeral (temporary) shallow flooding with water that can be fresh, brackish or saline.

Triple Bottom Line

The concept of using a range of economic, environmental and social parameters together to measure outcomes or performance.

11.0 REFERENCES

Commissioner Environmental Sustainability Victoria (2008) *State of the Environment Victoria 2008 Summary*. Victorian Commissioner of Sustainability.

Department of Environment, Water, Heritage and the Arts (2009) *Living Sustainably: the Australian Government's National Action Plan for Education for Sustainability*. Environment Standards Branch. Department of Environment, Water, Heritage and the Arts. April.

DSE (2002). Full EVC Victorian Bioregion Statement - CMA Breakdown. EVC Bioregional Conservation Status, Depletion & Tenure Area Statement. 1 August 2002.

DSE (2008) *Climate Change for the Corangamite Region*. Victorian Government Department of Sustainability and Environment, Melbourne, June 2008.

Tonkinson, D. (2007). *Poorneet Road Grassland Management Plan*. Greening Australia. August.

VCEC (2002). Victorian Competition and Efficiency Commission 2009, *A Sustainable Future for Victoria: Getting Environmental Regulation Right*, draft report, March.

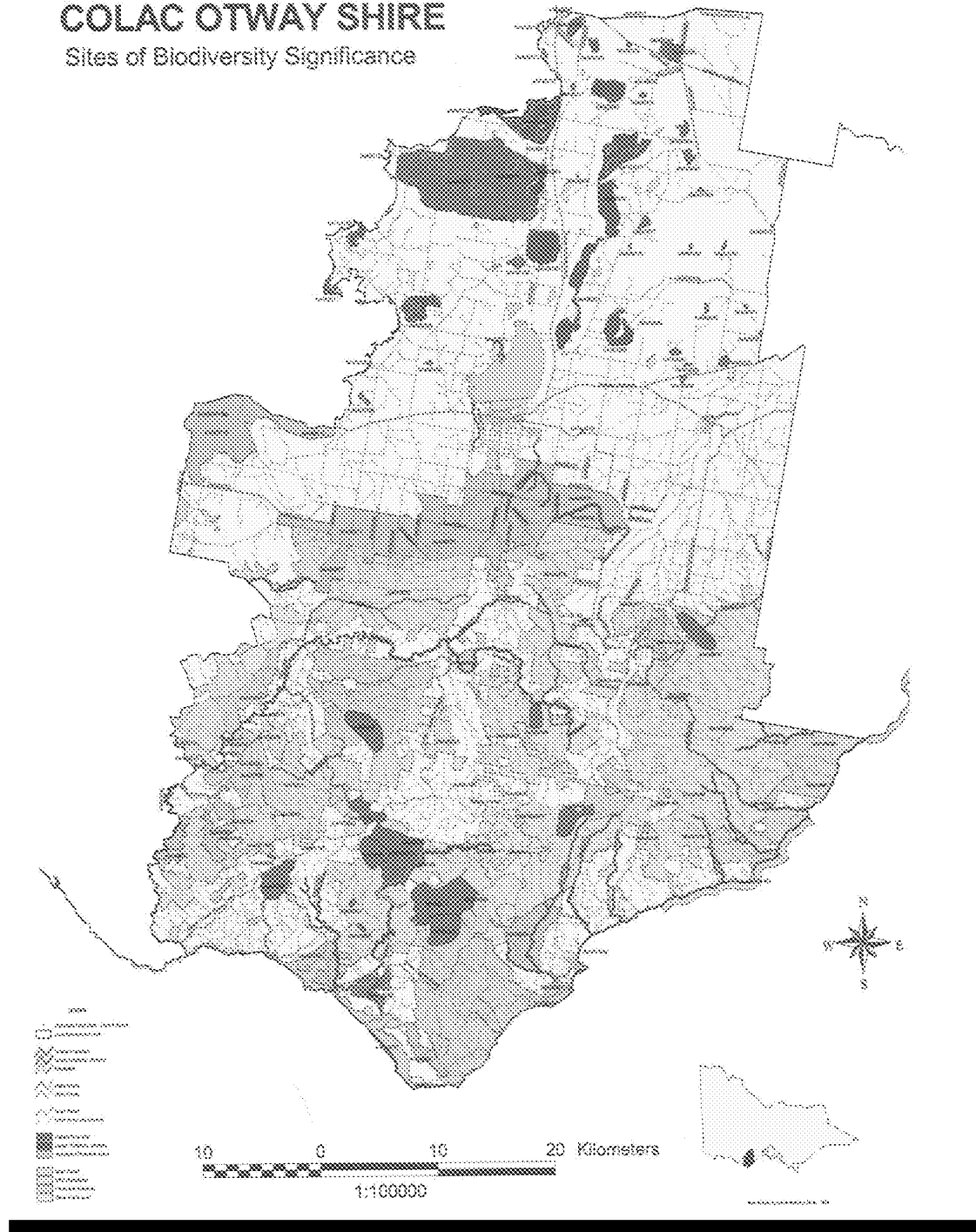
Victorian Coastal Council (2008). *Victorian Coastal Strategy 2008*, Victorian State Government, 2008.

World Commission on Environment and Development (1987) *Our Common Future*. Report of the World Commission on Environment and Development, United Nations.

Colac Otway Shire Environment Strategy 2010-2018

12.0 APPENDIX 1. Sites of Biodiversity Significance

COLAC OTWAY SHIRE Sites of Biodiversity Significance

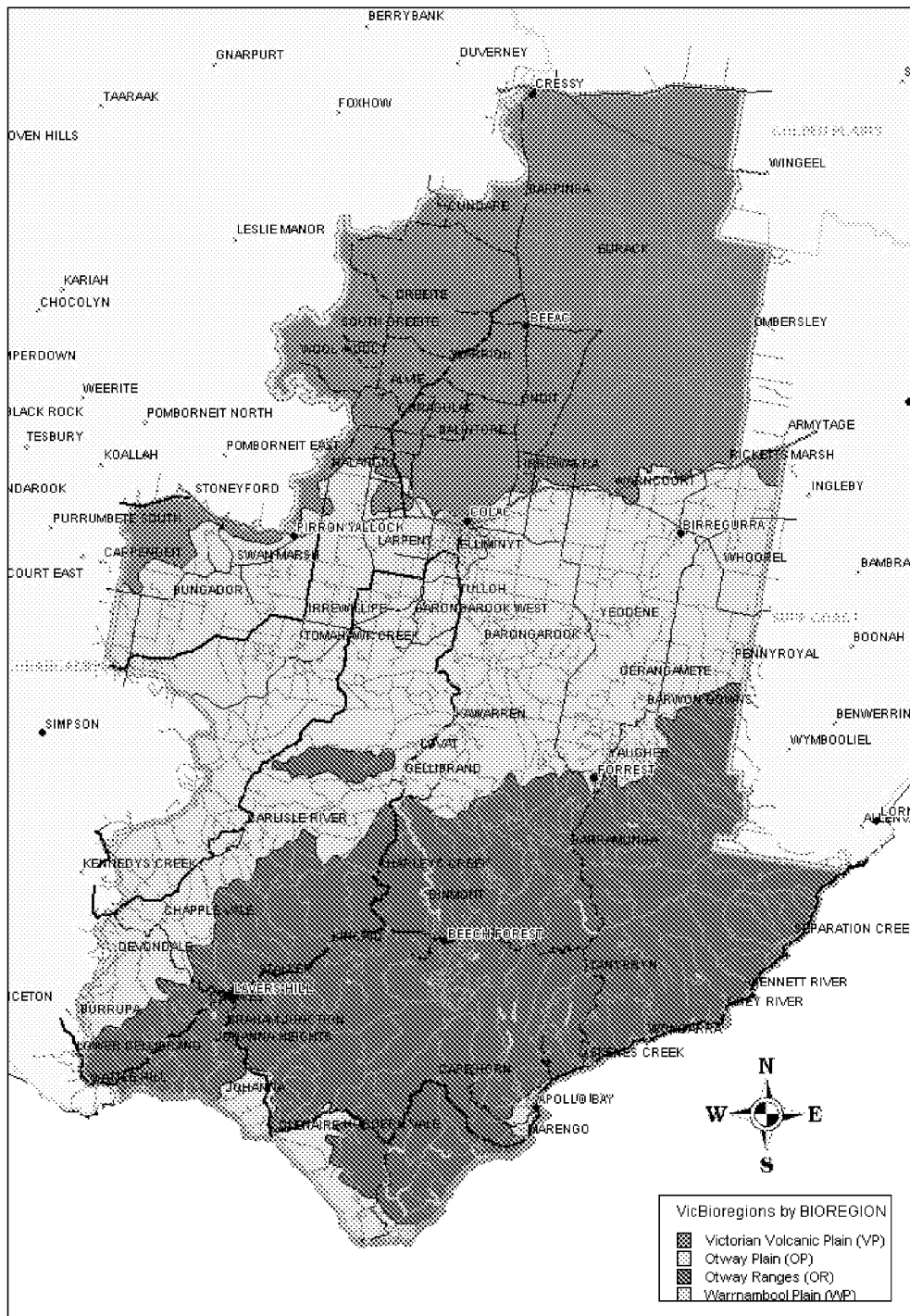


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Colac Otway Shire Environment Strategy 2010-2018

13.0 APPENDIX 2. Colac Otway Bioregions



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56

Colac Otway Shire Environment Strategy 2010-2018

14.0 APPENDIX 3. Colac Otway Shire Planning Mechanisms

Municipal Strategic Statement

An important part of Council's planning scheme is the Municipal Strategic Statement (MSS). The MSS provides the broad outline and vision for existing land use within this municipality. It provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority.

Strategic Planning

Strategic Planning is land use planning for a whole municipality, setting out the vision for what the municipality should look like and how it should function. It is important because it provides a policy framework to plan for the future needs of an area. It seeks to influence the direction of change to achieve the greatest overall benefit to existing and future residents.

From an environmental perspective, strategic planning identifies ecological assets within the Shire, under direction from the MSS, and then selects appropriate land zoning and overlays available in the Victorian Planning Provisions that will protect these assets.

Statutory Planning

Statutory Planning is the everyday process of dealing with applications for a planning permit. A planning permit may be issued for the use of land or buildings and to carry out building and works or subdivision of land. Examples of when planning decisions are involved include a new residential development, a subdivision or land to be rezoned to allow for different uses.

Statutory Planning protects the environment through the considerations of the land zoning and overlays pertaining to a specific application, as the specific values identified in these provisions will be considered in the decision making process.

The enforcement and compliance process of the planning scheme is addressed through statutory planning.

Planning Overlays

Overlays affect subdivisions, buildings and works. They operate in addition to the zone requirements and generally concern environmental, landscape, heritage, built form, and land and site management issues.

Council must decide whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework, the Local Planning Policy Framework, and the purpose and decision guidelines of the overlay.

The table below lists the overlays in the Colac Otway Shire Planning Scheme, with brief description provided for each. Each overlay aims to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Colac Otway Shire Environment Strategy 2010-2018

| OVERLAY | PURPOSE |
|--|--|
| Environmental Significance Overlay (ESO) | <ul style="list-style-type: none"> To identify areas where the development of land may be affected by environmental constraints; and To ensure that development is compatible with identified environmental values. |
| Vegetation Protection Overlay (VPO) | <ul style="list-style-type: none"> To protect areas of significant vegetation; To ensure that development minimises loss of vegetation; To preserve existing trees and other vegetation; To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance; To maintain and enhance habitat and habitat corridors for indigenous fauna; and To encourage the regeneration of native vegetation. |

ZONES

A zone controls land use and development. Each zone includes a description of its purpose and the requirements that apply regarding land use, subdivision and the construction and carrying out of buildings and works. Each zone lists land uses in three sections:

Section 1 Uses that do not require a permit.

Section 2 Uses that require a permit.

Section 3 Uses that are prohibited.

Uses that are not specifically mentioned are covered by a reference to 'any other use'. This is usually found in Section 2, but is occasionally found in Section 3.

Sometimes a use in Section 1 or Section 2 must meet specified conditions. If these are not met, the use may require a permit or may be prohibited. Note that the three sections refer to the use of land, not to the development of land.

Development of land includes the construction of a building, carrying out works (such as clearing vegetation), subdividing land or buildings, or displaying signs. The zones indicate whether a planning permit is required to construct a building or carry out works. Some buildings and works, such as fences and underground services, usually do not require a permit. These are listed in Clause 62 of the scheme under Uses, buildings, works, subdivisions and demolition not requiring a permit.

| ZONE | PURPOSE |
|--|--|
| Rural Conservation Zone – RCZ | <ul style="list-style-type: none"> To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values; and To protect and enhance natural resources and the biodiversity of the area. |
| Public Conservation and Resource Use – PCRZ | <ul style="list-style-type: none"> To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values; and To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes. |

Colac Otway Shire Environment Strategy 2010-2018

Planning Permits and Conditions

A planning permit is required if the planning scheme states that an activity can only be undertaken if a permit is granted. A planning permit is not required if the planning scheme states that the activity may be undertaken without a permit. Planning permits must not be confused with building permits. Building permits are issued under the Victoria Building Regulations and generally relate only to the constructional aspects of a building or other development. A range of conditions can be placed on a planning permit that ensures works are undertaken with respect to certain standards.

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CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

| ITEM | D | W |
|---|---|---|
| <p><u>GENERAL BUSINESS</u></p> <p><u>OM092810-15 ITEMS FOR SIGNING & SEALING - 112 - 118 JENNINGS STREET, COLAC</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Peter Andrew Carter and Margaret Mary Carter covenanting Certificate of Title Volume 9820 Folio 906 that any future dwelling on Lot 1 or Lot 2 comprising the subject land must be sited in a manner that will not prejudice the future subdivision of the land for residential purposes to the satisfaction of the Responsible Authority.</i></p> | | |
| <p><u>OM092810-16 ITEMS FOR SIGNING & SEALING - TRINITY, PP127/09, 189-243 POUND ROAD, COLAC</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Roman Catholic Trusts Corporation for the Diocese of Ballarat covenanting Certificate of Title Volume 10046 Folio 938, Volume 0677 Folio 374, Volume 6226 folio 048 Volume 10050 Folio 625 that :</i></p> <ul style="list-style-type: none"> <i>• The office/administration building approved by planning permit PP127/09 must only be used as an office in association to the education facility situated on adjoining land (Lot 1 PS304089, Lot 1 TP401872 and C/A 113 Parish of Colac); and</i> <i>• The carpark approved by planning permit PP334/07 must only be used as a car park in association to the education facility situated on adjoining land (Lot 1 PS304089, Lot 1 TP401872 and C/A 113 Parish of Colac); and</i> <i>• That the land described as C/A 129, 113, Lot 1 TP401872 and Lot 1 PS304089, Parish of Colac, must not be sold, leased, or otherwise disposed of separately of the land described as C/A 129, 113, Lot 1 TP401872 and Lot 1 PS304089, Parish of Colac, whilst all or part of the land is being used as an education facility.</i> | | |

Recommendation

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

MOVED

SECONDED

OM092810-15 ITEMS FOR SIGNING & SEALING - 112 -118 JENNINGS STREET, COLAC

| | | | |
|-------------|---------------|-----------|------------------------------|
| AUTHOR: | Rhonda Deigan | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive | FILE REF: | 112-118 Jennings St
Colac |

A Section 173 Agreement between Colac Otway Shire and Peter Andrew Carter and Margaret Mary Carter for the property at 112-118 Jennings Street, Colac.

The applicant agreed to enter into a Section 173 Agreement as per condition 1 of Planning Permit PP322/07B that allowed for a Two Lot Subdivision.

Condition 1 reads:

“Prior to the issue of a Statement of Compliance for the subdivision approved by this permit the landowner shall enter into a Section 173 Agreement under the provisions of the Planning and Environment Act 1987 requiring that dwellings must be constructed within designated building envelopes on an approved neighbourhood design plan to the satisfaction of the Responsible Authority.

The land owner shall meet the Responsible Authorities reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

Attached is a copy of the planning permit and a locality plan.

Attachments

1. Section 173 Agreement - 112 -118 Jennings Street

Recommendation(s)

That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Peter Andrew Carter and Margaret Mary Carter covenanting Certificate of Title Volume 9820 Folio 906 that any future dwelling on Lot 1 or Lot 2 comprising the subject land must be sited in a manner that will not prejudice the future subdivision of the land for residential purposes to the satisfaction of the Responsible Authority.

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



TO:  
KATY BRIGHT  
ROD BRIGHT & ASSOCIATES  
P O BOX 371  
COLAC 3250

Assessment No - 390011200  
Permit No - PP322/07B  
Planning Scheme - Colac-Otway Scheme  
Responsible Authority - COLAC OTWAY SHIRE

**ADDRESS OF THE LAND:**

112-118 JENNINGS STREET, COLAC  
LOTS 27 & 28, PARISH OF ELLIMINYT

**THE PERMIT ALLOWS:**

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

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT**

**General**

1. Prior to the issue of a Statement of Compliance for the subdivision approved by this permit the landowner shall enter into a Section 173 Agreement under the provisions of the Planning and Environment Act 1987 requiring that dwellings must be constructed within designated building envelopes on an approved neighbourhood design plan to the satisfaction of the Responsible Authority.

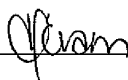
The land owner shall meet the Responsible Authorities reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

2. The subdivision as shown on the endorsed plan must not be altered save, with the written consent of the Responsible Authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas, and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

Date Issued: 4/2/2008  
Date Amended: 19/2/2008  
Date Amended: 27/02/2008

*Signature for the Responsible Authority:*

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.



**CONDITIONS CONTINUED FOR PERMIT NO. PP322/07B**

4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the Relevant Authority in accordance with Section 8 of that Act.
6. Prior to the certification of the Plan of Subdivision, street numbers to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Note: It is suggested that the permit holder liaise with Council's Property Department to determine appropriate street numbers.
7. Plans submitted for certification must meet the requirements of the Subdivision Act 1988, as amended.
8. Stormwater discharge from existing structures is not to be directed across or over the newly created boundary.
9. Prior to the issue of statement of compliance, vehicular access to both lots shall be constructed to the satisfaction of the responsible authority.

**EXPIRY OF PERMIT**

10. This permit will expire after two (2) years if the relevant plan of subdivision is not certified by the Responsible Authority, unless an extension of time is approved by the Responsible Authority. The written request for extension of time must be received before 3 months have elapsed after the date of expiry.

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

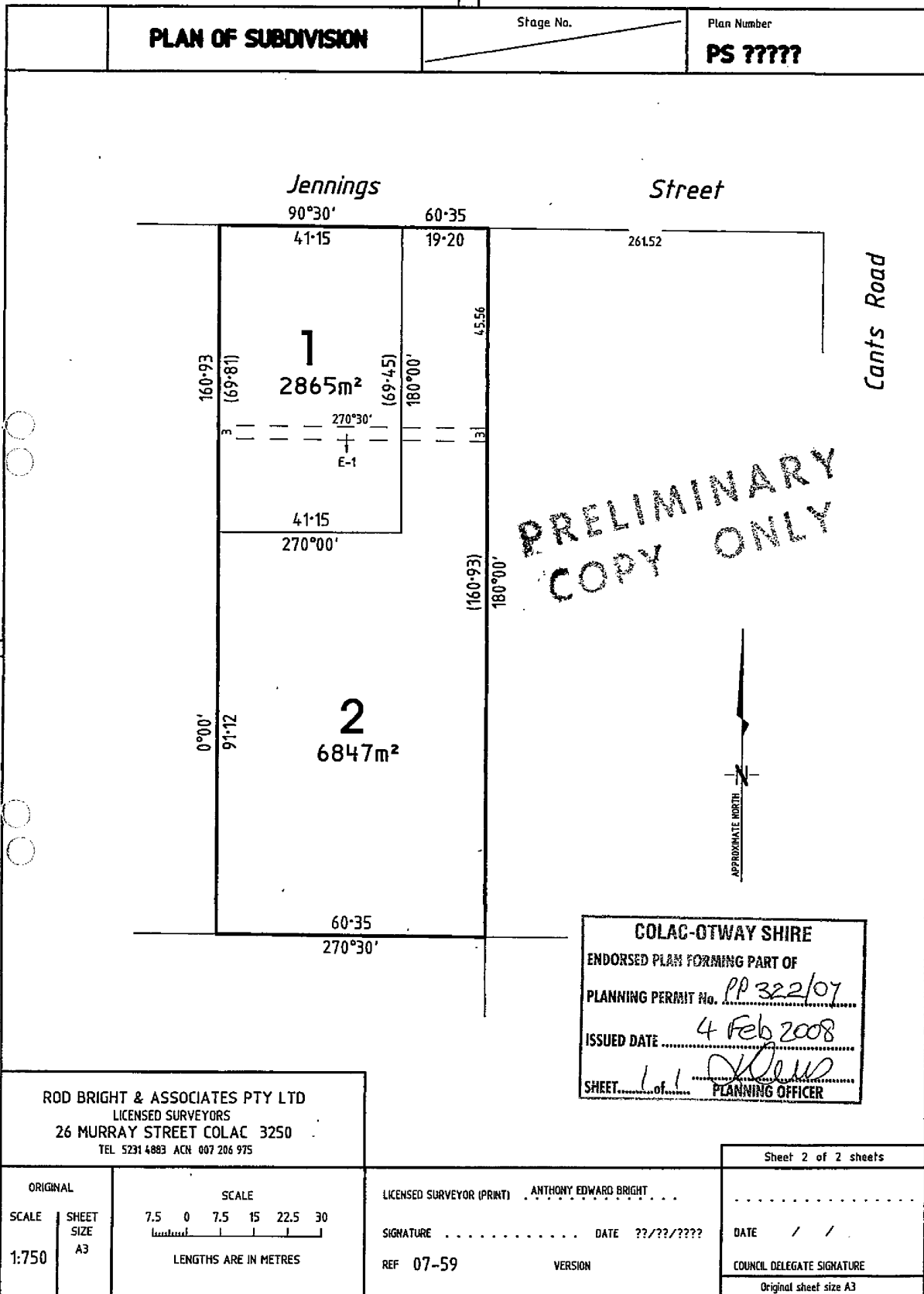
| Date of amendment | Brief description of amendment                                                                                                                                                                                                                                                                                                                                             |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19 February 2008  | *Condition 1 - The Plan of Subdivision must include a restriction sheet showing the building envelopes in accordance with the neighbourhood design plan. The restriction must require any building or development of the lots to accord with the building envelopes. DELETED<br><br>* NEW Condition 1- requesting a Section 173 Agreement for a neighbourhood design plan. |
| 27 February 2008  | *Correction to wording of Condition 1 in accordance with Section 71 of the Planning & Environment Act. The words "on an approved neighbourhood design plan" added.                                                                                                                                                                                                         |

**Date Issued: 4/2/2008**  
**Date Amended: 19/2/2008**  
**Date Amended: 27/02/2008**

*Signature for the Responsible Authority:*

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.



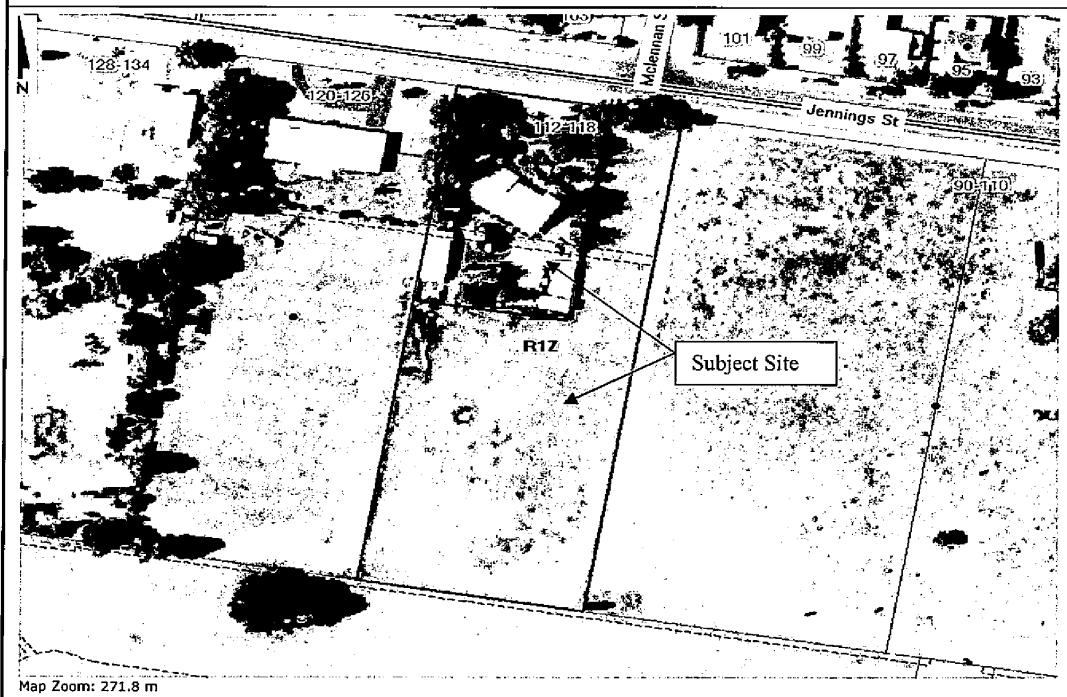


Created by planning on Thursday, 9 July 2009

PLANNING DEPARTMENT  
Admin Map



Title : 112-118 Jennings Street, Colac



Lodged by: SLM Law, Lawyers, Colac

Telephone: 5231 9400

Ref: BJM:269044-2 Code: 1558 N

VICTORIA

**APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A RECORDING OF AN AGREEMENT** under Section 181(1) of the Planning and Environment Act 1987.

The Authority having made an Agreement referred to in Section 181(1) of the **Planning and Environment Act 1987** requires a recording to be made in the Register for the land.

---

**Land**

Volume 9820 Folio 906

---

**Authority**

Colac-Otway Shire Council of 2-6 Rae Street, Colac 3250

---

**Section and Act Under Which Agreement Made**

Section 173 of the Planning and Environment Act 1987.

---

A copy of the Agreement is attached to this Application.

Signature for the Responsible Authority .....

Name of Officer .....  
Chief Executive Officer

Date .....

BJM-269044-2-5-V1:BJM

**THIS AGREEMENT** is made pursuant to Section 173 of the Planning and Environment Act 1987 ("the Act") the                      day of                      2009

**BETWEEN:**

COLAC-OTWAY SHIRE COUNCIL of 2-6 Rae Street, Colac in the State of Victoria ("the Council"); and PETER ANDREW CARTER and MARGARET MARY CARTER both of 112 Jennings Street, Colac in the said State ("the Owners").

**INTRODUCTION:**

- A. The Owners are the registered proprietors of the property as described in Certificate of Title Volume 9820 Folio 906 ("the Owners land").
- B. The Council is the Responsible Authority pursuant to the Act for the Planning Scheme.
- C. The Owners seek to subdivide the Owners land which the Council has agreed to do in Planning Permit PP322/07B of which condition 1 requires that the Owners would enter into this Agreement that any future dwelling on Lot 1 or 2 on the proposed Plan of Subdivision (herein comprising "the Subject Land") of the Owner's land must be sited in a manner that will not prejudice the future subdivision of the land for residential purposes to the satisfaction of the Responsible Authority.
- D. The parties enter into this Agreement to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

**IT IS AGREED:**

**1. DEFINITION**

In this Agreement the words and expressions set out in this clause have the following meaning unless the context admits otherwise -

- 1.1 "Act" means the Planning & Environment Act 1987.
- 1.2 "Agreement" means this Agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.
- 1.3 "the Owners" means the person or persons registered by the Registrar of Titles from time to time as proprietor of an estate in fee simple of Lot 1 and a reference to the Owners in this Agreement is also a reference to a Mortgagee-in-Possession.
- 1.4 "Planning Scheme" means the Colac-Otway Shire Council Planning Scheme and any other planning scheme which applies to the Subject Land.
- 1.5 "Subject Land" means Lots 1 on Plan of Subdivision PS PS617380X being parts of the land as described in Certificate of Title Volume 9820 Folio 906.

BJM-269044-2-1-VI:BJM

- 2 -

- 1.6 "Mortgagee" means the person registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.
- 1.7 "Responsible Authority" means Colac Otway Shire Council (or its successor) as the responsible authority for administering and enforcing the Colac Otway Planning Scheme.

**2. INTERPRETATION**

- 2.1 The singular includes the plural and vice versa.
- 2.2 A reference to a gender includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.3 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.4 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.5 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.

**3. AGREEMENT UNDER SECTION 173 OF THE ACT**

The Council and the Owners agree that without limiting or restricting their respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

**4. EFFECT OF AGREEMENT**

- 4.1 Except as otherwise provided in this Agreement, this Agreement comes into force from the date it is executed by the parties.
- 4.2 The obligations of the Owners under this Agreement will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land and each part of it.

**5. OWNER'S WARRANTIES**

Without limiting the operation or effect which this Agreement has the Owners warrant:

- 5.1 That they are the registered proprietors of the Owners land.
- 5.2 That there are no mortgages, liens, charges, easements or other encumbrances or any rights inherent in any person affecting the Subject Land and not disclosed by the usual searches.

**6. SUCCESSORS IN TITLE**

BJM-269044-2-1-V1:BJM



- 3 -

Without limiting the operation or effect which this Agreement has, the Owners must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, the Owners will bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns and successors in title who must be required to:

- 6.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- 6.2 execute a deed agreeing to be bound by the terms of this Agreement.

**7. SPECIFIC COVENANT OF OWNERS**

The owners covenant and agree with the Council that any future dwelling on lot 1 or 2 comprising the subject land that:-

- 7.1 Prior to the issue of a building permit, written approval for the siting of a single dwelling and/or any outbuildings on the subject land is required to be obtained from the Responsible Authority.
- 7.2 The siting of the single dwelling must be to the satisfaction of the Responsible Authority or consistent with an approved Development Plan.
- 7.3 If no Development plan has been approved, a concept plan must be submitted demonstrating that the siting of the dwelling will not prejudice the future subdivision of the land for residential purposes to the satisfaction of the Responsible Authority.

**8. FURTHER COVENANT OF OWNERS**

**8.1 Further Actions**

8.1.1 The Owners will do all things necessary, including signing any further agreements, undertakings, covenant and consents, approvals or other documents necessary for the purpose of ensuring that the Owners carry out the Owners covenant under this Agreement and to enable the Council to enforce the performance by the Owners of such covenant and undertakings;

8.1.2 The Owners will consent to the Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Crown Grant and the Certificate of Title comprising the Subject Land in accordance with Section 181 of the Act and to do all things necessary to enable the Council to do so including signing any further agreement, acknowledgement or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that Section.

**8.2 Council's Costs to be Paid**

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The Owners will immediately pay to the Council, Council's reasonable costs and expenses (including legal expenses) of and incidental of any consequent Agreement and the enforcement and implementation of the Agreement and anything done in anticipation of the enforcement of any obligations imposed on the Owners and the cancellation or amendment of the Agreement which costs are and until paid will remain a charge on the Owners Land. To the extent that any such cost and expenses constitute legal professional costs the Council may have them assessed by the Law Institute of Victoria Cost Service and the Owners shall be bound by the amount of such assessment with any fee for obtaining such assessment being borne equally by the Owners and the Council.

**9. GENERAL**

**9.1 Notices**

A notice or other communication required or permitted to be given or served by a party on other party must be in writing and may be given or served:

9.1.1 by delivering it personally to that party;

9.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or

9.1.3 by sending it by facsimile provided that a communication sent by facsimile must be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

**9.2 A Notice of other Communication is deemed served**

9.2.1 if delivered, on the next following business day;

9.2.2 if posted, on the expiration of two business days after the date of posting; or

9.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested re-transmission before the end of that business day.

**9.3 No Waiver**

Any time or other indulgence granted by the Council to the Owners or variation of the terms and conditions of this Agreement or any judgement or order obtained by the Council against the Owners will not in anyway amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement.

**9.4 Severability**

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

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9.5 No Fettering of Council's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of the Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

9.6 Cessation

The Agreement shall continue to bind the Subject Land until the Owners and the Council enter into an agreement pursuant to Section 177 of the Act at the Owner's expense to end the Agreement.

**EXECUTED AS A DEED.**

**THE COMMON SEAL** of )  
COLAC-OTWAY SHIRE COUNCIL )  
was hereto affixed in accordance )  
with its Local Law **No. 4** )

..... Chief Executive Officer

..... Name

..... Usual Address

..... Councillor

..... Name

..... Usual Address

..... Councillor

..... Name

..... Usual Address

**SIGNED SEALED AND DELIVERED** by )  
the said PETER ANDREW CARTER in the )  
presence of:- )

*Louise Carter*  
.....

Witness

*Peter Andrew Carter*  
.....  
**PETER ANDREW CARTER**

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SIGNED SEALED AND DELIVERED by )  
the said MARGARET MARY CARTER in )  
the presence of:- )

*Margaret Carter*  
.....  
MARGARET MARY CARTER

*[Signature]*  
.....  
Witness

BJM-269044-2-1-V1:BJM

- 7 -

DATED

200

---

**COLAC-OTWAY SHIRE COUNCIL**

- and -

**PETER ANDREW CARTER  
and  
MARGARET MARY CARTER**

---

**AGREEMENT**

---

SLM Law  
Lawyers & Advisors  
119 Murray Street  
COLAC 3250

REF: Miss B McNaught  
TEL: 5231 9400

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**OM092810-16 ITEMS FOR SIGNING & SEALING - TRINITY, PP127/09, 189-243 POUND ROAD, COLAC**

|             |               |           |                           |
|-------------|---------------|-----------|---------------------------|
| AUTHOR:     | Rhonda Deigan | ENDORSED: | Rob Small                 |
| DEPARTMENT: | Executive     | FILE REF: | 189-243 Pound Road, Colac |

A Section 173 Agreement to be signed between Colac Otway Shire and the Roman Catholic Trusts Corporation for the Diocese of Ballarat for the property at 189-243 Pound Road, Colac.

The applicant agreed to enter into a Section 173 Agreement as per condition 1 of Planning Permit PP127/09 that allowed for the construction of an administration centre.

Condition 1 of PP127/09 reads :

1. "Prior to the issue of a building permit, the owner of the land described as C/A 129, 113, Lot 1 TP401872 and Lot 1 PS304089, Parish of Colac, must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 stating that :
  - The office/administration building approved by planning permit PP127/09 must only be used as an office in association to the education facility situated on adjoining land (Lot 1 PS304089, Lot 1 TP401872 and C/A 113 Parish of Colac).
  - That the land described as C/A 129, 113, Lot 1 TP401872 and Lot 1 PS304089, Parish of Colac, must not be sold, leased, or otherwise disposed of separately of the land described as C/A 129, 113, Lot 1 TP401872 and Lot 1 PS304089, Parish of Colac, whilst all or part of the land is being used as an education facility.

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

A planning permit PP334/07 issued for the construction of a carpark for the same site is currently in the process of being amended to require that the carpark not be used separately to the education facility. To facilitate the execution of only one agreement, the owner has also added a clause in the agreement to meet the proposed requirements of both this permit and the permit for the administration centre described above.

Attached is a copy of the planning permit and a locality plan.

**Attachments**

1. 173 Agreement 189-243 Pound Road, Colac

**Recommendation(s)**

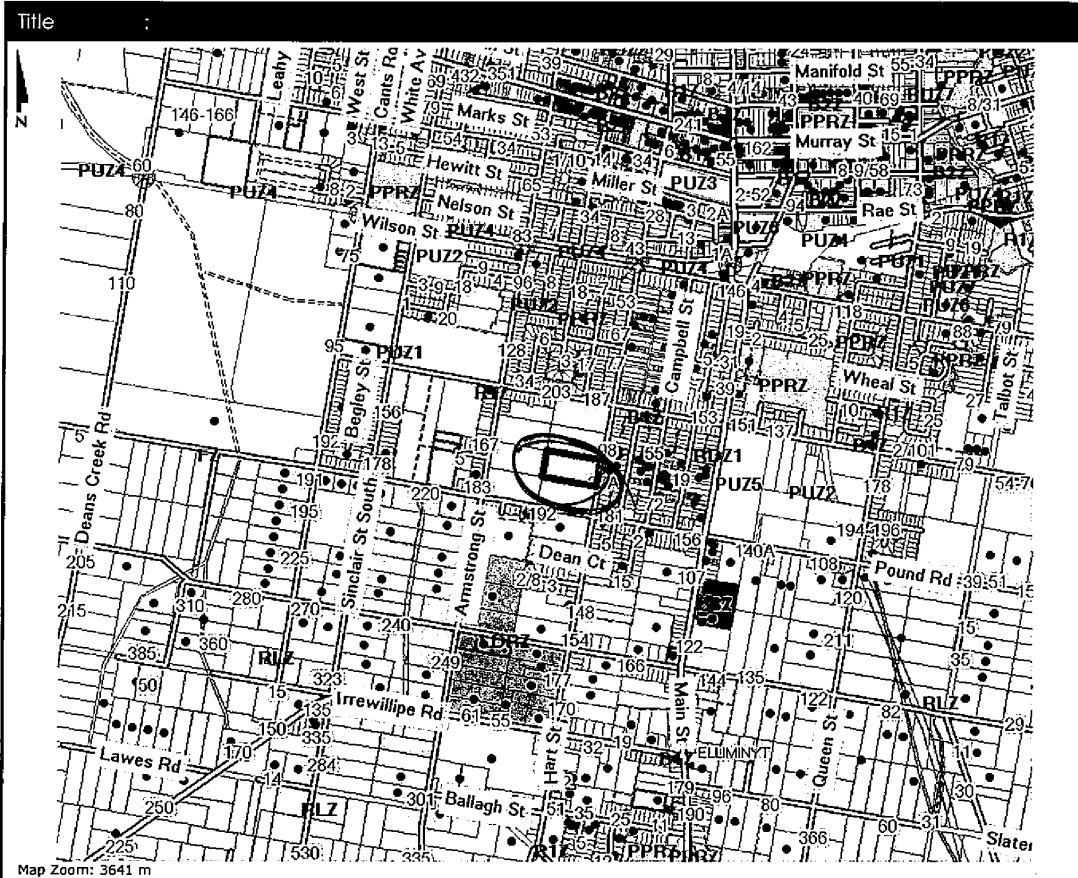
***That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Roman Catholic Trusts Corporation for the Diocese of Ballarat covenanting Certificate of Title Volume 10046 Folio 938, Volume 0677 Folio 374, Volume 6226 folio 048 Volume 10050 Folio 625 that :***

- ***The office/administration building approved by planning permit PP127/09 must only be used as an office in association to the education facility situated on adjoining land (Lot 1 PS304089, Lot 1 TP401872 and C/A 113 Parish of Colac); and***
- ***The carpark approved by planning permit PP334/07 must only be used as a carpark in association to the education facility situated on adjoining land (Lot 1 PS304089, Lot 1 TP401872 and C/A 113 Parish of Colac); and***
- ***That the land described as C/A 129, 113, Lot 1 TP401872 and Lot 1 PS304089, Parish of Colac, must not be sold, leased, or otherwise disposed of separately of the land described as C/A 129, 113, Lot 1 TP401872 and Lot 1 PS304089, Parish of Colac, whilst all or part of the land is being used as an education facility.***

~~~~~) ~~~~~


Created by planning on Thursday, 15 October 2009

PLANNING DEPARTMENT
Admin Map




Map Zoom: 3641 m

| MI_Key | assess num: | title desc: | prop address: | prop locality: | owner | addr1 | addr2 | addr3 | addr5 |
|--------|-------------|-------------|--------------------|----------------|-----------------------------------|-------------------------|----------------------|-------------------|-------|
| 4123 | 4476 | CA 129 | 189-243 POUND ROAD | COLAC | ROMAN CATHOLIC TRUSTS CORPORATION | THE DIOCESE OF BALLARAT | 5 LYONS STREET SOUTH | BALLARAT VIC 3350 | 3350 |

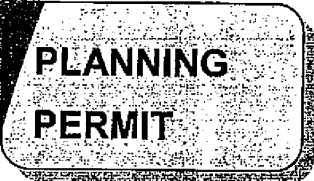
| MI_Key | title desc: | prop address: | zone: | parcel overlap: |
|--------|-------------|--------------------|--------------------|-----------------|
| 4123 | CA 129 | 189-243 POUND ROAD | RESIDENTIAL 1 ZONE | 100.0% |

There are no features selected with information in the table 'Advertising-Overlays'.

| Legend | | Disclaimer | |
|---|---------------------------------------|---|--|
| | Overlays - ALL | <p>Contains VICMAP Information
©The State of Victoria, Dept. of Sustainability & Environment, 2003
Reproduced by permission of the Dept. of Sustainability & Environment.</p> <p>This material may be of assistance to you but the State of Victoria, Colac-Otway Shire and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or consequences which may arise from your relying on any information contained herein</p> | |
| | Planning Apps | | |
| | Property | | |
| | Parcel | | |
| | Parcel Proposed | | |
| | Crown Land | | |
| | Easement | | |
| | Watercourse | | |
| | Floodway (OIA) | | |
| | Floodplan (CPA) | | |
| | PUBLIC CONSERVATION AND RESOURCE ZONE | <p>Colac Otway Shire
2-6 Rae Street,
COLAC, VIC. 3250
Ph: 03 5232 9400
Fax: 03 5232 1046
Email:
ing@colacotway.vic.gov.au
Web:
www.colacotway.vic.gov.au</p>  <p>This map is produced on the Geocentric Datum of Australia (GDA94). GDA94 supersedes the Australian Geodetic Datum 1966 (AGD66). Colac-Otway Shire Council uses the Map Grid of Australia (MGA94) Zone 54 projection.</p> | |
| | ROAD ZONE - CATEGORY 1 | | |
| | FARMING ZONE | | |
| | RURAL LIVING ZONE | | |
| | TOWNSHIP ZONE | | |
| | PUBLIC USE ZONE - EDUCATION | | |
| | PUBLIC PARK AND RECREATION ZONE | | |
| | INDUSTRIAL 1 ZONE | | |
| | RESIDENTIAL 1 ZONE | | |
| | BUSINESS 1 ZONE | | |
| | BUSINESS 4 ZONE | | |
| | LOW DENSITY RESIDENTIAL ZONE | | |
| | PUBLIC USE ZONE - TRANSPORT | | |
| | INDUSTRIAL 3 ZONE | | |
| | RURAL CONSERVATION ZONE - SCHEDULE 2 | | |
| | INDUSTRIAL 2 ZONE | | |
| | SPECIAL USE ZONE - SCHEDULE 1 | | |
| | URBAN FLOODWAY ZONE | | |
| ** Not all layers depicted here are necessarily shown on map ** | | | |



Colac Otway
SHIRE
Naturally Progressive



TO:
TRINITY COLLEGE COLAC
ATT: GERARD MCKENZIE
PO BOX 23
COLAC 3250

Assessment No - 565018900
Permit No - PP334/07
Planning Scheme - Colac-Otway Scheme
Responsible Authority - COLAC OTWAY SHIRE

ADDRESS OF THE LAND:

189-243 POUND ROAD, COLAC
TRINITY COLLEGE, PARISH OF COLAC

THE PERMIT ALLOWS:

Works Associated With The Construction Of A Carpark In Accordance With The Endorsed Plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

1. This permit will expire if one of the following circumstances applies:
 - i. The development is not started within two years of the date of this permit.
 - ii. The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.
2. The layout of the site and the size of the proposed works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.
3. Within three months of the date of this permit, land associated with Trinity College (C/A 129, Lot 1 PS304089, C/A 113, Lot 1 TP401872 Township of Colac) must be consolidated under the provisions of the Subdivision Act, 1988.
4. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

Date Issued: 7 March 2008

Signature for the
Responsible Authority

Council/Delegate

CONDITIONS CONTINUED FOR PERMIT NO. PP334/07

5. A detailed drainage plan must be submitted showing the discharge location and how stormwater will be managed to the satisfaction of the Responsible Authority.
6. The land adjacent to the works hereby permitted and Hart Street property boundary must be landscaped predominantly with native plants of species suitable to the locality to preserve and enhance the amenity of the area and to provide an effective visual screen to the area.
7. The landscaping shall be established within 3 months of commencement of the use hereby permitted and shall be maintained to the satisfaction of the Responsible Authority.

Conditions for gravel carpark

8. The surface of the car park area must be treated to the satisfaction of the Responsible Authority to minimise dust causing loss of amenity to the neighbourhood.
9. The driveway/s to and from Hart Street are to be sealed (spray seal is adequate) for a minimum distance of 10metres from Hart Street to the satisfaction of the Responsible Authority.
10. Speed humps must be incorporated into the entry and exit of the carpark to restrict vehicles to 10kph.
11. Fencing and manual swing gates on the entry and exit to the carpark must be installed to restrict out of hours access. The gates must swing into the property and are not to obstruct the road reserve.
12. The carpark and vehicular access to the carpark must be sealed with asphalt within 3 years of the date of this planning permit to the satisfaction of the Responsible Authority.

Conditions for sealed carpark

13. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
14. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
15. Prior to commencement of the use, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:-
 - (a) Constructed to the satisfaction of the Responsible Authority.
 - (b) Properly formed to such levels that they can be used in accordance with the plans.
 - (c) Surfaced with asphalt to the satisfaction of the Responsible Authority.

Date Issued: 7 March 2008 **Signature for the
Responsible Authority**



Council/Delegate

CONDITIONS CONTINUED FOR PERMIT NO. PP334/07

- (d) Drained and maintained to the satisfaction of the Responsible Authority.
- (e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.
- (f) clearly marked to show the direction of traffic along access lanes and driveways

Parking areas and access lanes must be kept available for these purposes at all times.

Date Issued: 7 March 2008

Signature for the
Responsible Authority



Council/Delegate

**COLAC OTWAY SHIRE
AND
ROMAN CATHOLIC TRUSTS CORPORATION FOR THE
DIOCESE OF BALLARAT**

SECTION 173 AGREEMENT

Site: 189-243 Pound Road, Colac



Barristers & Solicitors
38 Lydiard Street South
Ballarat, 3350
Telephone: (03) 5333 8888

OUR REF: BRAD MATTHEWS
20933339

SECTION 173 AGREEMENT

Parties:

- 1. COLAC OTWAY SHIRE of 2-6 Rae Street, Colac 3250 ("the Responsible Authority"); and
2. ROMAN CATHOLIC TRUSTS CORPORATION FOR THE DIOCESE OF BALLARAT of 5 Lyons Street South, PO Box 121, Ballarat Vic 3353 ("the Owner")

Executed as a Deed on the day of 2009

THE COMMON SEAL of the COLAC OTWAY SHIRE was hereto affixed in accordance with its Local Laws No. 4:

Chief Executive Officer

THE COMMON SEAL of THE ROMAN CATHOLIC TRUSTS CORPORATION FOR THE DIOCESE OF BALLARAT was hereto affixed in the presence of:

Bishop

Member

Trustee

SECTION 173 AGREEMENT

RECITALS:

- A. The Owner is the registered proprietor of the land at 189-243 Pound Road, Colac being the land known as Crown Allotment 129 Parish of Colac and described in Certificates of Title Volume 10046 Folio 938 (hereinafter referred to as "the Land");
- B. The Owner is also the registered proprietor of the land being Crown Allotment 113 Parish of Colac described in Certificate of Title Volume 0677 Folio 374, Lot 1 on TP 401872R being part of that described in Certificate of Title Volume 6226 Folio 048 and Lot 1 PS304089M described in Certificate of Title Volume 10050 Folio 625 ("the adjoining land");
- C. The expression "**Owner**" shall be deemed to include the Owner's successors, assignees and transferees and the obligations imposed upon and assumed by the Owner in respect to the land of which it is registered as proprietor shall also be binding on its successors, transferees, purchasers, mortgagees, assigns and any person obtaining possession of whole or part of the Land ("**the Successors**") as if each of those Successors had separately executed this Agreement;
- D. The land is affected by the provisions of the Colac Otway Planning Scheme ("the Scheme");
- E. The Authority is the responsible authority under the Planning & Environmental Act 1987 ("the Act") for the purposes of the Scheme;
- F. A reference to the words "**Responsible Authority**" includes its successors as Responsible Authority for the Planning Scheme in which case any reference to the holder of an office with the Responsible Authority shall be deemed to be a reference to such office of the successor Responsible Authority as that Responsible Authority may designate;
- G. A reference to the words "**Planning Scheme**" includes any planning control in the form of or similar to a planning scheme and being a successor to the Colac Otway Planning Scheme;

- H. A reference to the words "**the facility**" includes the land and buildings used for the purposes of education and associated uses;
- I. Pursuant to the Planning Permit No. 127/2009 ("the Permit") the Authority has allowed the owner to construct an administrative centre in accordance with endorsed plans ("the Works");
- J. Conditions 1 of the Permit requires the owner to enter into an Agreement pursuant to Section 173 of the Planning and Environment Act 1987 prior to the issue of a building permit;
- K. The parties enter into this Agreement to give effect to Condition 1 of the Permit.

OPERATIVE PROVISIONS:

1. OPERATION

- 1.1. This agreement is entered into pursuant to Section 173 of the Act.
- 1.2. This agreement shall come into force on the execution by all parties.
- 1.3. The covenants of this agreement shall run with the land.

2. OWNERS CONSTRAINTS

The Owner agrees:

- 2.1. The carpark approved by planning permit PP334/07 must be used as a carpark in association with the education and related uses facility ("the Facility") situated on the Land and Adjoining Land.
- 2.2. The Works allowed by the Permit must only be used as an office in association to the Facility situated on the Adjoining Land.
- 2.3. That the Land and the Adjoining Land must not (either wholly or in part) be individually sold, leased, or otherwise disposed of separately whilst all or part of the Land or Adjoining Land continues to be being used as the Facility.

3. REGISTRATION

The parties shall do all things necessary to enable the Authority to register this agreement pursuant to section 181 of the Act.

4. **COST OF AGREEMENT**

The Owner forthwith on demand shall pay to the Authority the Authority's costs and expenses of and incidental to this agreement and of anything consequent on it or in furtherance of it.

5.. **NOTIFICATION TO SUCCESSORS IN TITLE**

5.1 The Owner will not sell, transfer, assign or otherwise part with possession of the Land or any part thereof until this Agreement and the Section 181 Application has been lodged with Land Victoria by or on behalf of the Responsible Authority and entered on the Certificate of Title to the Land.

5.2 The Owner will not sell, transfer, assign or otherwise part with possession of the Land or any part thereof without first disclosing to the intended purchaser, transferee or assignee the existence and nature of this Agreement.

5.3 The Owner and the Responsible Authority acknowledge and agree that this Agreement is made pursuant to Section 173 of the Act and during the period of this Agreement the obligations imposed on the Owner are conditions on which the Land may be used or developed for specified purposes and are intended to take effect as covenants which shall be annexed to and run at law and in equity with the Land and bind the Owner, its successors in title, assignees and transferees and the registered proprietor and proprietors for the time being of the Land and every part of the Land.

6. **ENDING OF AGREEMENT**

In the future if this Agreement shall in the opinion of the Authority ever become null and void the Authority will make application to the Registrar of Titles under section 183(2) of the Act to cancel the recording of this Agreement on the register PROVIDED THAT Authority shall not be obliged to make such an application until it has been requested to do so by the Owner and the Owner has paid the Authority's costs in relation to the making of that application, including any legal fees incurred by Authority and any fees payable to the Land

Titles Office and any costs payable pursuant to Clause 6 of this Agreement which remain unpaid at that time.

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
 W = Withdrawal

| ITEM | D | W |
|--|---|---|
| <u>NOTICES OF MOTION</u> | | |
| <u>OM092810-17 BRINGING THE COUNCIL CLOSER TO THE COMMUNITY</u>

Department: Notices of Motion

<u>Recommendation</u>

<i>That Council consider the contents of this Notice of Motion.</i> | | |

Recommendation

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

MOVED

SECONDED

**OM092810-17 BRINGING THE COUNCIL CLOSER TO THE COMMUNITY
(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 28 October 2009:

“Council calls on the Chief Executive Officer to prepare options for the 2010 Ordinary Council meetings on the basis that:

- 1. At least two Ordinary meetings during 2010 are held in Apollo Bay*
- 2. At least one Ordinary meeting during 2010 is held in Birregurra*
- 3. At least one Ordinary meeting during 2010 is held north of the Princes Highway in a town such as Beeac.”*

Recommendation

That Council consider the contents of this Notice of Motion.

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

## IN COMMITTEE

### Recommendation

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

| <b>SUBJECT</b>                                                                        | <b>REASON</b>                                 | <b>SECTION OF ACT</b> |
|---------------------------------------------------------------------------------------|-----------------------------------------------|-----------------------|
| CONTRACT APPROVAL<br>CONTRACT 0915 -<br>PROVISION OF BUILDING<br>MAINTENANCE SERVICES | this matter deals with<br>contractual matters | Section 89 (2) (d)    |
| Apollo Bay Airfield Licence<br>Agreements                                             | this matter deals with<br>contractual matters | Section 89 (2) (d)    |