



Colac Otway
SHIRE

AGENDA

ORDINARY COUNCIL MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

16 DECEMBER 2009

at 3:00 PM

COPACC Meeting Rooms

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

COLAC-OTWAY SHIRE COUNCIL MEETING

16 DECEMBER 2009

TABLE OF CONTENTS

OFFICERS' REPORTS

CHIEF EXECUTIVE OFFICER

OM091612-1	CEO'S PROGRESS REPORT TO COUNCIL.....	9
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CORPORATE AND COMMUNITY SERVICES

OM091612-2	COLAC OTWAY YOUTH COUNCIL CHARTER.....	33
OM091612-3	UPDATE INSTRUMENT OF DELEGATION - COUNCIL TO COUNCIL STAFF.....	41
OM091612-4	REVIEW OF COUNCIL POLICIES	107
OM091612-5	CONSIDERATION OF SUBMISSIONS TO REVIEW OF COUNCIL MEETING PROCEDURES AND COMMON SEAL LOCAL LAW NO 4 2009	147
OM091612-6	BLUEWATER FITNESS CENTRE STADIUM REDEVELOPMENT..	151
OM091612-7	ENDORSEMENT OF HEALTH ACT 1958 REGISTRATION FEES TO PUBLIC HEALTH AND WELLBEING ACT 2008	205
OM091612-8	BLUEWATER FITNESS CENTRE MAYOR COMMUNITY INVITATION	209

INFRASTRUCTURE AND SERVICES

OM091612-9	REVIEW OF VICTORIAN REGIONAL WASTE MANAGMENT GROUPS - BRWMG SUBMISSION	213
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SUSTAINABLE PLANNING AND DEVELOPMENT

OM091612-10	NEIGHBOURHOOD SAFER PLACES	227
OM091612-11	COLAC AND APOLLO BAY CARPARKING STUDY - ISSUES AND OPPORTUNITIES PAPERS	235

GENERAL BUSINESS

OM091612-12	ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 310 MORRISSEYS ROAD, BEEAC	339
OM091612-13	ITEM FOR SIGNING & SEALING, INSTRUMENT OF AGREEMENT, CONTRACT 0909 BIRREGURRA & FORREST STRUCTURE PLANS	347
OM091612-14	ITEM FOR SIGNING & SEALING, INSTRUMENT OF AGREEMENT, CONTRACT 0911 RURAL LIVING STRATEGY.....	351
OM091612-15	ITEMS FOR SIGNING AND SEALING - SECTION 173 AGREEMENT - 18 PASCOE STREET, APOLLO BAY P02/052.....	355

NOTICES OF MOTION

OM091612-16 CONFIDENTIALITY WORKSHOP FOR COUNCILLORS (CR
STEPHEN HART).....359

NOTICE is hereby given that the next *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in COPACC Meeting Rooms on 16 December 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.

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.'

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 25/11/09.**

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Chief Executive Officer

OM091612-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM091612-2 COLAC OTWAY YOUTH COUNCIL CHARTER
OM091612-3 UPDATE INSTRUMENT OF DELEGATION - COUNCIL TO COUNCIL
STAFF
OM091612-4 REVIEW OF COUNCIL POLICIES
OM091612-5 CONSIDERATION OF SUBMISSIONS TO REVIEW OF COUNCIL
MEETING PROCEDURES AND COMMON SEAL LOCAL LAW NO 4 2009
OM091612-6 BLUEWATER FITNESS CENTRE STADIUM REDEVELOPMENT
OM091612-7 ENDORSEMENT OF HEALTH ACT 1958 REGISTRATION FEES TO
PUBLIC HEALTH AND WELLBEING ACT 2008
OM091612-8 BLUEWATER FITNESS CENTRE MAYOR COMMUNITY INVITATION

Infrastructure and Services

OM091612-9 REVIEW OF VICTORIAN REGIONAL WASTE MANAGEMENT GROUPS -
BRWMG SUBMISSION

Sustainable Planning and Development

OM091612-10 NEIGHBOURHOOD SAFER PLACES
OM091612-11 COLAC AND APOLLO BAY CARPARKING STUDY - ISSUES AND
OPPORTUNITIES PAPERS

General Business

OM091612-12 ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 310
MORRISSEYS ROAD, BEEAC
OM091612-13 ITEM FOR SIGNING & SEALING, INSTRUMENT OF AGREEMENT,
CONTRACT 0909 BIRREGURRA & FORREST STRUCTURE PLANS
OM091612-14 ITEM FOR SIGNING & SEALING, INSTRUMENT OF AGREEMENT,
CONTRACT 0911 RURAL LIVING STRATEGY

OM091612-15 ITEMS FOR SIGNING AND SEALING - SECTION 173 AGREEMENT - 18
PASCOE STREET, APOLLO BAY P02/052

Notices of Motion

OM091612-16 CONFIDENTIALITY WORKSHOP FOR COUNCILLORS

Rob Small
Chief Executive Officer

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OM091612-1**CEO'S PROGRESS REPORT TO COUNCIL**

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	GEN00460

EXECUTIVE**G21 Cross Pillar Meeting**

The Colac Otway Shire hosted a joint meeting of three G21 Pillars, Education & Training, Health & Wellbeing and Transport in Colac on the 24 November 2009. This meeting was convened by the Colac Otway Shire to build a shared understanding of the socio-economic issues for the Colac community through the bringing together of a range of G21 pillar representatives to outline recent findings in the Shire and to discuss where and how G21 Pillars can build on opportunities presented through the local profiling to support the Colac community in the next year.

VicRoads Municipality Cluster Visit

G21 Council Mayors and CEOs were invited to participate in a meeting with the CEO and Senior Executives of VicRoads. Each Council was given the opportunity to present on specific road issues relative to their own municipality. Included in the Colac Otway Shire presentation were:

- Planning for a township bypass
- Traffic flows
- North South routes between Princes Highway and Great Ocean Road, and north to the Hamilton Highway (including improvement of road safety and the installation of additional passing/overtaking lanes).
- Future Coasts – long term future of the Great Ocean Road
- Quality of road improvements

G21 Board Meeting

The CEO attended the G21 Board meeting held in Queenscliffe on the 27 November 2009. Agenda items included:

- Essential Services Commission Local Government Performance Monitoring Framework issues Paper Oct 09
- The alignment of priorities across the region
- Response from Minister on Regional Development Australia (RDA) Committee membership
- Canberra delegation on emissions trading
- Engagement Strategy
- Presentation on the progress towards the commercialisation of the Avalon Airport.

Municipal Inspector's Report

The determination regarding the hiring of the CEO resulting from accusations made under parliamentary privilege, has found that the process of hiring the CEO was professional, thorough and equitable. It found that the current CEO applied for the role without any predetermined agreement with Councillors and was included in the recommended lists at every stage. His motivation has been shown to be professional ambition. The letter from the Senior Municipal Inspector reporting on this matter and press release are attached to this report.

Christmas Break

Arrangements have been made for staff operational coverage during the Christmas break, particularly in the areas of our emergency response team and staffing of the Municipal Emergency Coordination Centre (MECC).

Jack Green will be acting CEO from 23 December 2009 to 6 January 2010. I hope all Councillors can take advantage of our summer break to catch up on well deserved rest and recreation. The staff wish all Councillors a relaxing and rewarding Christmas break.

CORPORATE AND COMMUNITY SERVICES**Events****Great Victorian Bike Ride (2 to 4 December 2009)**

Nine days of fun and fitness were enjoyed by 5,000 cyclists along the iconic Great Ocean Road from Cape Bridgewater to Geelong from Friday 27 November to Sunday 6 December 2009. The ride included climbing the challenging Lavers Hill section and cruising along the spectacular stretch from Portland to Cape Bridgewater. The 550km journey had something for everyone. The Rest Day in Apollo Bay (Thursday 3rd December) gave riders a chance to relax and enjoy our wonderful part of the coast line. Activities included tours to the Otway Fly, a visit to taste the delights of Otway Estate or a trip out to Cape Otway Lighthouse station. A full road closure was implemented on Friday 4th December from Skenes Creek Road to Lorne from 6.30am to 12 noon.

Christmas Toy Appeal by Ulysses Club Inc (14 December 2009)

The annual Christmas Toy Appeal was carried out on Monday 14 December 2009 from 10am to 12 midday. Collection boxes had been placed in the foyer of Colac Otway Shire Rae Street Offices and other businesses in Colac to collect the toys and enable the public to donate funds on the day. The toys were then distributed by the Salvation Army and St Vincent De Paul to local families in need over the Christmas period.

Upcoming Events

Events which will be held throughout the Colac Otway Shire in January include the Custom Car and Bike Show (16 January 2010) and Australia Day Celebrations in Birregurra on 26 January 2010.

Recreation**Lake Colac Oval Redevelopment**

The majority of physical works as part of the redevelopment of Colac's Lake Oval have been completed with the arrival of the warmer weather. An automated irrigation system has been installed and line planting of drought tolerant turf was undertaken in late November. A water tank to enable water harvesting from the clubroom will complete the project. Funding for this project was obtained under the 2009 Drought Relief for Community Sport and Recreation program (Sport and Recreation Victoria). Colac Otway Shire has obtained permission from Barwon Water for an exemption from water restrictions, enabling the new turf to receive the required amount of moisture during the establishment period of the new summer season grass. The oval is progressing extremely well with many shoots appearing and the start of a root system already being established.

Birregurra Playground

Regular meetings continue to be held with Birregurra community members to provide input into the development of the proposed playground at the Birregurra Park. The group has identified the preferred playground equipment elements and quotes have been sourced from

three playground manufacturers. It was noted that there will potentially be minor impacts on the timing of installation of the playground due to Christmas and closure of suppliers during this period. It is anticipated that the new playground will be installed in February 2010.

Eastern Reserve Netball Court Redevelopment

Work continues in gathering project element specifications for the tender documentation which is expected to be released late December 2009. Due to the unique nature of the site of the courts (built on landfill); additional structural engineering information is required for the design of footings for the shelters and light poles. The Colac Summer Netball Association has decided to conclude their season in December to allow for construction to commence in the New Year.

Regional Recreation Reserve Contribution Program

The Regional Recreation Reserve Contribution Program has been rolled out to each of the thirteen regional recreation reserves within the Colac Otway Shire. All Recreation Reserve Committees have received formal notification advising that the program has been approved by Council, based on the condition that the Reserves enter into an agreement with Council that formal agreements exist between the Committee of Management and the regular user groups and that all maintenance works are carried out by the Committee of Management.

Forrest Netball Court Upgrade Project

Site preparation as part of the Forrest Netball Court Upgrade have been completed. Civil works to upgrade the netball court surface will commence and be completed by 18 December 2009. Funding for this project was obtained through the Country Football Netball Program, Club and Council contributions. Installation of training lights, fencing and shelters will be completed prior to April 2010.

COPACC

Staff Training Day

A comprehensive training day for all COPACC staff was hosted on Saturday 28 November 2009, covering issues relating to the COPACC Business Plan, manual handling, Events Perfect booking software, OH&S, operational procedures, security and theatre technical information.

Morning Music Launch

Friday 4 December COPACC hosted over 230 attendees in the Civic Hall at the morning music launch for the 2010 season; featuring carol singing, show samples and topped off with a mince pie and a glass of sherry.

Beatlemania

Beatles tribute band, Beatlemania, thrilled the audience in the Civic Hall on Saturday 5 December with all the old classics.

Picasso Cows

Painted cows were the order of the day when we hosted Picasso Cows in the Civic Hall, Monday 7 December. Over 120 local primary school children have been working on their own decorated cow, culminating in the display and judging at COPACC.

Blue Water Fitness Centre

Building Works

The BWFC Federal Government Funded Improvements to the Stadium are nearing completion with the final touches being added to the roof, and metal cages being installed to

protect the exterior of each sky light. The last aspect of these works will be the installation of the glass squash court doors, these works will commence in the coming weeks.

Disability Hoist Program

Colanda are collaborating with BWFC on the installation of a disability hoist to be located in the SPA and Sauna area. Funding will be secured through the DHS, Colanda and BWFC.

Renovations

The Minor Hall and Program Room improvements are nearing completion with new carpet , blinds, fresh paint, new store area and the installation of new lighting. Installation of air conditioners will ensure greater programming flexibility.

Aerobic timetable

The aerobic timetable is to be modified for the Christmas and January holidays. Popular classes such as *Crank* and *Thump* to continue as usual except for the Christmas New Year period where no classes are held.

Pilot Program

A new pilot program for youth at risk is currently running in partnership with Colac College and Bluewater Fitness Centre. The focus of this program is to integrate disengaged students into exercise programs and the gym.

New Programs

Pink Flamingo and Life After Birth programs are winding up for 2009 and feedback forms are currently being reviewed. Feedback to date has been positive with a strong emphasis on continued support and wider options.

Term 4 Learn to Swim is coming to a close with only a few weeks to go. The summer intensive program will start on Monday 11 January through to the 22 January 2010.

Water Safety Week

Bluewater Fitness Centre promoted the *Play it Safe by the Water – Water Safety Week*, which is aimed to educate pool users (in particular our Learn to Swim students) of the importance of Water Safety when at the beach, pool or open water.

Aquatic Education Program

Over the past month Colac South West, Beeac, Colac and Simpson Primary Schools have visited the centre for their Aquatic Education Programs, which have now concluded.

Planning is well underway for 2010, with eight schools currently booked in for Aquatic Education Programs.

Youth Council

Youth Council has completed their meetings and activities for 2009. Youth Council will reconvene with interviews for the new committee in February 2010.

INFRASTRUCTURE AND SERVICES

GENERAL

The Infrastructure & Services Department has been busy over the last month in developing project briefs in the lead up to the budget process for the next financial year. This work involves identifying and costing projects for consideration in the budget and is the initial step in the preparation of the budgets for next year.

In addition the Department has also been active in commencing a number of the Capital Works Programs for the year and undertaking maintenance activities. In relation to maintenance activities, the recent rains have increased grass growth and Cosworks have been actively focusing on mowing operations in an attempt to ensure the grass is kept at a manageable level.

In spite of this, some complaints have been generated by the public about overgrown areas.

CAPITAL WORKS UNIT

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 scheduling of programs for this year's Capital Works projects and are now in the process of implementing works.

Special Charge Scheme Update

Sinclair Street South, Elliminyt

A letter and survey was sent out on 1 December 2009. Responses are to be returned to Council by 15 December 2009. A report presenting the result of the survey is expected to be presented to Council's January meeting.

Capital Works

Apollo Bay Footpath Construction

This project has now been completed.

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. This is an ongoing activity which will need to be carried out throughout the year as required in response to the ongoing Works Program.

Apollo Bay Car Park

Consultant(s) to undertake the design of the Apollo Bay Carpark project between the Great Ocean Road and Pascoe St will be selected from Council's panel of engineering consultants. It is expected that the consultants will begin design in late December following a meeting with the key stakeholders.

Capital Works Reporting

The management of reporting and monitoring of Capital Works project expenditure and progress has commenced with updated information now being input by project managers. Reporting tools have been extensively developed, however these will be refined over time.

This level of reporting will ensure that project reporting is centralised and will provide improved systems for the monitoring of the delivery of the 2009/10 Capital Works Program.

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 are complete. Notices in relation to the Special Charge Scheme are being prepared to be issued in December with payment delayed until early in 2010 to avoid payments being due during the Christmas/New year period.

A final seal has been scheduled as part of the current Capital Works Program.

Elliminyt Stormwater Study

The final report has been delayed pending resolution of some design issues relating to the proposed detention basin in Joiner Park.

Pavement testing for pavement rehabilitation works

Pavement testing for 7 pavement rehabilitation projects and the Apollo Bay Carpark is now complete. Cosworks have programmed the works to be done over the 09/10 construction season.

Corangamite Street Pedestrian Crossing

Works were completed in late November. These works were funded jointly between VicRoads and Council as part of safety upgrade improvements. In addition to providing safety for pedestrian movements across the intersection, the works will also improve safety of vehicles using the intersection by more clearly defining the vehicle lanes.

Old Beechy Rail Trail – Beech Forest to Ditchley Park

The review of the Cultural Heritage Management Plan is continuing. To date this has not delayed any works because weather and soil conditions in Beech Forest were not conducive to effective construction. Now that the weather has improved and conditions are suitable the contractor has advised that he could commence works prior to Christmas – subject to negotiations in regard to the Cultural Heritage Management Plan (CHMP).

Environment Assessment Process

Updated procedures have been developed to assist with the Environmental Assessment of maintenance and construction works within Council. This enhanced system will ensure that all works that have an environmental assessment and any decisions in relation to these works have been through a consultation process with Council planners, works staff and any relevant contractors. Officers are now implementing actions required as a result of the development of the revised Draft Environmental Assessment Policy & Procedures.

Environmental assessments for Cosworks Major Drainage for Gellibrand and Apollo Bay have been completed and on ground works are now commencing. The assessments for Colac are expected to be completed by the end of this week. Once these are complete, the assessment will begin for capital works and external contracts.

As part of the agreement with DEWHA and DSE, a spring survey has been completed along Cressy-Shelford Road. The information from this assessment will be included in the update report that will be sent to these agencies before the end of the year.

ASSETS DEPARTMENT

Building Renewal Program

Works are progressing to implement the 2009/10 Building Renewal Program. The following is an update of some of the projects which make up this program:

<i>Kawarren Public Toilets</i>	Works were completed in late November 2009 and included repairs to brickwork, painting, and replacement of existing fittings.
<i>Rae Street Air Conditioning</i>	Ducting which services parts of the ground floor have recently been upgraded. An air-conditioning unit to the first floor is to be replaced as part of this project. It is anticipated that this will be completed prior to Christmas.
<i>Lavers Hill Hall Painting</i>	Quotations are presently being sought to paint the internal and external areas of the building. A colour scheme has been agreed with the Lavers Hill Hall Committee of Management.
<i>Beech Forest Public Toilets</i>	Quotations are currently being sought to paint this facility.
<i>Colac Lawn Tennis Club</i>	Design plans are in the process of being drafted. These will detail the proposed new disabled toilet and access ramp to the building. Other works include painting and replacement of damaged weather boards, etc. It is intended to present the proposed package of works to the users of the building prior to commencement.

Bridge Testing Program

Council has recently engaged Integrity Testing Pty Ltd to undertake inspection and structural assessment of the following bridges.

Bridge No	Road Name	Locality
CS145	Carsons Road	Swan Marsh
CS146	McNamaras Road	Swan Marsh
CS047	Pearces Access (Off Barham River Road)	Apollo Bay
CS048	Barham River Road (Last structure at Carpark)	Apollo Bay
CS058	Carlisle Valley Road	Carlisle River

The results of this testing will provide:

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

The information from these assessments provides the ability to prioritise future bridge rehabilitation programs and to assess if load limits should be imposed on certain structures

for the purposes of ensuring public safety. It is intended that these inspections will be undertaken during December 2009. Once works have been assessed and indicative costs have been developed, the priorities will be determined and referred to the Capital Works Budget for assessment.

Routine Road and Footpath Inspections

- Road inspections have been completed in the rural towns of Beeac, Birregurra, Cressy, Forrest, Beech Forest, and Gellibrand. The only maintenance items which required attention were guideposts in Birregurra.
- Footpath inspections were completed in Colac Area 2. This area incorporates the North Eastern part of Colac and includes footpaths in residential areas. Movements in ground conditions have resulted in a number of areas of raised footpath creating potential trip points. These issues are generally treated and made safe by grinding or application of a premix wedge until such time that the sections of footpath are replaced as part of the Annual Footpath Renewal Program. Trees and other vegetation encroaching from private properties have been referred to Local Laws for attention.
- Roads in the Hordenvale rural area were inspected in the last week of November with minor maintenance works referred to Council's Works Department for actioning as required.

Birregurra Public Toilets

Due to difficulties in obtaining approval to pump treated effluent from the site of the proposed new toilet block across Birregurra Creek, officers have been investigating other options for treatment and disposal of the effluent from the septic system. While several alternatives are available, the associated cost is significant, in the region of \$10,000 to \$15,000.

Officers are in the process of determining the most cost effective method of delivering this project. Further information will be provided to Council at a later stage.

Water Meter Upgrade

Quotations closed on 6 November 2009 and the quote from David Parker Plumbing was accepted for replacement and upgrade of the meter adjacent to the Colac Botanic Café & Gallery in the Colac Botanic Gardens. Discussions are continuing with the Botanic Café & Gallery over a mutually acceptable time to cut off water supply to the café while the works are carried out.

Switchboard Upgrades

Work will commence on upgrading switchboards at the Irrewillipe Recreation Reserve and the Pound Road Depot sign shed. Upgrades at the Colac Botanic Café & Gallery and the Irrewarra Saleyards have been deferred due to the need to also upgrade the mains supply at these sites.

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 has been completed in all areas as weather permits. Grading is dependent on weather conditions and 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.

Where possible the road grading has included removal of the build-up of grass on the shoulders which is trapping water and contributing to the deterioration of the edge of the

pavement. In gravel road areas in particular, works have involved cutting and spreading of the grass.

Road Pavement Minor Patching: The road pavement minor patching has been ongoing in all areas during the last month.

Major Patching: Major patching works have been undertaken in Morely Avenue, Wild Dog Road, Corangamite Lake, Beeac, Bullock Swamp, Queen Street, Mt Hesse, Eurack Road and Ryans Road.

Shoulder maintenance: Works have been carried out in Apollo Bay Streets, Larpent Road and Swan Marsh areas.

Gravel Road Re-sheeting: Resheeting works have been undertaken on Old Hordern Vale Access, Sunnyside, Morris Access, Broughtons Access.

Major Drainage: Major drainage works have been undertaken in Sunnyside, Barham River, Bullock Swamp, Kennys Lane, Lang James, Russells, Factory, Link Road and Station Street.

Routine Drainage: Ongoing program in all areas.

Tree Maintenance: Tree maintenance has commenced at Irrewillipe Road.

Roadside Slashing: Works have been completed in Colac / Elliminyt, Irrewillipe, Nalingal, Alvie, Dreeite and Warrion areas and extend to the northern-eastern area at Cressy, Eurack, Irrewarra and Beeac.

Township Mowing: This has been undertaken in Coastal townships as required.

Weed Spraying: This has begun in the coastal townships and around bridges and roadside furniture.

Bridge Maintenance: Maintenance works including spraying and bridge plates have commenced.

Gardens: General maintenance and tree trimming has been carried out, subject to weather conditions.

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

Old Beechy Line Rail Trail: Slashing has started and general maintenance/repairs carried out throughout a number of sections of the rail line trail.

Storm Damage: Repair to damaged roads mainly in the Otways due to heavy rain has been carried out during the last month.

MAJOR CONTRACTS/WASTE DEPARTMENT

Waste Management Tender

The tenders for Waste Management Services were opened by the Tender Opening Committee at 4.00pm on Wednesday 11 November 2009. A panel has been established for evaluation of Waste Tender documents including appropriate staff, two independents and a probity officer.

Tender submissions were comprehensive and a large amount of information was provided in all tenders for Officers to assess.

Currently the Tender Evaluation Committee is working on the evaluation of tenders with an aim to complete the evaluation procedure by the end of December and provide Council with a report to its January 2010 Council Meeting.

Code Red Days and Waste Collections

Drop Off Facilities – In preparation for the coming summer and given the vulnerability of the Otway Region discussions have been held with the contractor and the following agreed upon:

- No Collections to take place on Code Red days;
- Should collections for one weekend be cancelled then a replacement collection will be carried out the following weekend; and
- Notice in Otway Light pre Christmas to that effect.

Kerbside collections – Wheelie Waste have been asked to consider Code Red days and issues arising from these days which could affect their ability to carry out kerbside collections, including travel through the Otways and collections in areas such as Wye River and Kennet River.

Dicom Waste Facility

Testing for the Dicom facility is being carried out. At this stage indications are that operations will not commence until mid to late 2011.

SKM Recycling

SKM Recycling, the regional recycling contractor are the receipt point of Council's recycling collection. Part of their appointment to this Contract was to provide a dedicated site to undertake recycling operations. SKM now have a nominated site which is expected to be in operation by March/April 2010.

EPA Review

EPA are currently reviewing Best Practice Environmental Management Guideline for Siting Design Management and Rehabilitation of Landfills. Format draft for consultation is expected to be released early 2010.

Light Fleet Update

Information is being collated on the light fleet vehicles to assist in the formation of an updated fleet policy. This information relates to price, fuel efficiency, annual fuel costs and green fleet ratings (covers carbon dioxide emissions, greenhouse rating and air pollution rating).

Tenders

Since the last reporting period no tenders were opened. There are no current tenders advertised.

Subdivision Works

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

Subdivision	Status
Apollo Bay Industrial Estate Stage 1 9 lots	Work is nearing completion in Montrose Avenue with construction of full width of the concrete road to Arthur Court and over the existing culverts. Arthur Court is 75% completed. Over the past month the developer has waited for power installation to proceed after which further roadworks will recommence.
Rossmoyne Road Industrial Estate Stage 2 23 lots	After being suspended for wet weather, work is expected to resume shortly when some site issues have been resolved.
Seeberg Estate Stage 2 24 lots and reserve	Works have commenced on this subdivision with drainage and earthworks for the extension of Seeberg Court. Roadworks are expected to begin shortly.
Mingawalla Road, Beeac Stage 2 reserve & lots	Works are complete with compliance to be issued for Stage 2 soon. Stage 1 compliance has been achieved and issued previously.
Hazel Court, Kennett River 2 lots	Approved access off Hazel Court needs to be completed before compliance is achieved. Works have commenced.



Seeberg Estate Stage 2 Works

Apollo Bay Transfer Station

It is expected that Apollo Bay Building Group, the successful tenderer for construction of the Apollo Bay Transfer Station, will start works in December 2009. Currently arrangements are being made to establish on-site facilities and commence drainage and earthworks.

Bituminous Sealing Works

The 2009/10 bituminous spray sealing contract which was awarded to Sprayline (Vicroads) at the November Council meeting is now underway. The Contractor has committed to commence works in December, starting with Apollo Bay works. All works including line marking must be finished by 31 March 2010.

SUSTAINABLE PLANNING AND DEVELOPMENT

Visitor Information Centres

Both Colac and Apollo Bay Centres are experiencing steady increases in enquiries for the summer months. We are working closely with the web based accommodation booking system operator to improve the accommodation listing functionality to speed up the processing of accommodation enquiries.

Federal Government Funding

Council has been advised that round two of the Jobs Fund is open for application from community organisations. Council is therefore not eligible to apply for this round and projects must meet new criteria. The Jobs Fund has been targeted to include a number of broader initiatives and to align with the recommendations from the final Keep Australia Working Report, released on 16 October 2009.

A major application to support the Blue Water Fitness Centre redevelopment will also be submitted to the Regional and Local Community Infrastructure Program (RLCIP) Strategic fund.

The Regional and Local Community Infrastructure Program (RLCIP) funding applications were submitted on 20 November 2009. This funding will be allocated to the new works on the Old Beechy Rail Trail with 2 bike racks, water tanks at BWFC, Central Reserve and Colac Saleyards, the Apollo Bay Mechanics Hall Roof Upgrade and the Colac VIC heating and Cooling Upgrade. Works on these projects is expected to start in January 2010.

Business Events

An application under the Regional Development Victoria (RDV) Local Events Program was submitted to match funding for 8 business networking events in Colac and Apollo Bay called the 'On the Front Foot for Business' Events. These events are aimed to inform local business operators of issues affecting small business. The first event will be in March 2010 with the completion of the events due for May 2011.

Small Towns Improvement Program

Applications have closed for the 2010/11 program and once assessed and determined by Council, officers will work with local communities to implement the projects.

Business Facilitation

Council is currently assisting with a number of small and large development proposals in Colac which indicates confidence in the Shire and business in Colac.

Trade Training Centre (TTC)

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, is still in discussion over the details of a proposal to be put into the Expression of Interest process due in mid December.

Stage 1 of a Skills Survey has been conducted through the Colac Otway Shire, Industry Advisory Committee (IAC) indicating that national skill shortages are reflected locally in automotive, construction trades, engineering and hospitality.

Apollo Bay Harbour

Council Officers will meet in mid December with State Government representatives regarding a Regional Infrastructure Development Fund (RIDF) application for Stage 1 Implementation Apollo Bay Harbour- Operations and Maintenance Centre Redevelopment.

Fire Prevention and Planning

The fire danger period started on 1 November 2009. Council officers inspected properties across the region to assess whether they comply with fire prevention requirements. The first round of inspections are now complete and over 600 Fire Prevention Notices have been sent to properties that did not meet the criteria. Failure to comply with this notice will result in a fine and a contractor being sent in to clean up the property. The costs associated with the contractor will be placed on the next rates notice. Although this is still higher than we would like the spring rain has meant that there is much more grass growing this year and the number of first round notices is significantly lower than the number issued last year.

Council continues to work closely with other key government agencies to promote Township Protection Plans in the Colac Otway Shire region and to finalise the assessment of Neighbourhood Safer Places. Council continues to promote the importance of individuals preparing their own bushfire survival plan with a focus on the preservation of life.

Dry Lake Working Group

The Colac Otway Shire is working with other key stakeholders to manage the issues associated with Lake Colac being dry. The focus of the group is identifying ways to manage the remaining carp in the catchment and to monitor the growth of Fairy Grass on the lake. The Lake is now at a higher level when it is compared to the same time last year. This is a good thing because it has prevented the Fairy Grass from covering an area greater than last year.

However it has meant that the carp in the creek have been able to swim back out into the lake. This is not ideal but given that lake is still expected to be very low again by February these carp are expected to die due to the concentration of salt. In order to manage the carp a two-way trap is being installed near the caravan park to allow carp moving up and down the creek to be caught and easily removed. In addition to this temporary measure, a grant is being sought to do a thorough clean out of the carp from both Barongarook and Deans Creek. The carp in the Lake Colac Catchment have not spawned for over five years so eradicating carp from the catchment remains possible while there are no juveniles.

Rural Living Strategy

The four workshops conducted in Cororooke (17 November) Lavers Hill (19 November) Birregurra (28 November) and Forrest (5 December) were all well attended and there was a solid input from those attending related to both the overall strategic aspects of the study as well as specific comments related to individual properties. There were some issues raised at all workshops with respect to concerns about the lack of approval for houses to be constructed on properties within the farm zone due to the provisions of the planning scheme. While this is obviously an issue across not only this municipality, but in rural areas across the state, this was a particularly strong issue at the Cororooke workshop.

Consultant firm CPG is currently using this input as well as the background research they had already conducted with the support of Council officers to identify key issues and options to assist in the development of a draft Strategy for Council consideration early in 2010.

Written comments were encouraged at the workshops and these will be accepted until 21 December. These comments will be considered along with the extensive feedback that has been received at the workshops themselves. The contact details of all attendees was gathered at the workshops so that any person who lodges written comments or who attended a workshop can be kept informed of future stages of the project.

The consultation was widely advertised, with a Community Bulletin posted to every rural land owner outside the urban areas of Apollo Bay and Colac. Public notices were also placed in

a range of local newspapers and publications and letters sent to progress associations and other groups. This was reflected by the good attendance at all workshops.

Birregurra and Forrest Structure Plans

The community workshops for the structure plans were conducted on Saturday 28 November at Birregurra and 5 December at Forrest. These sessions were well attended and the community members provided an extensive range of well considered input to what they wish to see as the future of their towns.

The workshops for the Structure Plans were held prior to workshops for the Rural Living Strategy which were held at the same venue later in the day.

As with the Rural Living Strategy the consultation for both projects was widely advertised, with a Community Bulletin posted to every rural land owner within a 5km radius of the towns. Written comments were encouraged at the workshops and will be accepted until 21 December to be considered along with the feedback which was received at the workshops themselves. Any person who lodges written comments or attended a workshop will be kept informed of future stages of the project.

Amendment C12 – Changes to flood provisions

Council referred public submissions to Planning Scheme Amendment C12 to an independent Panel in June 2009. A two member Panel heard submissions at a formal hearing in Colac on 13 November. It is expected the Panel's report and recommendations will be received prior to the end of the year. Council will be asked to consider this report, and adoption of the amendment, early in 2010.

Future Coasts Briefing

The 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 was re-scheduled and conducted on 9 December.

Attachments

1. Letter from Senior Municipal Inspector
2. Press Release - CEO Recruitment Process

Recommendation(s)

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

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1-1318684-Colac\_Otway\_Investigation\_Final\_Outcome\_Letter\_-\_Mayor\_Crook.doc Page 1 of 2

Cr Brian Crook  
Mayor  
Colac Otway Shire Council  
PO Box 283  
**COLAC VIC 3250**

Dear Cr Crook

**COLAC OTWAY SHIRE COUNCIL – RECRUITMENT PROCESS FOR CEO**

I refer to previous correspondence and an investigation concerning the recruitment process for the Chief Executive Officer at the Colac Otway Shire Council and the comments made by Mr John Vogels MLC, Member for Western Victoria in the Legislative Council on 2 June 2009. I advise that an Inspector of Municipal administration has completed an assessment of the circumstances surrounding the appointment process.

I am advised that the Inspector has concluded that:

- While there is evidence that at least 2 (and possibly 3) councillors at the Shire of Colac Otway were supportive of Mr Small becoming the CEO, even before advertising was undertaken, there is no evidence that any arrangements were put in place that would guarantee Mr Small the position.
- There is evidence that a candidate in the November 2008 Council election approached Mr Small before the day of the election, asking him to apply for the position when it was advertised. There is also evidence that this approach was rejected at the time. The candidate in question was not subsequently elected to Council.
- It appears that Mr Small's application for the position resulted from his own professional and personal desires, rather than those of any other party.
- The appointment process that was undertaken through McArthur Management Services was a very professional, exhaustive and fair one. All councillors expressed their satisfaction with the process. The decision by councillors to select those applicants for interview (both first and second round) and the eventual

<http://mail.google.com/mail/?ui=2&ik=919d7a65b7&view=att&th=12532e4272ee9b9...> 27/11/2009

1-1318684-Colac\_Otway\_Investigation\_Final\_Outcome\_Letter\_-\_Mayor\_Crook.doc Page 2 of 2

successful applicant were made via a free and fair vote of councillors at the appropriate time throughout the recruitment process.

- The cost of the CEO appointment process was within the GST exclusive budget agreed to by Council at the beginning of the process.
- The allegation that despite the consultant recommending that Mr Small not be considered for interview by Council, a "group of councillors" insisted that he should be kept under consideration was not supported by the evidence and was apparently based on incorrect information.
- There was insufficient evidence to establish beyond reasonable doubt who provided this incorrect information.

No further action will be taken in regard to this matter. However, it is requested that you reiterate to all councillors the requirements of the Local Government Act 1989 in regard to dealing with confidential information. Apart from the legal aspects, the leaking of confidential information raises a significant risk issue for the Council in that organisations or individuals will not feel confident to deal with the Council in the future if it is thought that the Council is unable to respect good governance practices relating to the consideration of sensitive information.

Yours sincerely

**David Wolf**

**Chief Municipal Inspector**

**Local Government Inspectorate**

/ / 2009

<http://mail.google.com/mail/?ui=2&ik=919d7a65b7&view=att&th=12532e4272ee9b9...> 27/11/2009





## **MEDIA RELEASE**

### **CEO recruitment process cleared by Local Government Inspectorate**

Colac Otway Shire Council's recruitment process for its new CEO has been cleared of impropriety.

The Local Government Inspectorate has described the recruitment process of CEO Rob Small as "professional, exhaustive and fair".

Mayor Brian Crook received a fax from Chief Municipal Inspector David Wolf on Friday afternoon advising that an investigation into the recruitment process had found no wrongdoing.

The letter ends more than five months of speculation over Mr Small's appointment and denounces allegations made in parliament by Member for Western Victoria John Vogels and Member for Polwarth Terry Mulder.

Mayor Brian Crook said that Mr Small's appointment was rigorous and professional and he was glad the matter was now closed.

Cr Crook demanded that Mr Vogels and Mr Mulder issue public apologies and officially withdraw their accusations in parliament.

He said that both parliamentarians had slandered the Council, the organisation and the new CEO without checking the facts.

Cr Crook said the local MPs also unfairly smeared the professionalism of McArthur Management Services and its consultant Darren Condon-Green.

"Neither Mr Vogels or Mr Mulder contacted me, as Mayor, or other councillors before they made the accusations," Cr Crook said.

"Their accusations were unsubstantiated, inaccurate and offensive and it is disappointing they used parliamentary privilege to gain political advantage based on rumour and innuendo."

The Local Government Inspectorate's letter stated that all councillors were given a "free and fair" vote during the recruitment process.

The inspector found that Mr Vogels' and Mr Mulder's allegations that a group of councillors insisted Mr Small be kept on the shortlist despite recruitment firm McArthur Management Services removing him were "not supported by the evidence and (was) apparently based on incorrect information".

The inspector was unable to determine beyond reasonable doubt who provided the incorrect information to Mr Vogels and Mr Mulder, and Cr Crook said it was time for the two MPs to "own up".

"Their accusations created a level of doubt in the community about Council's credibility and behaviour," Cr Crook said.

"The farcical saga that ensued took Council's focus away from what it is here to do, and that is providing leadership to progress our great community.

"In a community that is striving to deal with its lack of public transport services, lack of post secondary education opportunities, and poor health and wellbeing indicators, it is disappointing that Mr Vogels and Mr Mulder would waste their time and taxpayers' money on a fruitless witch hunt.

"It was also extremely unfortunate for our CEO, whose return to this community was marred by scuttlebutt when he had the best interests of Colac Otway Shire at heart.

"I reiterate that Council appointed Mr Small to the position of CEO because he was the best person for the job."

The inspector found evidence that a candidate running for council did approach Mr Small before the election asking him to apply for the position when it was advertised, but this candidate did not get a spot on council.

Cr Crook said that in fact, several community members not associated with Council encouraged Mr Small to apply for the job when it was advertised.

"This was hardly surprising. Rob earned a lot of respect when he was CEO during 2003 and 2004 not just for the job he did, but for his active role in the community and because of his personable and friendly nature," Cr Crook said.

"The inspector endorsed the fact that Rob's application for the CEO's job was driven by his own professional and personal desires to return to this community and complete the unfinished business he left behind when he departed the CEO's role in 2004," he said.

"And while the inspector was also aware that a few councillors were supportive of Rob becoming CEO before advertising had taken place, there was no evidence that arrangements were put in place to guarantee him the position."

Cr Crook said the inspector did criticise Council for the leaking of confidential information and said it was an issue he, and the CEO took seriously.

"As a council, and as an organisation, we will be ensuring all councillors and staff revisit the requirements of the Local Government Act relating to confidentiality to ensure the community can have the utmost trust in the way we deal with sensitive information," he said.

"Now that we have been cleared of any wrongdoing we will continue to focus on the issues that matter to this community and not waste our time on politically motivated small talk.

"We hope that our State Government representatives will work with us to do the same."

November 29, 2009

**Inquiries -**

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

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | D | W |
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| <p><b><u>CORPORATE AND COMMUNITY SERVICES</u></b></p> <p><b><u>OM091612-2 COLAC OTWAY YOUTH COUNCIL CHARTER</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council adopt the revised Youth Council Charter to commence in 2010.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |   |   |
| <p><b><u>OM091612-3 UPDATE INSTRUMENT OF DELEGATION - COUNCIL TO COUNCIL STAFF</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></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"> <li><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></li> <li><i>2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.</i></li> <li><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></li> </ol> |   |   |

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| <p>4. <b><i>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 may from time to time adopt.</i></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |
| <p><b><u>OM091612-4 REVIEW OF COUNCIL POLICIES</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p>1. <b><i>Adopt the following revised policies:</i></b></p> <ul style="list-style-type: none"> <li>- <b><i>Policy No 7.3 – Risk Management Policy</i></b></li> <li>- <b><i>Policy No 16.1 – Internal Audit Policy</i></b></li> </ul> <p>2. <b><i>Endorse the draft Policy No. 4.2 - Council Property Leasing Policy for public comment. Public comments to be received until Friday 5 February 2010.</i></b></p>                                                                                                                         |  |  |
| <p><b><u>OM091612-5 CONSIDERATION OF SUBMISSIONS TO REVIEW OF COUNCIL MEETING PROCEDURES AND COMMON SEAL LOCAL LAW NO 4 2009</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p>1. <b><i>Notes the extension of time for the receipt of submissions on draft Local Law No 4 2009 until 15 January 2010.</i></b></p> <p>2. <b><i>Considers any submission received in relation to the draft Local Law No 4 2009 at the Council meeting to be held on Wednesday, 27 January 2010 at 6.00 pm.</i></b></p> <p>3. <b><i>Considers adoption of the draft Local Law No 4 2009 at the Council Meeting to be held on 24 February 2010.</i></b></p> |  |  |

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| <p><b><u>OM091612-6 BLUEWATER FITNESS CENTRE STADIUM REDEVELOPMENT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council receive and endorse the Bluewater Fitness Centre Feasibility Study together with the concept plan acknowledging that this information forms the basis for the funding application to be submitted to the Federal Government in January 2010.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                               |                |                             |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                                                |                 |                                                 |                |                                                |                 |                                              |                 |                                                |                 |  |  |
| <p><b><u>OM091612-7 ENDORSEMENT OF HEALTH ACT 1958 REGISTRATION FEES TO PUBLIC HEALTH AND WELLBEING ACT 2008</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council adopt the following fee structure under the relevant sections of the Public Health and Wellbeing Act 2008:</i></p> <p><b><i>Hairdressers/Beauty Parlours</i></b></p> <table border="0"> <tr> <td><i>New premises design and processing fee</i></td> <td style="text-align: right;"><i>\$75.00</i></td> </tr> <tr> <td><i>Registration/renewal</i></td> <td style="text-align: right;"><i>\$105.00</i></td> </tr> </table> <p><b><i>Skin Penetration</i></b></p> <table border="0"> <tr> <td><i>- New premises design and processing fee</i></td> <td style="text-align: right;"><i>\$75.00</i></td> </tr> <tr> <td><i>- Registration/renewal</i></td> <td style="text-align: right;"><i>\$105.00</i></td> </tr> </table> <p><b><i>Combo Beauty</i></b></p> <table border="0"> <tr> <td><i>- New premises design and processing fee</i></td> <td style="text-align: right;"><i>\$85.00</i></td> </tr> <tr> <td><i>- Registration/renewal</i></td> <td style="text-align: right;"><i>\$115.00</i></td> </tr> </table> <p><b><i>Spa Premises and Colonic Irrigation Premises</i></b></p> <table border="0"> <tr> <td><i>- New premises design and processing fee</i></td> <td style="text-align: right;"><i>\$85.00</i></td> </tr> <tr> <td><i>- Registration/renewal</i></td> <td style="text-align: right;"><i>\$115.00</i></td> </tr> </table> <p><b><i>Prescribed Accommodation</i></b></p> <p><b><i>6-10 persons</i></b></p> <table border="0"> <tr> <td><i>- New premises design and processing fee</i></td> <td style="text-align: right;"><i>\$85.00</i></td> </tr> <tr> <td><i>- Registration/registration renewal fee</i></td> <td style="text-align: right;"><i>\$140.00</i></td> </tr> </table> <p><b><i>11-20 persons</i></b></p> <table border="0"> <tr> <td><i>- New premises design and processing fee</i></td> <td style="text-align: right;"><i>\$95.00</i></td> </tr> <tr> <td><i>- Registration/registration renewal fee</i></td> <td style="text-align: right;"><i>\$175.00</i></td> </tr> </table> <p><b><i>20+ persons</i></b></p> <table border="0"> <tr> <td><i>- New registration and processing fee</i></td> <td style="text-align: right;"><i>\$105.00</i></td> </tr> <tr> <td><i>- Registration/registration renewal fee</i></td> <td style="text-align: right;"><i>\$220.00</i></td> </tr> </table> | <i>New premises design and processing fee</i> | <i>\$75.00</i> | <i>Registration/renewal</i> | <i>\$105.00</i> | <i>- New premises design and processing fee</i> | <i>\$75.00</i> | <i>- Registration/renewal</i> | <i>\$105.00</i> | <i>- New premises design and processing fee</i> | <i>\$85.00</i> | <i>- Registration/renewal</i> | <i>\$115.00</i> | <i>- New premises design and processing fee</i> | <i>\$85.00</i> | <i>- Registration/renewal</i> | <i>\$115.00</i> | <i>- New premises design and processing fee</i> | <i>\$85.00</i> | <i>- Registration/registration renewal fee</i> | <i>\$140.00</i> | <i>- New premises design and processing fee</i> | <i>\$95.00</i> | <i>- Registration/registration renewal fee</i> | <i>\$175.00</i> | <i>- New registration and processing fee</i> | <i>\$105.00</i> | <i>- Registration/registration renewal fee</i> | <i>\$220.00</i> |  |  |
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| <i>- Registration/renewal</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <i>\$115.00</i>                               |                |                             |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                                                |                 |                                                 |                |                                                |                 |                                              |                 |                                                |                 |  |  |
| <i>- New premises design and processing fee</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <i>\$85.00</i>                                |                |                             |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                                                |                 |                                                 |                |                                                |                 |                                              |                 |                                                |                 |  |  |
| <i>- Registration/registration renewal fee</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>\$140.00</i>                               |                |                             |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                                                |                 |                                                 |                |                                                |                 |                                              |                 |                                                |                 |  |  |
| <i>- New premises design and processing fee</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <i>\$95.00</i>                                |                |                             |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                                                |                 |                                                 |                |                                                |                 |                                              |                 |                                                |                 |  |  |
| <i>- Registration/registration renewal fee</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>\$175.00</i>                               |                |                             |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                                                |                 |                                                 |                |                                                |                 |                                              |                 |                                                |                 |  |  |
| <i>- New registration and processing fee</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <i>\$105.00</i>                               |                |                             |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                                                |                 |                                                 |                |                                                |                 |                                              |                 |                                                |                 |  |  |
| <i>- Registration/registration renewal fee</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>\$220.00</i>                               |                |                             |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                               |                 |                                                 |                |                                                |                 |                                                 |                |                                                |                 |                                              |                 |                                                |                 |  |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p><b><u>OM091612-8 BLUEWATER FITNESS CENTRE<br/>MAYOR COMMUNITY INVITATION</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council endorse the proposal to hold a gold coin entry day to the Bluewater Fitness Centre on 21 December 2009 with funds raised being donated to the Colac Salvation Army as a contribution towards food parcels for the 2009 festive season.</i></b></p> |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|

**Recommendation**

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

**MOVED** .....

**SECONDED** .....



OM091612-2

**COLAC OTWAY YOUTH COUNCIL CHARTER**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Katherine Attrill              | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN 00374    |

**Purpose**

The purpose of the report is to provide Council with proposed changes to the Youth Council Charter and seek Council's support for these changes.

**Declaration of Interests**

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

**Background**

Council adopted the original Youth Council Charter in 2001 and the current charter in 2005. The Charter limits the student membership to a maximum of fifteen, three from each of the secondary schools in Colac, Apollo Bay and Lavers Hill.

The Charter provides Youth Council with guidelines to which they are to operate. Specifically the Charter includes objectives, membership, term of appointment, meetings, quorum, officer bearers, administration, financing and insurance.

Youth Council meets twice each month with the exception of the summer school holidays, therefore operating from February to November each year.

**Council Plan / Other Strategies / Policy**

The Youth Council recognises the Colac Otway Shire Council Mission and Values and specifically relates to the Key Result and Objective areas of Community Health and Wellbeing and Leadership and Governance.

The Colac Otway Youth Council Mission Statement:

*"The Colac Otway Youth Council intends to make the Colac Otway district a better place for today's youth and for future generations, by honorably representing the youth within the district, initiating youth projects, enhancing existing youth activities and promoting youth involvement in the community."*

The Youth Council Charter defines their objectives as the following and these are to be retained;

1. *To provide a forum for the Colac Otway Shire Council to consult with and receive advice from youth in order to ensure the provision of a high quality, affordable and flexible youth program.*
2. *To promote and encourage the involvement of youth in the planning, development and implementation of matters associated with young people in the community.*
3. *To ensure that the views of youth are canvassed and conveyed to Council.*
4. *To provide advice to council on appropriate youth programs.*

Health, Recreation and Community Services segment of the Council Plan, with delivery of our vision, mission and values via the provision of "...quality health, recreation and community services by working in partnership with local health, aged care, welfare, youth,

*housing, education providers, sporting groups and employment organisations to promote community wellbeing”.*

### **Issues / Options**

The proposal to change the Charter resulted from discussions held by Youth Council regarding ongoing encouragement for local youth to be involved in Youth Council. There are no specific issues of concern that have driven this proposal but rather identification of the opportunity.

There are two options;

1. To not endorse the proposed changes, which would result in limited youth representation within the Colac Otway Shire to Youth Council.
2. To endorse the proposed changes, which would provide a greater opportunity for participation by Youth within the Colac Otway Shire.

### **Proposal**

Specifically the proposed changes to the Colac Otway Youth Council Charter are;

- Acknowledging that the Colac Secondary College and Colac High have now merged, it is proposed that a minimum of 2 students from Trinity and Colac College each and an extra representative (if requested by an interested individual) per 300 students.
- Acknowledging the logistic barriers for Lavers Hill and Apollo Bay students it is proposed that students from these two Colleges be encouraged to provide input to Youth Council via contact to the Youth Council administration supporter. (This action would depend upon the response from Lavers Hill and Apollo Bay students to participate on Youth Council).
- To provide non student youths with the opportunity to participate on Youth Council. For the purposes of Youth Council youth is defined as 12-25 years and it is proposed that this would be limited to two representatives per year.
- To provide an opportunity for 'home-schooled' youth to participate on Youth Council with a minimum of two representatives per year.
- To allow adult mentors to be voted in by the Youth Council even if not part of a youth focused service within the community.

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

There are no financial implications from the recommendations as the proposed changes only impact the governance structure of the Youth Council and existing budget allocations are considered appropriate.

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

There are no additional risks associated with the recommendations.

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

There are no adverse environmental effects to be considered as a result of the recommendations.

### **Communication Strategy / Consultation**

Consultation has been carried out with members of the 2009 Youth Council and Mentors with regard to these proposed changes.

### **Implementation**

If endorsed by Council it is proposed the changes would be implemented for the 2010 Youth Council.

**Conclusion**

The proposed changes will enable to encourage a wider youth involvement within the Colac Otway Shire.

**Attachments**

1. Youth Council Charter

**Recommendation(s)**

***That Council adopt the revised Youth Council Charter to commence in 2010.***

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Colac Otway Shire Youth Council Charter

1.0 CONSTITUTION OF THE YOUTH COUNCIL

The Colac Otway Youth Council intends to make the Colac Otway District a better place for today's youth and for the future generations, by honourably representing the youth within the district, initiating your projects, enhancing existing youth activities and promoting youth involvement in the community.

2.0 PRELIMINARY

Expectations

Attendance: Youth Council meets twice each month with the exception of the summer school holidays. It is expected the Youth Councillors will send a formal apology by phone or letter to the Shire Offices if they are unable to attend a meeting which should include a brief explanations as to why attendance is not possible. It is expected that Youth Councillors attend a minimum of 15 meeting per year. Leave of absence may be granted under exceptional circumstances.

Performance:

Youth Councillors are expected to take an active role in activities supported or undertaken by Youth Council which are for the benefit of young people or the community.

Confidentiality:

It is expected that all discussions within Youth Council Meetings will remain confidential.

3.0 OBJECTIVES OF THE YOUTH COUNCIL

- 3.1 To provide a forum for the Colac Otway Shire Council to consult with and received advice from youth in order to ensure the provision of high quality, affordable and flexible youth program.
- 3.2 To promote and encourage the involvement of youth in the planning, development and implementation of matters associated with young people in the community.
- 3.3 To ensure that the views of youth are canvasses and conveyed to Council
- 3.4 To provide advice to council on appropriate youth programs.

4.0 MEMBERSHIP

- 4.1 The Youth Council shall be comprise of the following members
- Acknowledging that the Colac Secondary College and Colac High have now merged, it is proposed that a minimum of 2 students from Trinity and Colac College each and an extra representative (if requested by an interested individual) per 300 students.
 - Acknowledging the logistic barriers for Lavers Hill and Apollo Bay students it is proposed that students from these two Colleges be encouraged to provide input to Youth Council via contact to the Youth Council administration supporter. (This action would depend upon the response from Lavers Hill and Apollo Bay students to participate on Youth Council).
 - To provide non student youths with the opportunity to participate on Youth Council. For the purposes of Youth Council youth is defined as 12-25 years and it is proposed that this would be limited to two representatives per year.
 - To provide an opportunity for 'home-schooled' youth to participate on Youth Council with a minimum of two representatives per year.
 - One (1) Councillor (as mentor)
 - One (1) Council Officer (as administrative support)
- 4.2 The Youth Council may invite delegates to attend from other youth focussed service organisations such as CO-PYLiT (Colac Otway Police Youth Liaison Team), South West Alliance and Rural Health Youth Department etc. These appointments would have not voting rights.
- 4.3 To allow adult mentors to be voted in by the Youth Council even if not part of a youth focused service within the community.

5.0 TERM OF APPOINTMENT

- 5.1 Any person appointed to the Youth Council shall hold office for a period of one (1) year.
- 5.2 Any member of the Youth Council may be nominated for subsequent terms.

- 5.3 In the event of a resignation of a Youth Council, the secondary schools will submit the name of one (1) or more persons to the Youth Council for appointment in accordance with the membership clause.
- 5.4 The Youth Council will operate from February to December each year.

6.0 MEETINGS

- 6.1 Meetings must be held not less than once a month. Each formal meeting of the Youth Council must be conducted in accordance with normal meeting procedures.
- 6.2 Failure to attend meeting on three (3) consecutive occasions by a Youth Councillor will result in the automatic loss of membership to the Youth Council a leave of absence is otherwise applied for to Youth Council
- 6.3 A Youth Councillor may apply for a leave of absence.

7.0 QUORUM

- 7.1 A quorum is formed when a simple majority of members of the Youth Council is present at a meeting.
- 7.2 The quorum for Youth Council will be eight (8) in attendance.

8.0 ADMINISTRATION

- 8.1 The Colac Otway Shire will oversee the administration of the Youth Council and may call upon the expertise of other youth organisations within the municipality for assistance.
- 8.2 The Youth Council will be entitled to appoint its own honorary Chief Executive Officer and Finance Manager following an appointment process. These positions will be held for a period of one year to coincide with the term of Youth Council.

9.0 OFFICER BEARERS OF YOUTH COUNCIL

- 9.1 The Youth Council as its first meeting will elect the following office bearers:

- 9.1.1 Chairperson, Deputy Chairperson, treasurer and Minute Taker
- 9.1.2 The duties of the Youth Council Chairperson will be to:
 - a) To Chair all meetings of the Youth Council.
 - b) To act as the liaison person between the Youth Council and the Colac Otway Shire.
 - c) To arrange for an Annual Report of the Youth Council to be prepared for presentation to the Colac Otway Shire Council at the conclusion of each Youth Council term.

10.0 FIANCES

- 10.1 The Youth Council of the Colac Otway shire has delegated authority to expend monies from allocated budget.

11.0 INSURANCES

- 11.1 The Colac Otway Shire Council shall arrange and maintain a portfolio of insurance to cover all possible risks, including a Personal Accident policy for committee members, a Voluntary Worker's Policy and an Indemnity Policy for committee members.

12.0 REVIEW

- 12.1 The Youth Council is required to recommend any changes to the Charter on an annual basis.
- 12.2 All changes to the Charter will be subject to approval of the Colac Otway Shire Council.

**OM091612-3 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 updated the delegation in October to reflect legislative changes and is now required to make further minor amendments.

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 legislative amendments required to the Instrument of Delegation and these changes were made by Council on 28 October 2009.

Further minor amendments required:

- change of title for the *Domestic (Feral and Nuisance) Animals Act 1994* to *Domestic Animals Act 1994* (effective 1/12/09)
- remove the *Health Act 1958* from the Council to Council Staff Delegation and replace with the *Public Health and Wellbeing Act 2008* within the Chief Executive Officer Sub-Delegation to Staff (effective 1/01/2010).

As Council is required to resolve to seal the Instrument, the complete document is attached even though changes are minor.

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 16 December 2009 and a copy placed on the register.

Conclusion

This update provides the latest amendments as required.

Attachments

1. Instrument of Delegation - Council to 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 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**

**16 December 2009**

Deleted: 28 October

S6. Instrument of Delegation -- Members of Staff

### 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.

S6. Instrument of Delegation – Members of Staff

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

S6. Instrument of Delegation – Members of Staff

INDEX

|                                                                                                                 |    |                                |
|-----------------------------------------------------------------------------------------------------------------|----|--------------------------------|
| DOMESTIC ANIMALS ACT 1994.....                                                                                  | 1  | Deleted: (FERAL & NUISANCE)    |
| ENVIRONMENT PROTECTION ACT 1970.....                                                                            | 2  |                                |
| FOOD ACT 1984.....                                                                                              | 3  |                                |
| HERITAGE ACT 1995.....                                                                                          | 6  | Deleted: HEALTH ACT 1958 - 67% |
|                                                                                                                 |    | Deleted: 9                     |
| PLANNING AND ENVIRONMENT ACT 1987.....                                                                          | 7  | Deleted: 10                    |
| PLANNING AND ENVIRONMENT REGULATIONS 2006.....                                                                  | 42 | Deleted: 45                    |
| PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2006.....                                                           | 43 | Deleted: 46                    |
| RAIL SAFETY ACT 2006.....                                                                                       | 44 | Deleted: 7                     |
| RESIDENTIAL TENANCIES ACT 1997.....                                                                             | 48 | Deleted: 48                    |
| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS<br>REGISTRATION AND STANDARDS) REGULATIONS 1999..... | 49 | Deleted: 49                    |
| ROAD MANAGEMENT ACT 2004.....                                                                                   | 48 | Deleted: 51                    |
| ROAD MANAGEMENT (GENERAL) REGULATIONS 2005.....                                                                 | 57 | Deleted: 66                    |
| ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005.....                                                | 60 | Deleted: 62                    |

S6. Instrument of Delegation – Members of Staff

\*

**SCHEDULE**

S6. Instrument of Delegation – Members of Staff

1

Deleted: (FERAL & NUISANCE)

| DOMESTIC ANIMALS ACT 1994 |                                             |          |                                                          |
|---------------------------|---------------------------------------------|----------|----------------------------------------------------------|
| Column 1                  | Column 2                                    | Column 3 | Column 4                                                 |
| PROVISION                 | THING DELEGATED                             | DELEGATE | CONDITIONS AND LIMITATIONS                               |
| s.41A(1)                  | power to declare a dog to be a menacing dog | LLC      | Council may delegate this power to an authorised officer |
|                           |                                             |          |                                                          |
|                           |                                             |          |                                                          |
|                           |                                             |          |                                                          |

Deleted: 28 October

16 December 2009

[MAR: 2004/27/1] S6. Instrument of Delegation - Members of Staff



2

| ENVIRONMENT PROTECTION ACT 1970 |                                                                   |                                          |                                                           |
|---------------------------------|-------------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------|
| Column 1                        | Column 2                                                          | Column 3                                 | Column 4                                                  |
| PROVISION                       | THING DELEGATED                                                   | DELEGATE                                 | CONDITIONS & LIMITATIONS                                  |
| 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 |

Deleat: 28 October

18 December 2009

[MAR. 2264237v] S6. Instrument of Delegation --- Members of Staff

| FOOD ACT 1984 |                                                                                                                                                                                                                                             |                    |                          |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| Column 1      | Column 2                                                                                                                                                                                                                                    | Column 3           | Column 4                 |
| PROVISION     | THINGS DELEGATED                                                                                                                                                                                                                            | DELEGATE           | CONDITIONS & LIMITATIONS |
| s.19(1)       | power to make an order in writing, upon receipt of a report from an authorised officer, directing that food premises be cleared, 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 |                          |

Date last updated: 28 October 2009

18 December 2009

(MAR 2006/02/01) S6: Instrument of Delegation – Members of Staff

| FOOD ACT 1984 |                                                                                                                                                                                              |                    |                                                                          |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------------------------------------------------------|
| Column 1      | Column 2                                                                                                                                                                                     | Column 3           | Column 4                                                                 |
| PROVISION     | THING DELEGATED                                                                                                                                                                              | DELEGATE           | CONDITIONS & LIMITATIONS                                                 |
| 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 |                                                                          |
| 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                                                                                                                                  | MHCS<br>EHC        |                                                                          |

Released: 28 October

16 December 2009

[MAR: 2264237v1] S6. Instrument of Delegation – Members of Staff

5

| FOOD ACT 1984 |                                                                                                                                                                                                                                                                                   |                    |                          |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| Column 1      | Column 2                                                                                                                                                                                                                                                                          | Column 3           | Column 4                 |
| PROVISION     | THING DELEGATED                                                                                                                                                                                                                                                                   | DELEGATE           | CONDITIONS & LIMITATIONS |
| s.40D(1)      | document with any certificate of registration under the <i>Public Health and Wellbeing Act 2008</i><br>power to suspend or revoke the registration of food premises                                                                                                               | EHC<br>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        |                          |

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18 December 2009

[MAR\_256427v1] S6. Instrument of Delegation - Members of Staff

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| HERITAGE ACT 1995 |                                                      |                 |                                                         |
|-------------------|------------------------------------------------------|-----------------|---------------------------------------------------------|
| Column 1          | Column 2                                             | Column 3        | Column 4                                                |
| <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 | G/MSPD          | must obtain Executive Director's written consent first. |

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18 December 2009

[MAR 25 09:27:11] S6. Instrument of Delegation -- Members of Staff

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                     |                                 |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                            | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                                     | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s.4E                              | 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     |                          |

Delegated: 25 October

14 December 2009

(PAR. 2594237v1) S6. Instrument of Delegation – Members of Staff

| Column 1  | Column 2                                                                                                                                                                                                      | Column 3                                  | Column 4                 |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------|
| PROVISION | THING DELEGATED                                                                                                                                                                                               | DELEGATE                                  | CONDITIONS & LIMITATIONS |
| 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 |                          |

Deleted: 16 October

16 December 2009

(MAR: 2004/2/1) 56. Instrument of Delegation – Members of Staff

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                         |                                                  |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                | Column 3                                         | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                         | DELEGATE                                         | CONDITIONS & LIMITATIONS |
| s.14                              | Duties of a Responsible Authority as set out in subsections (a) to (d)                                                                                                  | PCotC<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 to a planning scheme and to exercise any other power under s 19 to a planning scheme | GMSPD<br>PC<br>MPB<br>PLO<br>PA                  |                          |

Revised: 28 October

18 December 2009

[MAR: 2286237 v1] S6. Instrument of Delegation – Members of Staff



| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                      |                                               |                          |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                             | Column 3                                      | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                      | DELEGATE                                      | CONDITIONS & LIMITATIONS |
| 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               |                          |

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18 December 2009

IMAR: 2294237v1| S6. Instrument of Delegation -- Members of Staff

11

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                       |                             |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------|
| Column 1                          | Column 2                                                                                              | Column 3                    | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                       | DELEGATE                    | CONDITIONS & LIMITATIONS |
| 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(1E)               | 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 |                          |

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16 December 2009

IMAR:2264201v1; S6. Instrument of Delegation – Members of Staff

12

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                              |                                 |                                 |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------|
| Column 1                          | Column 2                                                                                                     | Column 3                        | Column 4                        |
| PROVISION                         | THING DELEGATED                                                                                              | DELEGATE                        | CONDITIONS & LIMITATIONS        |
| s.35B(2)                          | duty to give to Minister notice of approval, copy of approved amendment and other documents                  | PC<br>GMSPD<br>PC<br>MPB        | PC<br>GMSPD<br>PC<br>MPB        |
| s.36(2)                           | duty to give notice of approval of amendment                                                                 | PC<br>GMSPD<br>MPB              | PC<br>GMSPD<br>MPB              |
| s.38(5)                           | duty to give notice of revocation of an amendment                                                            | PC<br>GMSPD<br>MPB              | PC<br>GMSPD<br>MPB              |
| s.39                              | function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT | PC<br>GMSPD<br>MPB              | PC<br>GMSPD<br>MPB              |
| s.40(1)                           | function of lodging copy of approved amendment                                                               | PC<br>GMSPD<br>MPB              | PC<br>GMSPD<br>MPB              |
| s.40(1A)                          | duty to lodge prescribed documents and copy of approved amendment with the relevant authorities              | PC<br>GMSPD<br>MPB              | PC<br>GMSPD<br>MPB              |
| s.41                              | duty to make approved amendment available                                                                    | PC<br>GMSPD<br>MPB<br>PA        | PC<br>GMSPD<br>MPB<br>PA        |
| s.42                              | duty to make copy of planning scheme available                                                               | PC<br>GMSPD<br>PLO<br>MPB<br>PA | PC<br>GMSPD<br>PLO<br>MPB<br>PA |

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18 December 2009

[MAR\_26622rv1] S6. Instrument of Delegation – Members of Staff

13

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                        |                             |                          |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                               | Column 3                    | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                        | DELEGATE                    | CONDITIONS & LIMITATIONS |
| 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               | MPB<br>GMSPD<br>PC<br>MPB   |                          |
| s.46O(1)(e) & (2)(e)              | 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   |                          |

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18 December 2009

[MAR: 226-0297v1] S6. Instrument of Delegation - Members of Staff

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                  |                                     |                                                                                                                                                                               |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                                                         | Column 3                            | Column 4                                                                                                                                                                      |
| PROVISION                         | THING DELEGATED                                                                                                                                  | DELEGATE                            | CONDITIONS & LIMITATIONS                                                                                                                                                      |
| 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           | * 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 |
| 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           | * must be done in accordance with Part 3                                                                                                                                      |

Deleted: 29 October

18 December 2009

[MAR\_2264237v1] S6. Instrument of Delegation – Members of Staff

15

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                   |                                                 |                                                                  |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                                                          | Column 3                                        | Column 4                                                         |
| PROVISION                         | THING DELEGATED                                                                                                                                   | DELEGATE                                        | CONDITIONS & LIMITATIONS                                         |
| s.46Q(4)(e)                       | duty to expend that amount on other works etc.                                                                                                    | GMSPD<br>CEO<br>PC<br>MPB                       | with the consent of, and in the manner approved by, the Minister |
| 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                                                                             | PCoC<br>GMSPD<br>GMS<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   |                                                                  |

Deleted: 25 October

16 December 2009

IKAR: 2264237v1, S6, Instrument of Delegation -- Members of Staff

16

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                              |                                 |                                     |
|-----------------------------------|----------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------|
| Column 1                          | Column 2                                                                                     | Column 3                        | Column 4                            |
| <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       |                                     |

Delegated: 28 October

18 December 2009

[MAR: 2064237v1] S6. Instrument of Delegation -- Members of Staff

17

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                               |                                 |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                      | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                               | DELEGATE                        | CONDITIONS & LIMITATIONS |
| 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       |                          |

Revised: 28 October

16 December 2009

(WAR: 0264237/1) S6. Instrument of Delegation – Members of Staff



18

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                         |                                    |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                | Column 3                           | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                         | DELEGATE                           | CONDITIONS & LIMITATIONS |
| 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          |                          |

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18 December 2009

[MAR: 2264237v1] S6. Instrument of Delegation -- Members of Staff

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                |                                 |                          |
|-----------------------------------|------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                       | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                | DELEGATE                        | CONDITIONS & LIMITATIONS |
| 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 under 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 |                          |

Deleted: 28 October

18 December 2009

[MAR: 2004/21/4] S6. Instrument of Delegation -- Members of Staff

20

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                       |                                 |                          |
|-----------------------------------|---------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                              | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                       | DELEGATE                        | CONDITIONS & LIMITATIONS |
| 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       |                          |

Delegated: 28 October

18 December 2009

[MAF: 226-6237v1] S6, Instrument of Delegation --- Members of Staff

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                |                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------|----------------------------------------------------------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                       | Column 3                                  | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PROVISION                         | THING DELEGATED                                                | DELEGATE                                  | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 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                | PCoC<br>GMSPD<br>PC<br>PLO<br>MPB<br>PCoC |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| s.60                              | duty to consider certain matters                               | 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 52.05.</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> |

Released: 26 October

18 December 2009

[MAR\_2009] S6. Instrument of Delegation -- Members of Staff

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                  |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------|------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                         | Column 3                                    | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PROVISION                         | THING DELEGATED                                                  | DELEGATE                                    | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| s6(1A)                            | power to consider certain matters before deciding on application | PCofC<br>GMSPD<br>PC<br>PLO<br>MPB<br>PCofC |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| s.61(1)(a)                        | power to decide to grant a permit                                | 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.</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> |

Deleted: 28 October

[M4R: 226-423-v1] S6. Instrument of Delegation -- Members of Staff

18 December 2009

23

| PLANNING AND ENVIRONMENT ACT 1987 |                                                   |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------|---------------------------------------------------|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                          | Column 3                           | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| PROVISION                         | THING DELEGATED                                   | DELEGATE                           | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| s 51(1)(b)                        | power to decide to grant a permit with conditions | PCofC<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> |

Deleted: 25 October

[MAR: 2264237v1] S6. Instrument of Delegation – Members of Staff

18 December 2009

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                             |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------|---------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                    | Column 3                        | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| PROVISION                         | THING DELEGATED                                                                             | DELEGATE                        | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 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.</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     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

Deleted: 21 October

18 December 2009

[MAR. 22/02/11] S6. Instrument of Delegation -- Members of Staff

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                   |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------|-------------------------------------------------------------------|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                          | Column 3                               | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| PROVISION                         | THING DELEGATED                                                   | DELEGATE                               | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| s.61(3)(b)                        | duty to refuse to grant the permit without the Minister's consent | P/CoFC<br>GMSPD<br>PC<br>MPB<br>P/CoFC |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| s.62(1)                           | duty to include certain conditions in deciding to grant a permit  | GMSPD<br>PC<br>PLO<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> <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                                 | P/CoFC<br>GMSPD<br>PC<br>PLO<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</li> </ul>                                                                                                                                                                                                                                                                                                                        |

Deleted: 24 October

\\MAR-2264237.v1\ S6. Instrument of Delegation -- Members of Staff

16 December 2009



| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                             |                                               |                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                                                    | Column 3                                      | Column 4                                                                                                                                                                                                                                                                                                                                                                                         |
| PROVISION                         | THING DELEGATED                                                                                                                             | DELEGATE                                      | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                         |
| s.62(5)(a)                        | power to include a permit condition to implement an approved development contributions plan                                                 | P/CoIC<br>GMSPD<br>PC<br>PLC<br>MPB<br>P/CoIC | <p>pursuant to Clause 52.06,<br/>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)(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 | GMSPD<br>PC<br>P/CoIC<br>PLC<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,<br/>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>                                                   |

Deleted: 25 October

16 December 2009

PAR: 24643761 \$6. Instrument of Delegation -- Members of Staff

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                                |                                    |                                                                                                                                                                                                                |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                                                                                                       | Column 3                           | Column 4                                                                                                                                                                                                       |
| PROVISION                         | THING DELEGATED                                                                                                                                                                                | DELEGATE                           | CONDITIONS & LIMITATIONS                                                                                                                                                                                       |
| s.62(5)(c)                        | power to include a permit condition that specified works be provided or paid for by the applicant                                                                                              | PCoIC<br>GMSPD<br>PC<br>PLO<br>MPB | <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 effect on the broader community</li> </ul> |
| 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 s.46N                                                                | PCoIC<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) | PCoIC<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          |                                                                                                                                                                                                                |

Deleted: 28 October

16 December 2009

[MAR: 226-42874] S6. Instrument of Delegation -- Members of Staff

26

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                |                                 |                          |
|-----------------------------------|--------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                                       | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                | DELEGATE                        | CONDITIONS & LIMITATIONS |
| 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 |                          |

Delegated 25 October

16 December 2009

[MAR: 226x237v1] S6. Instrument of Delegation – Members of Staff

29

| PLANNING AND ENVIRONMENT ACT 1987 |                                                           |                                    |                          |
|-----------------------------------|-----------------------------------------------------------|------------------------------------|--------------------------|
| Column 1                          | Column 2                                                  | Column 3                           | Column 4                 |
| PROVISION                         | THING DELEGATED                                           | DELEGATE                           | CONDITIONS & LIMITATIONS |
| s.69(2)                           | power to extend time                                      | PCoIC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
| s.70                              | duty to make copy permit available for inspection         | GMSPD<br>PC<br>FLO<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>FLO<br>PA<br>MPB    |                          |
| s.73                              | power to decide to grant amendment subject to conditions  | PCoIC<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          |                          |

Deceased 28 October

PAR: 210423771 S5. Instrument of Delegation -- Members of Staff

16 December 2009

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                           |                                 |                                                                                                                                           |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                  | Column 3                        | Column 4                                                                                                                                  |
| PROVISION                         | THING DELEGATED                                                                                           | DELEGATE                        | CONDITIONS & LIMITATIONS                                                                                                                  |
| 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 | GMSPD<br>PC<br>MPB<br>PCoC      | Save where the proposed use and/or development.<br>• Does not provide the required amount of car parking spaces pursuant to Clause 52.06. |

Released: 28 October

[MAR 2004/27/01] S6. Instrument of Delegation – Members of Staff

16 December 2009

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                       |                           |                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                                              | Column 3                  | Column 4                                                                                                                                                                                                                                                                                                                                                              |
| PROVISION                         | THING DELEGATED                                                                                                                       | DELEGATE                  | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                              |
|                                   |                                                                                                                                       |                           | <p>Colac Oway Planning Schema.</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> </ul> <p>Save where the application may have an effect on the broader community</p> |
| 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.94(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        |                                                                                                                                                                                                                                                                                                                                                                       |

Delebat: 28 October  
2009

18 December 2009

[MAR: 2284237v1] S6. Instrument of Delegation – Members of Staff

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                            |                           |                          |
|-----------------------------------|------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                   | Column 3                  | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                            | DELEGATE                  | CONDITIONS & LIMITATIONS |
| 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 |                          |

Deleted: 28 October

18 December 2009

[MAR: 2884237v1] S6. Instrument of Delegation – Members of Staff

| PLANNING AND ENVIRONMENT ACT 1967 |                                                                                                                                                                                                                                                                        |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                                                                                                                                                                               | Column 3                    | Column 4                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| PROVISION                         | THING DELEGATED                                                                                                                                                                                                                                                        | DELEGATE                    | CONDITIONS & LIMITATIONS                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 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) | PCoIC<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.</li> <li>* 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> |

Deleat: 28 October

[MAR, 2264237v1], S6. Instrument of Delegation -- Members of Staff

18 December 2009



| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                             |                           |                                                                         |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------------------------------------------------------------------|
| Column 1                          | Column 2                                                                                                                    | Column 3                  | Column 4                                                                |
| PROVISION                         | THING DELEGATED                                                                                                             | DELEGATE                  | CONDITIONS & LIMITATIONS                                                |
|                                   |                                                                                                                             |                           | * Or where the application may have an affect on the broader community. |
| 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 |                                                                         |

Revised: 28 October

16 December 2009

[MAR: 2284237v1] S6. Instrument of Delegation – Members of Staff

35

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                           |                                         |                          |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                  | Column 3                                | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                           | DELEGATE                                | CONDITIONS & LIMITATIONS |
| 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.97F(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               |                          |

Released: 28 October

16 December 2009

(MAR, 2564237v1) S6. Instrument of Delegation -- Members of Staff

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                               |                                                |                          |
|-----------------------------------|-----------------------------------------------------------------------------------------------|------------------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                      | Column 3                                       | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                               | DELEGATE                                       | CONDITIONS & LIMITATIONS |
| 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.96(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>MPB                                   |                          |
| s. 103                            | power to reject a claim for compensation in certain circumstances                             | PC<br>CofC<br>GMSPD<br>MPB                     |                          |
| s. 107                            | function of receiving claim for compensation                                                  | GMSPD                                          |                          |
| s. 114(1)                         | power to apply to the VCAT for an enforcement order                                           | MPB<br>GMSPD<br>PC                             |                          |
| s. 117(1)(a)                      | function of making a submission to the VCAT where objections are received                     | MPB<br>GMSPD<br>PC<br>PLO<br>EP<br>MPB<br>MECS |                          |

Deleted: 25 October

18 December 2009

[MAR: 200427v1] S6. Instrument of Delegation -- Members of Staff

37

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                       |                           |                          |
|-----------------------------------|---------------------------------------------------------------------------------------|---------------------------|--------------------------|
| Column 1                          | Column 2                                                                              | Column 3                  | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                       | DELEGATE                  | CONDITIONS & LIMITATIONS |
| 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. 143A(1)                        | power to refer a matter to the VCAT for determination                                 | GMSPD<br>PC<br>MPB        |                          |

Deleted: 21 October

14 December 2009

(MAR: 2064374) S6. Instrument of Delegation – Members of Staff

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                                                                                                                                                                                                                               |                                  |                                                   |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------|
| Column 1                          | Column 2                                                                                                                                                                                                                                                                                                                                                                                      | Column 3                         | Column 4                                          |
| PROVISION                         | THING DELEGATED                                                                                                                                                                                                                                                                                                                                                                               | DELEGATE                         | CONDITIONS & LIMITATIONS                          |
| 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                                                                                                                                                                                                                                                                                                                                                          | PCoCo<br>GMSPD<br>PC<br>MPB      |                                                   |
| s.173                             | power to enter into agreement covering matters set out in s.174                                                                                                                                                                                                                                                                                                                               | GMSPD<br>PC                      |                                                   |
| ---                               | 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                                                                                                                                               | MPB<br>GMSPD<br>PC<br>PLO<br>MPB |                                                   |

Released: 26 October

18 December 2009

[MAR 206437v1] S6. Instrument of Delegation – Members of Staff

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                                                                                                       |                             |                          |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                                                                                                              | Column 3                    | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                                                                                                       | DELEGATE                    | CONDITIONS & LIMITATIONS |
| ---                               | 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                                                                                                                                                                                                      | PCoIC<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   |                          |

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18 December 2009

[MAR: 206423741] S6. Instrument of Delegation – Members of Staff

40

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                        |                                 |                          |
|-----------------------------------|------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                          | Column 2                                                               | Column 3                        | Column 4                 |
| PROVISION                         | THING DELEGATED                                                        | DELEGATE                        | CONDITIONS & LIMITATIONS |
| s. 182                            | power to enforce an agreement                                          | GMSPD<br>PC<br>PLO<br>MPB       |                          |
| s. 183                            | duty to call 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       |                          |

Delegated to Council

(MAB: 2264237v1) S6. Instrument of Delegation – Members of Staff

18 December 2009

| PLANNING AND ENVIRONMENT ACT 1987 |                                                                                                                                                       |                                    |                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------------|
| Column 1                          | Column 2                                                                                                                                              | Column 3                           | Column 4                 |
| PROVISION                         | THING DELEGATED                                                                                                                                       | DELEGATE                           | CONDITIONS & LIMITATIONS |
|                                   | 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         | PCoIC<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. | PCoIC<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 | PCoIC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |
|                                   | power to give written authorisation in accordance with a provision of a planning scheme                                                               | PCoIC<br>GMSPD<br>PC<br>PLO<br>MPB |                          |

Delegated to Council

18 December 2009

(MAR-2284237v1) S6. Instrument of Delegation -- Members of Staff



42

| PLANNING AND ENVIRONMENT REGULATIONS 2005 |                                                                                                                                                                                                                                                                                 |                                 |                          |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------|
| Column 1                                  | Column 2                                                                                                                                                                                                                                                                        | Column 3                        | Column 4                 |
| PROVISION                                 | THING DELEGATED                                                                                                                                                                                                                                                                 | DELEGATE                        | CONDITIONS & LIMITATIONS |
| 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 |                          |

Revised: 28 October

18 December 2009

INFR 2264237v1 | S6. Instrument of Delegation – Members of Staff

43

| PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2000 |                                                                                                                   |                    |                          |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| Column 1                                         | Column 2                                                                                                          | Column 3           | Column 4                 |
| PROVISION                                        | THING DELEGATED                                                                                                   | DELEGATE           | CONDITIONS & LIMITATIONS |
| r.13(1)                                          | power to waive or rebate fee in prescribed circumstances                                                          | GMSFD<br>PC<br>MPB |                          |
| r.13(2)                                          | power to waive or rebate fee for amendment to a planning scheme in prescribed circumstances                       | GMSFD<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 | GMSFD<br>PC<br>MPB |                          |

Deleted: 28 October

18 December 2009

[MAR: 226+237+1] S6. Instrument of Delegation – Members of Staff

44

| RAIL SAFETY ACT 2006 |                                                                                                                                                |             |                                        |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------------------------|
| Column 1             | Column 2                                                                                                                                       | Column 3    | Column 4                               |
| PROVISION            | THING DELEGATED                                                                                                                                | DELEGATE    | CONDITIONS & LIMITATIONS               |
| 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 |

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18 December 2009

[MAR, 2264237v1] S6. Instrument of Delegation – Members of Staff

45

| RESIDENTIAL TENANCIES ACT 1997 |                                                                                                      |          |                          |
|--------------------------------|------------------------------------------------------------------------------------------------------|----------|--------------------------|
| Column 1                       | Column 2                                                                                             | Column 3 | Column 4                 |
| PROVISION                      | THING DELEGATED                                                                                      | DELEGATE | CONDITIONS & LIMITATIONS |
| 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.526(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      |                          |

Deleted: 23 October

18 December 2009

[MAR 26 04:27:11] S6: Instrument of Delegation – Members of Staff

46

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 1999 |                                                                                                                                                                                                     |                                     |                          |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| Column 1                                                                                                | Column 2                                                                                                                                                                                            | Column 3                            | Column 4                 |
| PROVISION                                                                                               | THING DELEGATED                                                                                                                                                                                     | DELEGATE                            | CONDITIONS & LIMITATIONS |
| 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                         |                          |
| r.11                                                                                                    | power to grant transfer of registration and duty to cause current certificate of registration to be endorsed                                                                                        | EHO<br>MHCS                         |                          |
| r.13                                                                                                    | keep a register of caravan parks                                                                                                                                                                    | EHC<br>MHCS                         |                          |
| r.14(3)                                                                                                 | approve place for display of certificate and other documents                                                                                                                                        | EHC<br>MHCS                         |                          |
| r.20                                                                                                    | determine a lesser time for notification of details of intended installation                                                                                                                        | EHC<br>MHCS                         |                          |
| r.33                                                                                                    | power to form view that refuse receptacles are sufficient and clean                                                                                                                                 | EHC<br>MHCS                         |                          |
| r.34                                                                                                    | power to form view that refuse is disposed of adequately                                                                                                                                            | EHC<br>MHCS                         |                          |
| 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 |                          |

Deleted: 18 October

[MAR\_2264237v1] S6 Instrument of Delegation – Members of Staff

18 December 2009

47

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 1999 |                                                                                             |                                    |                          |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|------------------------------------|--------------------------|
| Column 1                                                                                                | Column 2                                                                                    | Column 3                           | Column 4                 |
| PROVISION                                                                                               | THING DELEGATED                                                                             | DELEGATE                           | CONDITIONS & LIMITATIONS |
| 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 annex 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  |                          |

Deleted: 28 October

18 December 2009

[MAR: 2264237v1] S6. Instrument of Delegation – Members of Staff

| ROAD MANAGEMENT ACT 2004 |                                                                                              |                    |                                                                                                                                                                                                             |
|--------------------------|----------------------------------------------------------------------------------------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                     | Column 3           | Column 4                                                                                                                                                                                                    |
| PROVISION                | THING DELEGATED                                                                              | DELEGATE           | CONDITIONS & LIMITATIONS                                                                                                                                                                                    |
| 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 co-ordinating road authority where it is the discontinuing body                                                                                                                                    |
| s.12(5)                  | duty to consider written submissions received within 28 days of notice                       | GMIS<br>MSA        | <ul style="list-style-type: none"> <li>- unless subsection (1) applies</li> <li>duty of co-ordinating road authority where it is the discontinuing body</li> <li>- unless subsection (1) applies</li> </ul> |
| s.12(6)                  | function of hearing a person in support of their written submission                          | GMIS<br>MSA        | <ul style="list-style-type: none"> <li>function of co-ordinating road authority where it is the discontinuing body</li> <li>- unless subsection (1) applies</li> </ul>                                      |

Revised: 28 October

18 December 2009

(MAR: 266-27-v1) S6. Instrument of Delegation – Members of Staff

49

| ROAD MANAGEMENT ACT 2004 |                                                                                                                                                                                                                                           |             |                                                                                                                                                                      |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                                                                                                                                                                  | Column 3    | Column 4                                                                                                                                                             |
| PROVISION                | THING DELEGATED                                                                                                                                                                                                                           | DELEGATE    | CONDITIONS & LIMITATIONS                                                                                                                                             |
| 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                                                                                              |
| s12(10)                  | duty to notify of decision made                                                                                                                                                                                                           | GMIS<br>MSA | unless subsection (1) applies<br>duty of coordinating road authority<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 |                                                                                                                                                                      |

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Deleted: 28 October

[MAR: 2266237v1] S6. Instrument of Delegation – Members of Staff

16 December 2009



50

| ROAD MANAGEMENT ACT 2004 |                                                                                                     |             |                                                                                               |
|--------------------------|-----------------------------------------------------------------------------------------------------|-------------|-----------------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                            | Column 3    | Column 4                                                                                      |
| PROVISION                | THING DELEGATED                                                                                     | DELEGATE    | CONDITIONS & LIMITATIONS                                                                      |
| 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 inspection                             | GMIS<br>MSA |                                                                                               |

Deleted: 18 October

[MAR: 226237v1] S6. Instrument of Delegation – Members of Staff

14 December 2009

| ROAD MANAGEMENT ACT 2004 |                                                                                                                                                                                         |                    |                                                                                                |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                                                                                                                | Column 3           | Column 4                                                                                       |
| PROVISION                | THING DELEGATED                                                                                                                                                                         | DELEGATE           | CONDITIONS & LIMITATIONS                                                                       |
| 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 |                                                                                                |
| s.42(1)                  | power to declare a public road as a controlled access road                                                                                                                              | GMIS               | power of coordinating road authority and Schedule 2 also applies                               |
| s.42(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        | - 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                    |
| s.53(2)                  | power to cause notice to be published in Government Gazette of                                                                                                                          | GMIS               |                                                                                                |

Deleted: 28 October

15 December 2009

[MAR: 2004(17v1) S6: Instrument of Delegation -- Members of Staff

52

| ROAD MANAGEMENT ACT 2004 |                                                                                                    |                        |                                                 |
|--------------------------|----------------------------------------------------------------------------------------------------|------------------------|-------------------------------------------------|
| Column 1                 | Column 2                                                                                           | Column 3               | Column 4                                        |
| PROVISION                | THING DELEGATED                                                                                    | DELEGATE               | CONDITIONS & LIMITATIONS                        |
|                          | amendment etc of document in road management plan                                                  | 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 |                                                 |
| s66                      | duty to keep register re s65 matters                                                               | GMIS                   |                                                 |

Deleted: 28 October

16 December 2009

[MAR: 2264217v] S8. Instrument of Delegation -- Members of Staff

53

| ROAD MANAGEMENT ACT 2004   |                                                                                                                                                    |                    |                                                 |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------------------|
| Column 1                   | Column 2                                                                                                                                           | Column 3           | Column 4                                        |
| PROVISION                  | THING DELEGATED                                                                                                                                    | DELEGATE           | CONDITIONS & LIMITATIONS                        |
| s67(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               |                                                 |
| Schedule 7,<br>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 |

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10 December 2009

[MAR: 2004/2014] S6: Instrument of Delegation --- Members of Staff

54

| ROAD MANAGEMENT ACT 2004 |                                                                                                                                                                                                                                                                                                    |                    |                                                                                         |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------|
| Column 1                 | Column 2                                                                                                                                                                                                                                                                                           | Column 3           | Column 4                                                                                |
| PROVISION                | THING DELEGATED                                                                                                                                                                                                                                                                                    | DELEGATE           | CONDITIONS & LIMITATIONS                                                                |
| 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                                         |
| Schedule 7, Clause 12(2) | power to direct infrastructure manager or works manager to conduct reinstatement works                                                                                                                                                                                                             | GMIS               | power of coordinating road authority                                                    |
| Schedule 7, Clause 12(3) | power to take measures to ensure reinstatement works are completed                                                                                                                                                                                                                                 | GMIS<br>MCW<br>MSA | power of coordinating road authority                                                    |

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18 December 2009

[MAR: 22642374] S6. Instrument of Delegation -- Members of Staff

55

| ROAD MANAGEMENT ACT 2004    |                                                                                                                                       |                            |                                      |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------|
| Column 1                    | Column 2                                                                                                                              | Column 3                   | Column 4                             |
| PROVISION                   | THING DELEGATED                                                                                                                       | DELEGATE                   | CONDITIONS & LIMITATIONS             |
| 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<br>Clause 17(2)  | power to refuse to give consent                                                                                                       | GMIS                       | power of coordinating road authority |
| Schedule 7<br>Clause 18(1)  | power to enter into an agreement                                                                                                      | GMIS<br>MCW<br>MSA         | power of coordinating road authority |
| Schedule 7                  | power to give notice requiring rectification of works                                                                                 | GMIS                       | power of coordinating road authority |

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16 December 2009

MAR: 228-257M1 S6. Instrument of Delegation -- Members of Staff

56

| ROAD MANAGEMENT ACT 2004      |                                                                                                                                           |                   |                                                                                                                                                                      |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Column 1                      | Column 2                                                                                                                                  | Column 3          | Column 4                                                                                                                                                             |
| PROVISION                     | THING DELEGATED                                                                                                                           | DELEGATE          | CONDITIONS & LIMITATIONS                                                                                                                                             |
| Clause 19(1)                  |                                                                                                                                           | MSA<br>MCW        |                                                                                                                                                                      |
| Schedule 7<br>Clause 20(1)    | power to require removal, relocation, replacement or upgrades 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). |

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16 December 2009

| ROAD MANAGEMENT (GENERAL) REGULATIONS 2005 |                                                                                                                                           |             |                                      |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------|
| Column 1                                   | Column 2                                                                                                                                  | Column 3    | Column 4                             |
| PROVISION                                  | THING DELEGATED                                                                                                                           | DELEGATE    | CONDITIONS & LIMITATIONS             |
| 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  |
| r.509(2)                                   | power to sell or destroy things removed from road or part of                                                                              | GMIS<br>LLC | power of responsible road authority  |

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15 December 2009

[MAR: 226-237-v1] S6 Instrument of Delegation - Members of Staff



58

| ROAD MANAGEMENT (GENERAL) REGULATIONS 2005 |                                                                                                                           |                 |                                     |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------------------------|
| Column 1                                   | Column 2                                                                                                                  | Column 3        | Column 4                            |
| <b>PROVISION</b>                           | <b>THING DELEGATED</b>                                                                                                    | <b>DELEGATE</b> | <b>CONDITIONS &amp; LIMITATIONS</b> |
| r.509(4)                                   | road (after first complying with r.509(3)<br>power to recover in the Magistrates' Court, expenses from person responsible | GMIS<br>LLC     |                                     |

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16 December 2009

[[WA: 226427v1] S6: Instrument of Delegation – Members of Staff

59

| ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005 |                                                                                                                                                                                         |            |                                      |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------------------------------|
| Column 1                                                    | Column 2                                                                                                                                                                                | Column 3   | Column 4                             |
| PROVISION                                                   | THING DELEGATED                                                                                                                                                                         | DELEGATE   | CONDITIONS & LIMITATIONS             |
| 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 | GMS<br>MCW | power of coordinating road authority |
| r. 18(2)                                                    | power to waive whole or part of fee in certain circumstances                                                                                                                            | GMS        | power of coordinating road authority |

Deleted: 28 October

18 December 2009

[MAR: 228\227\1] S6. Instrument of Delegation – Members of Staff

**OM091612-4 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 two policies/documents that have been considered by the Audit Committee and recommended to be approved by Council and a revised Council Property Leasing Policy.

**Declaration of Interests**

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

**Background**

Two documents have recently been reviewed by Council's Audit Committee:

- Audit Charter (part of Internal Audit Policy)
- Risk Management Policy

The Audit Committee has recommended to Council that it consider and adopt the revised policies.

A further policy has been reviewed – "Council Property Leasing Policy". Council has previously reviewed the policy but were waiting on clarification before the adoption of the policy.

Council has so far reviewed and adopted a number of policies at the meetings held on 28 October 2009 and 25 November 2009.

**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**

Changes to Policies:

Internal Audit Policy (Audit Charter)

The Audit Charter was adopted in October 2009. Since then the Audit Committee has considered a revised Audit Charter which forms part of the policy. The changes to the Charter have been made to part 4 of the document.

The other sections in the Charter:

- Section 1 Purpose
- Section 2 Authority
- Section 3 Organisation
- Section 5 Reporting
- Section 6 Review

have not changed.

The changes made to Section 4 are extensive and are based on the Best Practice Guide for Audit Committees.

The Guide was developed in 2001 by the:

- Institute of Internal Auditors – Australia;
- Australian Institute of Company Directors; and
- Australian Accounting Research Foundation.

#### Risk Management Policy

Extensive changes have been made to the policy. Summary of changes:

- Addition of a statement of compliance
- Council Plan reference
- Updated definitions
- Extension to Part 6 – Risk Management Requirements
- Review of Section 7 – Responsibility. Includes the addition of other officers
- Addition of Section 11 Related Documents

The current policy has a Risk Management Strategy section. Parts of the Strategy have been included in the revised Risk Management Policy.

#### Council Property Leasing Policy

The revised Policy replaces the current *“Rental of Community Assets Policy”*. The policy has been changed throughout.

As the Policy has been significantly revised and may impact on a number of organisations and individuals it is suggested that the policy is put out for public consultation.

#### **Proposal**

It is proposed that Council adopts the two revised policies:

- Policy No 7.3 - Risk Management Policy
- Policy No 16.1 – Internal Audit Policy

and resolves to put Policy No. 4.2 – Council Property Leasing Policy out for public consultation.

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

There are no direct financial implications in relation to the adoption of the review of the Council policies. Separate decisions will be made as part of Budget discussions as to the level of resources allocated to the Audit processes.

**Risk Management & Compliance Issues**

The policies have been reviewed based on appropriate legislation.

**Environmental and Climate Change Considerations**

No environmental considerations are applicable.

**Communication Strategy / Consultation**

The policies have been through a comprehensive consultation process in their development.

Two of the policies have been considered by the Audit Committee. As the two policies are revised policies, they are not required to go out for public consultation.

The Council Property Leasing Policy has been reviewed internally by Councillors and Executive. The policy was also forwarded to appropriate managers for comment.

It is proposed that the policy is put out for comment from users of Council facilities and the public. Due to the Christmas/New Year period it is suggested that the period of consultation be until Friday 5 February 2010.

**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.

With respect to the Council Property Leasing Policy an advertisement will be placed in the local paper and a copy of the policy forwarded to Lessees of Council facilities for comment.

**Conclusion**

A comprehensive review of Council policies is continuing.

Two policies that have been recommended for adoption have been considered by the Audit Committee and the Council Property Leasing Policy is recommended to be put out for public submissions.

**Attachments**

1. Policy No 16.1 - Internal Audit Policy
2. Policy No 7.3 - Risk Management Policy
3. Policy No 4.2 - Council Property Leasing Policy

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

1. ***Adopt the following revised policies:***
  - ***Policy No 7.3 – Risk Management Policy***
  - ***Policy No 16.1 – Internal Audit Policy***
2. ***Endorse the draft Policy No. 4.2 - Council Property Leasing Policy for public comment. Public comments to be received until Friday 5 February 2010.***

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INTERNAL AUDIT POLICY

Policy No: 16.1

Date Adopted: 28/10/09

File No: GEN01688

Revised: 16/12/09

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 community’s 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).

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

December 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.



RISK MANAGEMENT POLICY

Policy No: 7.3
Date Adopted: 28/3/2007
File No: GEN01688
Date Revised:

Table of Contents

| | |
|---|-----------|
| 1. INTRODUCTION..... | 3 |
| POLICY STATEMENT | 3 |
| STATEMENT OF COMMITMENT | 3 |
| 2. POLICY PRINCIPLES..... | 3 |
| 3. RELATIONSHIP WITH COUNCIL PLAN | 4 |
| 5. SCOPE | 4 |
| 6. RISK MANAGEMENT REQUIREMENTS..... | 5 |
| 7. RESPONSIBILITY | 5 |
| 8. DISSEMINATION AND REVIEW..... | 10 |
| 9. PERFORMANCE REVIEW | 10 |
| 10. RISK REGISTER/RISK MANAGEMENT PROCESS..... | 10 |
| 11. RELATED DOCUMENTS..... | 10 |

1. INTRODUCTION

Policy Statement

Colac Otway Shire Council recognises that it is responsible and accountable for the management of risk as far as practicable at both corporate and community levels.

Council works in co-operation and consultation with employees to:

- Ensure ongoing active prevention of injury or illness to any person;
- Minimise or prevent risk and liability to Council; and
- Minimise damage or loss of any property.

Council provides a safe and healthy working environment for all employees and others involved with its activities and facilities.

Council acknowledges its corporate, financial and legal responsibility to effectively manage risks in all areas of its business activities. As far as is reasonably practicable Council will ensure that the organisation's operations do not place people, property or the environment at unacceptable levels of risk or harm.

Council is accountable for the property and assets under its control. This includes, but is not restricted to, observing procedures agreed between management and employees. Contractors and committees will observe and also adhere to all relevant statements contained within this policy.

Council's programs include strategic and economic development; managing Council's Infrastructure and the natural environment, providing community development and support services, quality management and customer service.

Statement Of Commitment

The major risk for most organisations is that they fail to achieve their strategic, business or project objectives, or are perceived to have failed by their stakeholders. The Colac Otway Shire is committed to managing this risk by logically and systematically identifying, analysing, evaluating, treating, monitoring and communicating all risks that directly or indirectly impact on the Council's ability to achieve the vision and strategic objectives outlined in the Council Plan.

Council believes that good Risk Management is essential for the successful implementation of the Council Plan, as it:

- Facilitates innovation, cooperation and the sharing of resources.
- Enhances the development and delivery of Council programs.
- Supports the Council's key values and ethics.
- Encourages a closer working partnership between the Council and the community.
- Ensures consultation with all Stakeholders on key issues.
- Encourages a proactive approach to problem solving.

2. POLICY PRINCIPLES

The principles of the policy are to:

- Identify and analyse Council's liability associated with risk;
- Identify, evaluate and prioritise the Council's risk associated opportunities and threats, with a view to:
 - Exploiting opportunities; and

- Reducing, mitigating, transferring or eliminating threats.
- Promote and support risk management processes throughout the Colac Otway Shire;
- Encourage the identification and reporting of potential risks;
- Implement processes to reduce risk and eliminate high risk activities;
- Recognise that successful risk management relies on input from ALL employees;
- Allow for more effective allocation and use of resources;
- Provide a basis for higher standards of accountability;
- Protect Council's corporate image as a professional, responsible and ethical organisation; and
- Implement key actions in minimising risk exposure.

3. RELATIONSHIP WITH COUNCIL PLAN

The management of risk is integral to achieving Council's mission as outlined in its Council Plan. The Shire's values of Respect, Integrity, Goodwill, Honesty and Trust have relevance to the Risk Management Policy. A strategy under the Leadership and Governance objective is "Continuously improve operational systems, processes and minimise risk".

4. DEFINITIONS

Definitions as per **AS ISO/IS 31000**:

Risk is the effect of uncertainties on objectives. The "effect" of the uncertainty is any deviation from the expected and can be positive or negative. The objective could be related to finance, health & safety or environmental and could impact on different levels of the organisation (Strategic, Operational or Project based etc).

Exposure is the extent to which an organisation and/or stakeholder is subject to an event.

Risk Management is the co-ordinated activities to direct and control an organisation with regard to risk.

Hazard is a source of potential harm.

Event is an occurrence or change of a particular set of circumstances.

Likelihood is the chance of something happening.

Consequence is the outcome of an event affecting objectives.

5. SCOPE

This policy includes all services and functional areas of the organisation, including contractors and consultants and at all levels of the organisation.

The policy encompasses risk management principles pertaining to all classes of risk and will be implemented across all sectors of the organisation. It requires a consistent, proactive and systematic approach to risk management at all levels of Council and council activities.

In order to manage risks in accordance with best practice, Council should comply with the requirements of **ISO/IS 31000, Risk Management – Principles and Guidelines** as well as Council's established ethical standards, values, policies, procedures and business practices.

6. RISK MANAGEMENT REQUIREMENTS

Risk Management shall be a consideration in all Council decision making processes. In accordance with its common law 'duty of care', statutory responsibilities and Council Policy, Council will ensure that resources are allocated to:

- Minimise Council's exposure to loss and litigation;
- Protect and enhance Council's Reputation;
- Protect Council's financial and physical assets;
- Implement employee health and safety programs;
- Capitalise on opportunities;
- Identify and manage risks which may cause loss or liability to Council; and
- Educate staff & Council to ensure there is a firm understanding of the principles associated with Enterprise Risk Management.

Maximum benefit is derived from the risk management processes through the:

- Commitment of Council and the Executive Management Team to risk management;
- Analysis of both external and internal risks;
- Establishment of risk management responsibilities throughout the Council;
- Communication throughout Council about risk;
- Regular monitoring and reporting on processes established to manage risk to the Risk Management Committee, to the Chief Executive Officer and the Audit Committee; and
- Integrating of risk management into the business planning process.

This will be achieved through the implementation of a risk management process, which is designed to identify significant risk exposures and find acceptable solutions for eliminating, reducing or transferring them.

7. RESPONSIBILITY

Management and Staff are to be familiar and competent in the application of Council's Risk Management Policy and be accountable for adherence to the policy within their areas of responsibility.

Council is responsible for adopting a Risk Management Policy and ensuring there is adequate budgetary provision for the implementation and maintenance of this policy.

The Audit Committee is responsible for:

- assisting the co-ordination of relevant activities of management, achieving the overall objectives of Council in an efficient and effective manner, including:
 - acting as an advisory of Council, to assist in discharging Council's responsibilities as they relate to the organisation's accounting policies, management systems, internal controls and financial reporting;
 - maintaining an efficient and effective external and internal audit processes;
 - assisting Council in managing its risk; and
 - reviewing compliance process with legislation.

Internal Audit is essential to the management of financial risk. The Council's Audit Committee is separately constituted by the Council and is strategically linked to the Risk Management Committee through the attendance of staff at both committees.

Risk Management Committee is responsible for:

- Ensuring Council's Risk Management practices operate within the framework provided by AS/ISO 31000 Risk Management – Principles and Guidelines, legislation and Council policy.
- Reviewing Council's Risk Management Policy and procedure by 30 November each year.
- Providing advice and assist management and staff in the management of risk within their areas of responsibility.
- Monitoring Risk Trends
- Supporting risk management awareness training throughout the Council.
- Reporting to the Executive Management Team on a quarterly basis.
- Providing an Action Progress Report to the Audit Committee on a quarterly basis.
- Reporting progress to Executive after each meeting.

Risk Management Committee Composition

The Risk Management Committee will be comprised of individuals selected to ensure coverage of the Council's key risk areas, as identified by our insurers. Broadly, these risk areas are:

- Physical Assets
- Recreation / Open Space
- Corporate Governance
- Human Services
- Fiduciary Control
- Information Management
- Planning and Compliance
- Operations
- Contract Management

Representation on the Committee will be at the management level and will be chaired and convened by the Risk Management Coordinator. The members of the Committee will be:

- Risk Services Officer
- Manager Organisation Support and Development
- Manager Sustainable Assets
- Manager Cosworks
- Manager Health & Community Services
- General Manager Corporate & Community Services
- Manager Recreation, Arts and Culture
- Senior Accountant
- Manager Planning and Building

Chief Executive Officer is responsible for:

- Understanding the principles of Risk Management, including their application to resource conservation and incident/claim reduction.
- Ensuring that the Council meets its "duty of care" to all staff and the general public and protects its assets and operations through:
 - Education.
 - Appropriate risk financing.
 - Adequate loss control programs and measures.

- Monitoring and evaluating the performance of General Managers against their Risk Management responsibilities.
- Leading the Executive Management Team in the development of the Council's Business Continuity recovery program.
- Assisting the Council in the development and revision of the Council Plan.
- Develop agreed and assessable success measures with all General Managers, to support the Strategic Objectives contained in the Council Plan.
- Promoting Risk Management as a vital business principle.
- Monitoring the implementation of the Risk Management Policy and Risk Management procedure across the organisation.
- Ensuring the provision of a safe and healthy work environment.
- Implementation of appropriate safe work practices and control measures in accordance with the Occupational Health & Safety Act 2004, its amendments, Regulations and related Codes of Practice and Australian Standards.
- Maintaining Council's Risk Register:
 - review and prioritise all risks entered on the register;
 - review action plans against all identified risks;
- Ensuring that Council's assets and operations, together with liability risks to the public, are adequately protected through appropriate risk financing and loss control programs and measures.
- Providing risk management related information to all staff.
- Advising Council of significant risks, strategies and resource implications.
- Monitoring and ensuring treatments are developed for the items identified in the Risk Register.

General Managers are responsible for:

- Understanding the principles of Risk Management, including their application to resource conservation and incident/claim reduction.
- Ensuring that the Council meets its "duty of care" to all staff and the general public and protects its assets and operations through:
 - Education.
 - Appropriate risk financing.
 - Adequate loss control programs and measures.
- Developing agreed and assessable success measures with the CEO, to support the Strategic Objectives contained in the Council Plan.
- Promote Risk Management as a vital business principle.
- Ensure that proposed events and projects within their jurisdiction are not approved without a formal risk assessment that effectively identifies and manages all the risks associated with them.
- Monitoring and evaluating the performance of managers against their Risk Management responsibilities.
- Developing approved Business Unit Plans to support the Council Plan, linking all individual Business Objectives to the Council's Strategic Objectives.
- Monitoring all risks and associated Risk Management Plans entered into the Council's Risk Register which fall within their jurisdiction.
- Ensuring the provision of a safe and healthy work environment.
- Implementation of appropriate safe work practices and control measures in accordance with the Occupational Health & Safety Act 2004, its amendments, Regulations and related Codes of Practice and Australian Standards.
- Maintaining Council's Risk Register:

- review and prioritise all risks entered on the register;
- review action plans against all identified risks;.
- Ensuring that Council's assets and operations, together with liability risks to the public, are adequately protected through appropriate risk financing and loss control programs and measures.
- Providing risk management related information to all staff.
- Advising Council of significant risks, strategies and resource implications.
- Monitoring and ensuring treatments are developed for the items identified in the Risk Register.

Risk Services Officer is responsible for;

- Assisting with the implementation of an effective Risk Management System to ensure Council takes a proactive role in managing:
 - WorkCover;
 - Public Liability;
 - Professional Indemnity;
 - Industrial Special Risks and
 - Motor Vehicle claims for Council staff, works, services and facilities.
- Providing advice and assistance to all Council staff in relation to the development and implementation of an effective Risk Management System that complies with AS/ISO 31000 Risk Management – Principles and Guidelines encouraging all Council staff, contractors and volunteers to actively employ Risk Management processes in their decision making.
- Assisting all staff with the procedural aspects of Risk Management.
- Maintaining Council's Risk Register.

Managers, Co-ordinators and Team Leaders are responsible for;

- Understanding and observing the Risk Management Policy and related procedures.
- Making loss control/prevention a priority whilst undertaking daily tasks in Council's operations.
- Providing a safe and healthy work environment, in accordance with the Occupational Health and Safety Act 2004, its amendments, regulations and related Codes of Practice and Australian Standards.
- Providing assistance and requested information in relation to any insurance claim or risk management issue, in a timely manner.
- Ensuring that Council responds immediately to any report of a hazard or incident received from a resident, employee or visitor.
- Advising of any risk management matter that should be incorporated in forthcoming budgets.
- Monitoring and ensuring treatments are applied for the items identified in the Risk Register.
- Understanding the principles of Risk Management, including their application to resource conservation and incident/claim reduction.
- Monitoring and evaluating the performance of Team Leaders against their Risk Management responsibilities.
- Contributing to the development of the Council's Business Continuity recovery program.
- Assisting their General Manager in the development and maintenance of Business Unit Plans.
- Assisting their team members/staff in the identification, evaluation and mitigation of risks associated with their success measures.

- Advising of any risk issues within their jurisdiction that should be incorporated in forthcoming budgets.
- Promoting Risk Management as a vital business principle.

Staff, Volunteers and Contractors are responsible for:

- Understanding and observing the Risk Management Policy and related procedures.
- Making loss control/prevention a priority whilst undertaking daily tasks in Council's operations.
- Performing duties in a manner which is without an unacceptable level of risk to their own health and safety, other employees, Council's customers, visitors, contractors or the community in general.
- Reporting any illness, injury, hazard, near miss or incidents and losses as soon as they are detected to their manager or coordinator.
- Providing risk management related information, as requested by their manager.
- Assisting their manager in the identification and management of risks to be entered into the Council's Risk Register.
- Contributing to the development and implementation of Risk Action Plans and strategies within their jurisdiction.
- Identifying evaluating and mitigating risks associated with their agreed success measures.
- Providing timely assistance and requested information in relation to any insurance claim or Risk Management issue

Contracts Co-Ordinator, Manager Sustainable Assets, Manager Capital Works, Manager Major Projects are to:

- Ensuring that tenders issued and contracts let by Council comply with the Risk Management, Insurance and Indemnity requirements of AS 4000 and conform to the intent of Council's Risk Management Policy and procedure.
- Managing contracts to ensure their compliance with the above.

Events Co-ordinator

In addition to their generic responsibilities under this Policy, the Events Co-ordinator is to undertake and document a formal risk assessment for all proposed events/projects, prior to their submission for funding consideration. This assessment must:

- Consider known risks identified for similar events/projects.
- Identify unique risks associated with a particular event/project.
- Where possible, modify the event/project's design to eliminate or at least minimise these known risks.
- Where risks cannot be eliminated through redesign or re-engineering, establish plans to mitigate the risk to an acceptable level during an event or after a project's completion/implementation.

Building Maintenance Officer

In addition to his or her generic responsibilities under this Policy, the Building Maintenance Officer will:

- Develop and maintain an inspection program for all Council owned and controlled buildings, which complies with all Council's statutory and regulatory obligations.

- Generate maintenance activities from inspections conducted.
- Ensure that maintenance activities are carried out in accordance with applicable specifications and standards.

8. DISSEMINATION AND REVIEW

This policy will be communicated throughout the organisation on endorsement.

A regular review of all Council's activities is to be undertaken in order to assess the level of compliance with the Risk Management Policy. Progressive adjustment of practices will be undertaken, including the documentation and recording of those practices, to achieve full compliance with this Policy.

9. PERFORMANCE REVIEW

This policy is to be reviewed on an annual basis by the **Risk Management Committee**.

Council shall ensure that there is ongoing review of its risk management system to ensure continued suitability and effectiveness in satisfying the requirements of **AS/ISO 31000 Risk Management – Principles and Guidelines**, and its Risk Management Policy. Records of such reviews shall be maintained. Council shall take part in regular audits to ensure compliance with relevant legislative requirements, these may include SafetyMap, Civic Mutual Plus (CMP) audits, Jardine Mutual Asset Protection Program (JMAPP) audits.

The objective is for Council to be ultimately recognised as achieving and maintaining best practice standards for managing risk within Local Government.

10. RISK REGISTER/RISK MANAGEMENT PROCESS

This policy provides the basis for the management of risk within the Colac Otway Shire. This policy should be read in conjunction with the Risk Register, legislation and the associated Risk Management procedures.

11. RELATED DOCUMENTS

- OH&S Manual
- ISO/IS 31000 Risk Management – Principles and guidelines
- ISO Guide 73 Risk management - Vocabulary
- AS 4000 General Conditions of Contract
- Colac Otway Shire Council Plan
- Colac Otway Shire Risk Management Procedure



DRAFT

COUNCIL PROPERTY LEASING POLICY

Policy No: 4.2

Date Adopted:

File No: GEN01688

Revised:

1. INTRODUCTION

The Council's Property Leasing Policy considers the way Council leases out its property assets.

This is a general policy that outlines Council's principles and values. It is not intended to be a rigid set of rules, but rather a framework that assists Council in participating in fair and equitable discussions with all types of tenants.

2. RELATIONSHIP WITH COUNCIL PLAN

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.

3. POLICY

3.1 AIMS and PRINCIPLES

3.1.1 Aim

To provide guiding principles that will enable the establishment and management of Council's leased assets in a way that is consistent with the Council Plan and maximises the use of the communities assets so that they are managed responsibly.

3.1.2 Principles

This aim will be achieved by addressing issues in harmony with Council's values, inclusive of partnership, consultation and service. These values will provide the foundations for decision making. This will be done through the following key areas:

- Understanding and fostering community benefit.
- Maximising the value of Council's leased assets to Council and to the community.
- Providing an equitable and transparent process for dealing with subsidised leaseholds.
- Providing an easily understood subsidised rental application.
- Equitable and easily understood framework for subsidies.
- Encouraging community responsibility.

3.1.3 Objective

The objective of the policy is to provide straightforward guidelines for the development of occupancy agreements, which clearly define the roles and responsibilities of both the tenant and the Council. The policy will provide a useful tool to ensure the best use of facilities is achieved and a clear relationship established between parties.

4. DEFINITIONS

4.1 Lease

A lease is a right granted by the owner of land to an occupant to have the exclusive use of that land in consideration for a payment, known as rent.

Nature of the interest.

- A lease creates an interest in land. An interest in land is:
 - i) binding on third parties (ie if the lessor sells the land the purchaser will take the land subject to the lease); and
 - ii) is, unless the lease specifies to the contrary, capable of being assigned.

- A lease is also a contractual agreement between the landlord and the tenant under which each party has certain contractual obligations.
- Council is prohibited under the Local Government Act 1989 (Vic) from entering into a lease exceeding 50 years.
- “The Local Government Act requires Council must give public notice of its intention to enter into a lease where:
 - the lease term is one year or more; and
 - the rent exceeds \$50,000 per annum; or
 - the current market rental value of the land is in excess of \$50,000 per annum;
 - or
 - the lease term is 10 years or more; or
 - the lease is a building or improving lease (which is a lease that includes the construction of a premises or improvements or the carrying out of major redevelopment works by either party).”

A lease agreement will be generally used where the site is fully occupied for a specific purpose, such as bowls and hockey clubs or where a club has made substantial financial contributions to the development.

4.2 Licence

A licence gives the licensee a right to occupy land (not exclusively) which without the licence would be unlawful.

Nature of the interest.

- A licence does not create any interest in the land.
- The rights created by a licence are personal and do not run with the land.
- A licence cannot be assigned unless the other contracting party agrees.
- A licence will terminate where the owner of the land ceases to own the land.

A licence agreement will apply when an occupier shares a facility or the premises offer the potential for the facility to be shared promoting greater use of Council assets, for example Cressy Neighbourhood House using the Cressy Maternal and Child Health Centre.

4.3 Seasonal Allocation

A seasonal allocation is an agreement in which a club agrees to occupy a premises in accordance with the terms and conditions of Council’s Seasonal Allocation Policy. It will generally relate to a pavilion or sporting ground which may include change rooms, social rooms, kiosks, kitchens, offices and public toilets where used by clubs. It will apply for an occupancy that occurs for a portion of the year and fits within the following seasonal dates set by Council.

Seasonal dates:

| | |
|--------|---|
| Summer | First Saturday in October to second Sunday in March |
| Winter | First Saturday in April to second Sunday in September |

The establishment of these agreements will be in accordance with the seasonal allocation policy and will generally apply to football, cricket and soccer clubs.

The agreements may be in a form of a lease or licence depending on whether the interest satisfies the definition of a lease or licence as set out in paragraph 2.1 and paragraph 2.2 above respectively.

4.4 Asset Value

The asset value of Council land and buildings is prepared by independent valuers. Council undertakes a formal revaluation of its land and buildings on a regular basis every three years.

5. TENANT GROUP DEFINITIONS

Tenants are grouped in four major categories:

5.1 Group 1 – Community Services

This group will receive the greatest discount or subsidy. This will include community groups that service the local community or an underprivileged group or disadvantaged group. The group will be reliant on Council funding and do not have the capacity to generate a significant amount of income. They will not engage in any form of commercial activity and are expected to utilise the premises for at least 60% of the time available.

Examples of these type of tenant include pre-school committees, senior citizen clubs and historical societies.

5.2 Group 2 – Not for Profit Recreation and Sporting Clubs

This group will pay a rental based upon a percentage of the asset value of the facility and receives a substantial discount or subsidy from a fair market rental. This group will include recreational or community groups that service the community and are readily available to Colac Otway residents. Such tenants may include netball, hockey clubs or the like. The rental for pavilions associated with grass based sports such as soccer, football or cricket clubs will be calculated as group 2 tenants but will generally be allocated a seasonal allocation unless they have made substantial funding contributions to their premises in which case they may be on a lease or licence for a pavilion.

Rental will be assessed in accordance with the factors outlined in 5.2

Examples of this type of tenant would include bowling clubs, tennis clubs and other sporting clubs (without gaming or other commercial facilities).

5.3 Group 3 – Larger Non-Government Agencies (Not for Profit) in Receipt of Significant Grants/Fees or other Income

This group will attract no discount or subsidy unless agreed by Council due to specific circumstances.

Examples of this type of tenant would include the leasing of:

- Botanic Gardens Tearooms, Colac
- Colac Central Bowling Club
- Lake Colac Bowling Club
- 6 Murray Street Colac (Colac Community College)
- Day Training Centre, Workshop and Garage – 101 Queen Street, Colac

5.4 Group 4 – Commercial or Resident Group

This group will attract no discount or subsidy and is for commercial or residential tenants of Council's assets.

Examples of this type of tenant would include the leasing of:

- Apollo Bay Service Centre.
- Caravan Park, Forrest
- Cinema & Auditorium, COPACC
- Fishing Co-Op, Apollo Bay
- Caravan Park, Colac
- Telstra Tower, Lavers Hill
- Apollo Bay Airfield

6. GENERAL PHILOSOPHY

6.1 Tenants

The following factors are to be considered when accepting a tenant:

- Community based tenants must service the Colac Otway community and further the goals of the Council Plan as well as where possible maximising the return on the asset.
- Any tenant or licensee must be a legal entity - that is either a person or an incorporated body.
- Any tenant or licensee must have adequate and appropriate insurance coverage.
- All commercial tenants are to be fully reference checked to assure the premises will be suitably maintained and rentals paid on time.

6.2 Optimum use of Facilities

Council's goal is to ensure the greatest community benefit and value can be provided by the utilisation of Council's facilities. This is done by encouraging multi use of facilities and tailoring the services provided by tenants to best suit the community. Council will work with tenants to ensure the highest potential is achieved.

6.3 Crown Land

Where Council acts as the Committee of Management over Crown Land, agreements will be prepared in accordance with the Department of Sustainability and Environment's guidelines. Leases and licences will take the form of those provided by the Department and Council's standard agreement will not be used. Council's standard maintenance schedules will be included within these agreements.

Before committing/entering into a lease for facilities on Crown Land, approval is required from the Department of Sustainability and Environment.

6.4 Renegotiation to Standard Terms

When Council is making a significant financial input to a facility development this will be dependent on the club/organisation being prepared to renegotiate an existing agreement to bring it into line with standard lease terms.

Long term ongoing agreements may be renegotiated by both parties if it is seen to be in the best interests of the parties and for the benefit of the community.

The determination relieves Councils of complying with procedural obligations placed on landlords by the *Retail Leases Act 2003 (Act)*, such as disclosure of outgoing and notice of lease renewals. Councils are also exempt from the statutory maintenance and repair obligations imposed on landlords.

6.5 Retail Leases Act 2003

In August 2008 the Victorian Minister for Small Business made a determination under the *Retail Leases Act 2003 (Act)* to exempt certain leases of Council owned or managed property that the Act would otherwise cover.

The determination only applies to leases entered into after 1 August 2008.

Under the determination, the following two categories of leases (where Council is the landlord) will be exempt.

1. Where the premises are used by the tenant wholly or predominantly for any one or more of the following purposes:

- Public or municipal purposes;
 - Charitable purposes;
 - As a residence of a practising minister of religion;
 - For the education and training of persons to be ministers of religion;
 - As a club for, or a memorial to, persons who served in the First or Second World War or in any other war, hostilities or special assignment referred to in the *Patriotic Funds Act 1958*;
 - For the purposes of the RSL;
 - For the purposes of the Air Force Association;
 - For the purposes of the Australian League of Ex-Servicemen and Women
2. Where the premises are used wholly or predominantly by a group that exists for the purposes of providing or promoting community, cultural, sporting or recreational or similar facilities or objectives and that applies its profits to promoting its objectives and prohibits payment to its members.

The second category also applies to leases where Council is acting as a committee of management within the meaning of the *Crown Land (Reserves) Act 1978*.

The determination relieves Councils of complying with procedural obligations placed on landlords by the Act, such as disclosure of outgoing and notice of lease renewals. Councils are also exempt from the statutory maintenance and repair obligations imposed on landlords.

This does not exempt the need for a lease.

7. RENTAL LEVELS

7.1 Group 1 Tenants

This group is fully subsidised. A full rental subsidy is offered to approved recreation or community groups that service the local community or an underprivileged or disadvantaged group and are not in receipt of significant grants or other income.

The minimum to apply at the time of the policy adoption is \$1 per annum.

7.2 Group 2 Tenants

The rental calculation for Group 2 tenants will be assessed at the time of a lease being entered into or at renewal of an existing lease.

The greater the net community benefit, the greater the subsidy offered. The following describes the factors that may be considered in determining the level of rental and subsidy.

Capital Contribution

Often groups or clubs have made a significant Capital Contribution on the site. This may include the addition of an asset on the property at the expense of the tenant.

Proposed Capital Contribution

A group or club may enter into a lease agreement undertaking to carry out capital improvements at their expense or in partnership with Council or another agency.

Approved Use

An approved use is one that is determined by the appropriate Council General Manager to fulfil a function, meet a demand, or provide a service, that is consistent with the Council Plan or the needs of the community.

Special Needs Group

A group that actively promotes an activity for disabled, underprivileged or disadvantaged people, a lower socio economic group or other group with special or unique needs, may be eligible for certain levels of subsidy.

Limited Revenue Potential

There are varying degrees of potential for a group or club to raise revenue. Many clubs are limited by the nature of their function which is the reason for having subsidised rentals. Tenants that have a gaming or liquor licence may be charged a higher rental. Groups will be encouraged to seek alternative revenue sources.

Community Access

Maximising the community use of an asset is a Council priority. Groups are encouraged to make a leased facility available to other user groups in order to maximise the utilisation of the facility.

Maintenance Ability

A tenant's ability to maintain a premises may be limited by their type of use. A tenant may undertake more maintenance in exchange for lower rental payments.

User Catchment

Priority is given to tenants whose users are from the municipality. A local catchment would predominantly include residents of the township or surrounding areas. A regional catchment would include users from other areas.

Grants and Funding

Some groups receive financial assistance from the Council. This may impact on level of rental and subsidy.

Other

Other factors may be considered by Council if special circumstances exist.

7.3 Group 3 Tenants

Group 3 tenants will pay a commercial market rental derived from the market unless a discount or subsidy is agreed to by Council due to specific extenuating circumstances.

7.4 Group 4 Tenants

Group 4 tenants will pay a commercial market rental.

7.5 General

Council reserves the right to amend the rental if a tenant gains liquor or gaming licences, or gains access to any other similar commercial means of income generation during the life of an agreement.

8. MAINTENANCE AGREEMENTS

8.1 Introduction

Generally the purpose of undertaking building maintenance is to ensure buildings remain suitable and safe for their intended use and their life cycle is extended as far as practical. It is in Council's interests to ensure its assets are adequately maintained.

Council is responsible for many buildings which it:

- Owns and operates (eg Council office/depot/library/public toilets);
- Owns and operates via a Committee of Management (Council appointed); and
- Manages as a Committee of Management.

8.2 Requirements

The requirement of tenants to maintain their premises will vary depending upon the following factors:

- Ability to maintain
- Revenue potential
- Level of subsidy or grants
- Any special maintenance needs
- Rental level
- The requirements of any applicable retail leasing legislation

The Maintenance Schedule (Schedule A) will form part of the lease or licence agreements and will clearly identify maintenance responsibilities.

Buildings used for community services and not for profit recreation and sporting clubs are to receive maintenance support in accordance with Schedule A unless specified separately in a lease/agreement.

Buildings occupied and controlled exclusively by a club or organisation or buildings determined by Council as having no further use are to receive no Council support.

Community Services and Not for Profit Recreation and Sporting Clubs are defined as a building operated by (refer clause 3.1 and 3.2 for definitions):

- a) a Committee of Management for public purposes;
- b) an incorporated association undertaking community service under the auspices of Council.

Maintenance requirements for Group 3 Tenants (Larger non-government agencies) and for Group 4 tenants (Commercial) will be agreed to between the parties on suitability market controlled conditions.

8.3 Principles

- a) Council has a responsibility to contribute to the maintenance of buildings that have a community use.
- b) Council has no responsibility to maintain/improve buildings on Council owned land occupied by an organisation or group exclusively for private purposes, subject to the requirements of the Retail Leases Act 2003 if the land is occupied pursuant to a lease subject to that Act.
- c) Wear and tear maintenance and works of a recurrent nature are the responsibility of the occupier or management body of the building, subject to the requirements of the Retail Leases Act 2003 if the land is occupied pursuant to a lease subject to that Act.
- d) Major maintenance and capital works are the responsibility of Council unless agreement with lessee.

- e) No guarantee can be given that works required can be funded by Council in any given year.
- f) Ongoing support for any building is subject to review based on use and need.
- g) Where insufficient funding is available an occupier may choose to proceed with works on its own accord subject to all works being approved by Council.
- h) All maintenance and other works shall be undertaken in accordance with good practice and all requirements of other Commonwealth and State Legislation or policy.
- (i) All maintenance works undertaken by the tenant are to be reported to Council.
- (j) Where maintenance is the responsibility of the tenant they need to ensure that their obligations are carried out as per the Lease or other documentation.

8.4 Assessment of Requests

In assessing requests for major maintenance works Council must consider:

- Reason for request, for example safety issues, damage, deterioration;
- Estimated cost for works;
- Funds available and estimated additional annual works;
- Type of works and whether Council is responsible for the issue;
- Purpose of the building, existing and future use, and need, and
- Alignment with Council's strategic planning objectives.

9. GENERAL TERMS AND CONDITIONS

9.1 A standard agreement will be developed for all tenancies except Group 3 and Group 4 Tenants.

Agreements will be prepared for leases and licences which are tailored to each organisation and varied only when required. Additional clauses will be included in agreements only when necessary to meet specific requirements of Council or the organisation involved.

Licence agreements will be negotiated in situations where the occupiers share the facility or where the facility is suitable for multiuse and will occupy for a period in excess of 6 months.

Council has a preference to enter such agreements in order for facilities to be used to the greatest potential, rather than only one user. Licences may be used for toy libraries, senior citizens and other clubs that share facilities.

Seasonal allocations will be granted where an organisation will not occupy the premises for the entire year. They may have occupied the premises from year to year but only for a season at a time and the premises will be used by another club in the alternate season. This will apply to some sporting clubs in particular cricket and football.

9.2 Rates, Taxes, Charges and Outgoings

The tenant should pay for all rates, taxes (including GST and stamp duty) charges and outgoings that are levied on the premises or in conjunction with the establishment of the lease, subject to the requirements of the Retail Leases Act 2003 if the land is occupied pursuant to a lease subject to that Act.

9.3 Terms

The term of the agreement will depend upon many factors including the following:

- the tenant;
- the ongoing need for the premises or provided use;
- substantial contributions to capital works;
- the stability of the tenant,
- suitability of the premises to the tenant; and

- the requirements of any applicable retail leasing legislation.

For leases where the rental levels are less than the commercial market rental or are not classified as a retail premises the preferred term of the lease will be for a period of 3 years.

Council sees the optimum term of the agreement as 3 years to best represent the Council and tenants. This allows for regular opportunities to meet and discuss occupancy requirements and to review:

- i) the value Council and the community receives from the lease or licence;
- ii) equity with other organisations in the community.

The regular changes made to leasing/licencing agreements will reflect the changing needs and legislative requirements of all parties to the agreement. It is seen as an opportunity to work with Council's tenants to ensure that they meet the needs of both parties.

A longer term lease may be negotiated where the community organisation is making or has made, a substantial capital contribution to the construction, improvement or maintenance of the property.

Retail Premises leases will be for a minimum of five years (which can include any option periods).

Consideration of a longer lease term will be made on a case by case basis.

Agreements will only exceed 10 years in exceptional circumstances and where there is significant return on investment for Council's asset. When this happens Council will undertake the requirements of section 190 of the Local Government Act including advertising the terms of the proposed agreement. Leases may not exceed 50 years in accordance with the Local Government Act (1989).

9.4 Insurance

All tenants are required to take out public liability insurance noting Council as an interested party or in joint names of the tenant and Council. A minimum cover of \$10m is to be provided unless otherwise stipulated by Council.

As a general principle, Council will fully insure all improvements on a leased premises unless otherwise agreed to in a lease. This amount will either be reimbursed by the tenant or considered as part of the rental structure.

Council will not insure the contents of any leased premises. Tenants may choose to provide this themselves.

Other insurances, such as professional indemnity, are the responsibility of the lessee.

9.5 Use of Premises

Council must approve any additional or changed use of a leased or licenced premise. Council reserves the right to review the rent or any other lease provisions when providing this consent. The proposed use will be subject to an assessment of derived community benefit and meeting the needs of the Council Plan. If the use changes or the service or organisation cease to exist the current agreement will automatically terminate and the building will be returned back to Council's control.

9.6 Rent Review

The rental for Group 1 tenants will not be reviewed for the life of the agreement as the agreement is for up to 3 years. Agreements for a period longer than 3 years must include a rental review clause.

Other rents will be reviewed regularly, and adjusted using the Consumer Price Index, a set percentage or a market review.

9.7 Legal Fees

The tenant will pay all legal costs associated with the establishment of a new lease agreement that differs from Council's standard lease document except if the lease is subject to the Retail Leases Act 2003.

9.8 Keys and Locks

All keys should be compatible with the master set held by Council's Infrastructure and Services Department.

9.9 Planning Requirements

All leases will encompass the conditions of any issued Planning Permit, and there must be ongoing compliance with Planning Scheme Requirements.

9.10 Safety Requirements

Tenants are responsible to have in place emergency/evacuation plans and generally adhere to occupational, health and safety conditions.

9.11 Smoking

Council has a Smoke Free Environment in Council owned and managed buildings and adherence is strictly required.

9.12 Water and Energy

Tenants are encouraged to minimise water and energy usage.

9.13 Legislation and Regulations

Tenants will be required to comply with all legislation and regulations etc.

10. PROCESS FOR ESTABLISHING OF LEASES

The following outlines the procedures for negotiating and establishing a subsidised leasehold:

- Internal meeting to discuss particulars of proposed tenant with appropriate Council departments:
 - check status of land,
 - confirm statutory requirements,
 - review proposal with respect to Council Property Leasing Policy,
 - seek legal advice where necessary, and
 - assess relevance of any compliance with Retail Leases Act.
- Meet with tenant to discuss terms and conditions of lease.
- Forward copy of lease to tenant for review.
- Where required advertise lease in Council's official newspapers inviting submissions pursuant to s.223 of the Local Government Act within 28 days .
- Draft report for next Ordinary Council Meeting recommending execution of two copies Lease Agreement (dependent on submission process).
- Arrange for tenant to sign lease.

- Update Lease Register (in accordance with Local Government Regulations 1990 s.98(p)) and store one original of Lease Agreement.
- Forward an original copy of Lease Agreement to tenant.
- Advise Finance, Infrastructure Services, Risk Management, Parks and Gardens and appropriate manager of lease details.
- Establish invoicing arrangement.

11. IMPLEMENTATION AND REVIEW

11.1 The Council Property Leasing Policy will be published on Council's website. The Leasing Policy will be subject to periodic review.

11.2 Where the rental levels are less than the estimated commercial market rental, details will be included in the Annual Report as to the level of subsidy provided by Council.

Schedule A

Maintenance Schedule and Responsibilities for Occupier and Council for Group 1 Community Services and Group 2 – Not for Profit Recreation and Sporting Clubs categories.

GROUP 1 – COMMUNITY SERVICES

LEASES

Apollo Bay Old Cable Station – Historical Society
 Apollo Bay Radio Tower (Emergency Services)
 Apollo Bay Senior Citizens Centre
 Beech Forest Radio Tower (Emergency Services)
 CCDA Theatre (COPACC)
 Colac History Centre (COPACC)
 Lavers Hill Depot Radio Tower (Emergency Services)

AGREEMENTS/LICENCES

Cressy Maternal and Child Health Centre
 Kanyana
 Pre-Schools

GROUP 2 – NOT FOR PROFIT RECREATION AND SPORTING CLUBS

LEASES

Colac Aero Club
 Colac Anglers Club Inc.
 Colac Pistol Club Recreation Reserve
 Colac Players Shed
 Colac Tennis Tournament Club
 Pennyroyal Tennis Courts
 Public Open Space – Kennett River
 Rowing Club, Foreshore Reserve
 Wye River Surf Club
 Yacht Club, Foreshore Reserve

AGREEMENTS

Recreation Reserves

| Item | Occupier’s Responsibility | Council’s Responsibility |
|--|---|--|
| Air Conditioning and Heating Appliances | <ul style="list-style-type: none"> • Service and repair when required | <ul style="list-style-type: none"> • Replacement of unit and any major parts |
| Building | <ul style="list-style-type: none"> • Determine and document the specific needs of the building relating to any requests to Council for building alterations. • Prepare plans and obtain quotes for requests for minor improvements. | <ul style="list-style-type: none"> • Assess all requests submitted. • Undertake works required to bring premises and surrounds to appropriate standards to meet the required regulations. This excludes items identified as the lessee’s responsibility in this document. • Preparation of long-term development plans, design of major building alterations or major structural works. |

| Item | Occupier's Responsibility | Council's Responsibility |
|---|--|---|
| Cleaning | <ul style="list-style-type: none"> • Keep premises in clean, sanitary and fresh condition. | <ul style="list-style-type: none"> • Nil |
| Ceilings, Walls and Skylights (internal) | <ul style="list-style-type: none"> • Cost of repairs due to major or continual misuse. • Regular cleaning | <ul style="list-style-type: none"> • Major repair and/or replacement due to structural faults/age. |
| Curtains/Drapes/Blinds | <ul style="list-style-type: none"> • Repairs costs. • Replacement costs. • Supervision of installation of replacement items. • Regular cleaning. | <ul style="list-style-type: none"> • Nil |
| Doors (Inc. cupboard doors) | <ul style="list-style-type: none"> • Regular cleaning and repair of internal/external doors due to major or continual misuse. • Minor adjustments. | <ul style="list-style-type: none"> • Replacement due to age, structural fault. |
| Electrical Wiring, Fittings and Lights | <ul style="list-style-type: none"> • Additional or security lighting. • Cost of repair and replacement of electrical wiring if damage is due to major or continual misuse. • Repair and replacement of all light globes. • Regular cleaning of all light fixtures. | <ul style="list-style-type: none"> • Replacement of all building wiring from main supply to and including the switchboard. • Replacement of light fittings. |
| Fire Extinguishers | <ul style="list-style-type: none"> • Nil | <ul style="list-style-type: none"> • Service/annual inspection and maintenance charge. • Fill when discharged and replace if stolen. |
| Floor Surfaces and Coverings | <ul style="list-style-type: none"> • All regular cleaning and maintenance of floor coverings such as carpet and tiles. | <ul style="list-style-type: none"> • Replace to essential areas when excessively worn or dangerous. |
| Fly Screens | <ul style="list-style-type: none"> • Maintain and replace fly wire. • Install additional fly screens | <ul style="list-style-type: none"> • Nil |
| Garbage | <ul style="list-style-type: none"> • Normal fee for service waste collection | <ul style="list-style-type: none"> • Nil |
| Glass | <ul style="list-style-type: none"> • Replace broken or cracked windows arising from misuse. • Regular cleaning | <ul style="list-style-type: none"> • Replace due to breakage arising from structural fault, age. |
| Grounds | <ul style="list-style-type: none"> • Keep all entry/exit areas clear and sweep regularly. • Maintain all grounds associated with building by cutting the grass, minor pruning, replacing trees, bushes and flowers if required. • Repair fences. • Remove dead foliage. • Seek Council approval for any modification to the grounds. • Maintenance of garden beds. | <ul style="list-style-type: none"> • Repair paths, driveways etc. • Replacement of essential pavement, driveway and carpark areas; retaining walls and ramps. • Replacement of essential/required fences. • Structural repairs or capital works re. fences. • Trees lopped/pruned to meet security/safety requirements where considered dangerous. |

| Item | Occupier's Responsibility | Council's Responsibility |
|--|---|---|
| | <ul style="list-style-type: none"> • Maintenance of garden hoses and sprinklers etc. • Cleaning and weeding of pavement and driveway areas | |
| Emergency Lights and Exit Signs | <ul style="list-style-type: none"> • Notification to Council of maintenance issues. | <ul style="list-style-type: none"> • Inspection and replacement of globes. • Replacement of fittings. |
| Internal Appliances eg. Fans, Kettles, Food Processors etc. | <ul style="list-style-type: none"> • Replacement as required of minor kitchen appliances. | <ul style="list-style-type: none"> • Nil |
| Vandalism | <ul style="list-style-type: none"> • Less than \$1000 (subject to change based on claims history) | <ul style="list-style-type: none"> • More than \$1000 (subject to change based on claims history) |
| Keys and Locks | <ul style="list-style-type: none"> • Repair and replacement of locks if damaged through major or continued misuse. | <ul style="list-style-type: none"> • Replacement of lost or damaged keys as applies to Council's master key system. • Supply of keys for user groups. • Repair and replacement of locks as applies to Council's master key system. |
| Painting | <ul style="list-style-type: none"> • Internal painting if damaged through major or continued misuse or colour scheme changes etc. | <ul style="list-style-type: none"> • Internal and external for structural integrity reasons. |
| Permanent Fixtures | <ul style="list-style-type: none"> • Regular cleaning of all fixtures. • Repair and/or replace if damaged through major or continual misuse. | <ul style="list-style-type: none"> • Replace when required the following items: <ul style="list-style-type: none"> - hot water service - sinks and toilets - verandas attached to the building. |
| Pest Control | <ul style="list-style-type: none"> • Keep all areas in a clean and hygienic state. • All pest control as required both internal and external. | <ul style="list-style-type: none"> • Pest control relating to structural items (eg. woodborer and termites). |
| Plumbing | <ul style="list-style-type: none"> • Cost of internal repair due to major or continued misuse. • Replacement and repair of internal surface plumbing fittings such as toilet seats, taps and washers etc. | <ul style="list-style-type: none"> • Replacement of damaged or corroded plumbing fittings, toilet bowls and cisterns. • Repairs or works required for drainage purposes, including sewerage, drains, water pipes and pits. • Replacement of gas pipes. • Structural repairs or capital works. |
| Roof, Skylight, External Walls, Spouting and Downpipes | <ul style="list-style-type: none"> • Cleaning of roof, external walls, spouting, downpipes and guttering. | <ul style="list-style-type: none"> • All maintenance and repair of the structure of the premises as required. |
| Signage | <ul style="list-style-type: none"> • Maintain and replace all internal/external signs relating to the committee. | <ul style="list-style-type: none"> • Identification signage to be provided by Council where required. |
| Smoke Detectors | <ul style="list-style-type: none"> • Install, repair and replacement of battery operated smoke detectors. Includes battery replacement as required. | <ul style="list-style-type: none"> • Installation and maintenance of hard wire system where required. |

| | | |
|--|--|---|
| Telecommunication Systems (eg. fax, photocopiers, telephones etc) | <ul style="list-style-type: none">• Purchase, service and maintenance cost.• Replacement costs. | <ul style="list-style-type: none">• Nil |
| Whitegoods (eg refrigerator, dishwasher etc) | <ul style="list-style-type: none">• Service and maintenance costs.• Replacement costs. | <ul style="list-style-type: none">• Nil |

OM091612-5

**CONSIDERATION OF SUBMISSIONS TO REVIEW OF
COUNCIL MEETING PROCEDURES AND COMMON SEAL
LOCAL LAW NO 4 2009**

| | | | |
|-------------|--------------------------------|-----------|--------------------|
| AUTHOR: | Colin Hayman | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN0159 Local Laws |

Purpose

The purpose of this report is to provide information on the submissions process for the review of "Council Meeting Procedures and Common Seal – Local Law No 4 – 2009".

Declaration of Interests

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

Background

On Wednesday 28 October 2009 Council resolved:

"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.*
5. *During this process the rules about the Mayor's casting vote and question time are to be reconsidered. This is to ensure that the right to ask questions isn't eroded."*

The notice advertising the Local Law and the seeking of submissions was advertised in the Colac Herald. The advertisement stated that any person wishing to make a written submission on the Local Law must do so before 5 pm on Friday 11 December 2009. Any person who wishes to be heard in support of their written submission must request this in their submission.

Council was to hear those who wish to be heard in support of their submission at the Council meeting held on Wednesday, 16 December 2009.

Under S119 of the Local Government Act:

"

- (1) *Before a Council makes a local law it must comply with the following procedure.*
- (2) *The Council must given notice in the Government Gazette and a public notice stating*
 -
 - (a) *the purpose and general purport of the proposed local law; and*
 - (b) *that a copy of the proposed local law can be obtained from the Council office; and*

(c) that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223. “

As the notice in the Government Gazette wasn't included until 3 December 2009 the period of the receipt of submissions has been extended until Friday, 15 January 2010.

Council Plan / Other Strategies / Policy

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

Under the key results are of Leadership and Governance there is a key action to review Council's Local Laws.

Issues / Options

As noted in the Background, the notice did not appear in the Government Gazette until 3 December 2009.

As a result, the period of the receipt of submissions has been extended until Friday, 15 January 2010. A revised notice has been inserted in the Colac Herald advising of the extension of time.

It is suggested that Council hear those who have requested to be heard in support of their submission at the Council meeting on Wednesday, 27 January 2010. A further report would be prepared for the February Council meeting for Council to adopt the Local Law with or without changes.

Proposal

That Council endorse the extension of time for the submission period for the Council Meeting Procedures and Common Seal Local Law No 4 – 2009.

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 92 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

Notices have been placed in the Colac Herald and the Government Gazette advising of the change to the date for the receipt of submissions.

Implementation

Anyone requesting to be heard in support of their written submission will be heard at the Council meeting on 27 January 2010.

Conclusion

Due to the delay in putting a notice in the Government Gazette the submission process for the Local Law has been extended.

Attachments

Nil

Recommendation(s)

That Council:

- 1. Notes the extension of time for the receipt of submissions on draft Local Law No 4 2009 until 15 January 2010.***
- 2. Considers any submission received in relation to the draft Local Law No 4 2009 at the Council meeting to be held on Wednesday, 27 January 2010 at 6.00 pm.***
- 3. Considers adoption of the draft Local Law No 4 2009 at the Council Meeting to be held on 24 February 2010.***

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OM091612-6

**BLUEWATER FITNESS CENTRE STADIUM  
REDEVELOPMENT**

|             |                                   |           |              |
|-------------|-----------------------------------|-----------|--------------|
| AUTHOR:     | Marg Scanlon                      | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate &<br>Community Services | FILE REF: | GEN 00374    |

**Purpose**

The purpose of this report is to provide Council with an update with regard to the proposed redevelopment of the Bluewater Fitness Centre, the funding application to be submitted to Federal Government to undertake this project and the completed supporting feasibility investigations.

**Declaration of Interests**

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

**Background**

In late 2007 Council secured funding in partnership with Sport and Recreation Victoria to undertake a feasibility investigation to the proposed redevelopment of the Bluewater Fitness Centre Stadium. The need for this feasibility investigation was identified because;

- The existing two court stadium does not meet state sporting association code of compliance (particularly for basketball and netball) with regard to court size.
- The existing court capacity is limiting local indoor sporting competition and club development. Due to existing demand some games are scheduled for 10.30pm which is not sustainable from a club and player perspective.
- Peak demands on the facilities result in limitations on other sport and club development. The two courts are used seasonally by both basketball and netball and subsequently there is little to no opportunity to offer other indoor sporting opportunities during peak periods.
- The facilities are aged and in need of redevelopment. The supporting infrastructure specifically the toilets, change rooms, storage and dry program rooms are inadequate for current and future demands and have been poorly maintained.
- Opportunity exists to create a large venue to cater for significant indoor community events. Bluewater Fitness Centre Stadium is the only facility of its size in the Colac Otway region. The various Youth Exhibitions held over recent years have demonstrated the need for such space.
- The existing agreement arrangements with the Department of Education and Early Childhood Development prevent access to the stadium during school hours. The redevelopment of the facilities would enable greater programming flexibility for Bluewater Fitness Centre programming and shared use during the week with the Colac Secondary College.

The BWFC Stadium Feasibility was completed in May 2008 however the proposed concept plan required further consideration to address operational impacts as identified by both the Bluewater Fitness Centre Management and the Colac Secondary College. All project stakeholders have worked through these issues and the agreed concept plan is provided to Council as attached.

Council secured funding through the Federal Government Regional and Local Community Infrastructure Program and Council endorsed that \$300,000 was allocated to Bluewater Fitness Centre to undertake specific improvement works to the Stadium. Council Officers collaborated with the Project Architect to ensure these funds were expended on works that would complement the proposed redevelopment. Specifically the recent stadium improvement works would be retained in the event of the redevelopment of the stadium proceeding.

These works specifically include;

- Replacement of the roof, skylights, guttering and downpipes on the northern section of the stadium directly over the squash courts and dry program rooms which will not be altered through the proposed redevelopment.
- Replacement of door and window frames to the internal corridors and squash courts.
- Installation of glass doors to the squash courts to improve supervision and security.
- Installation of air handling units throughout the program rooms and foyer.
- External painting of the northern walls and Centre entrances.

The Bluewater Fitness Centre Master Plan identifies two distinct significant projects; redevelopment of the Stadium and construction of a warm water pool. Initial feasibility and concept plans have been undertaken for both elements. These two projects are being approached in a staged manner; Stage 1 being the redevelopment of the stadium and stage 2 the construction of a warm water pool.

Specifically the proposed redevelopment of the Stadium includes:

- Extension of the southern ends of the stadium to ensure court size compliances
- Construction of a new (third) court including spectator seating
- Construction of new toilets and changerooms, dedicated officials and first aid rooms
- Reconfiguration of existing spaces to improve storage capacity
- Development of a dedicated café area centrally located within the Centre
- Alternative entrances for events or activities being conducted in the stadium without need to access the aquatic area.

The concept plan also outlines the capacity to cater for future extensions to the Bluewater Fitness Centre gymnasium and crèche (not included in the proposed redevelopment at this stage).

Based on the concept design the development of a warm water pool to Bluewater Fitness Centre is estimated to cost \$2,500,000. This results in the total project costed at an estimated \$6,000,000.

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

This project proposal is consistent with Council's objective to provide a broad range of facilities, programs and services to encourage physical activity participation. The project is also consistent with the 2006-2010 Colac Otway Recreation Strategy, Bluewater Fitness Centre Business Plan and the Beechy Precinct Master Plan.

### **Issues / Options**

There are two options;

1. As endorsed by Council in 2009, submit an application for funding to the Federal Government for the redevelopment of the Bluewater Fitness Centre stadium as proposed on the concept plan acknowledging this application seeks funding to undertake design development and construction.
2. Cease progression of the application for funding acknowledging this would have significant impact to the existing operations of the facility, limited future growth of



clubs and physical activity within the community and result in the need to significantly increase Council's financial contribution to the facility recognising its age.

It should be noted that the supporting feasibility investigations for both elements were undertaken separately close to two years ago. While the information contained in the feasibility investigation formed the basis for the concept plan development further financial modelling will need to be undertaken. It is proposed that further to funding confirmation and alongside the design development further financial and management modelling would be undertaken.

### **Proposal**

It is proposed that Council Officers proceed with the funding application to Federal Government under the Regional and Local Community Infrastructure Program seeking funds to undertake design development and construction based on the concept plan as presented.

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

It should be noted that this proposal is based on a financial contribution from the Department of Education and Early Childhood Development (estimated \$500,000), the community including contributions from User Groups (estimated \$100,000) specifically to the Stadium. Stage 1 comprising the redevelopment of the Bluewater Fitness Centre Stadium is costed at \$3.5million and Stage 2 the development of a warm water pool is estimated to cost \$2.5million resulting in the total project of \$6million.

It must be noted that these figures are based on the concept developments undertaken some time ago. Updated figures are being determined by the project architect quantity surveyor and these are to be included in the funding application. It is likely these will be available for the December 2009 Council meeting.

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

A range of risk management and compliance issues have been taken into account in the development of the feasibility investigation and the concept plan. Further consideration to these aspects will be given through the design development phase.

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

Environmental and Climate Change considerations have been taken into account throughout the concept development and during the consideration of the stadium improvement works recently undertaken. Further funding has recently been secured for the purchase and installation of a water tank which further complements the roof replacement, spouting and guttering works recently completed.

### **Communication Strategy / Consultation**

The BWFC Stadium Feasibility investigation and development of the concept plan has resulted from various consultation held with Centre Stadium regular user groups (Colac Basketball Association and the Colac Night Netball Association), Centre Management, Colac Secondary College, other indoor sport stadium users and potential users, Colac Otway Shire primary and secondary schools.

The Warm Water Pool Feasibility and concept development included community consultation with community individuals, the Colac Arthritis Group, sporting clubs, disability and aged care services throughout Colac, Council and Bluewater Fitness Centre Management.

A BWFC Stadium reference group to the Beechy Precinct Project Management Group was established for the purposes of this project. Regular reports have been provided to the Management Group with regard to the progress of the project.

The Departments of Planning and Community Development and Education and Early Childhood Development have been actively involved in the development of this project and the proposed progression through the Beechy Precinct Management Group and through the respective funding agreements between Council and Sport and Recreation Victoria.

It should be acknowledged that this project is based on the concept plan and further consultation will be required for the design development.

### **Implementation**

If funding is secured it is proposed that this project would commence (progress) immediate to funding confirmation. The actual construction works for the redevelopment of the BWFC Stadium are proposed within Stage 3 of the Colac Secondary College redevelopment which is 2010/2011. Given the redevelopment does not impact on other elements within the site the actual works could be undertaken at the end of the 2010/2011.

### **Conclusion**

This project proposal is a 2 staged project comprising;

- Stage 1: Design development and redevelopment of the Bluewater Fitness Stadium
- Stage 2: Design development and construction of the Warm Water Pool.

The proposed redevelopment of the Bluewater Fitness Centre Stadium is a much needed project to address current issues with regard to the current state of the facility, capacity to meet current community sport and recreation needs and allow for future growth in participation. This project is also consistent with the visions of the Beechy Precinct to provide the Colac Otway community with a range of education, recreation and community facilities programs and services.

The development of a warm water pool at Bluewater Fitness Centre is a separate facility component that could be developed at any stage. However this current funding opportunity is an ideal time to package the project including the 2 stages. It is proposed that the application for funding will detail the priority of the stadium redevelopment over the warm water pool recognising the existing demands and compliance issues.

The recently released *Crawford Report* highlights the importance of grassroots community sport. Bluewater Fitness Centre is a key community asset that provides these important social, health and wellbeing opportunities and it is important that this facility continues to remain relevant to community needs.

It is timely to present this project to the Federal Government for funding given Council together with the Department of Education and Early Childhood Development and the community can demonstrate their partnership support for Stage 1 of this project. It is most unlikely that this current funding position and opportunity will present itself again for many years.

### **Attachments**

1. Bluewater Fitness Centre Stadium Feasibility Study
2. Bluewater Fitness Centre Stadium Redevelopment Concept Plan

**Recommendation(s)**

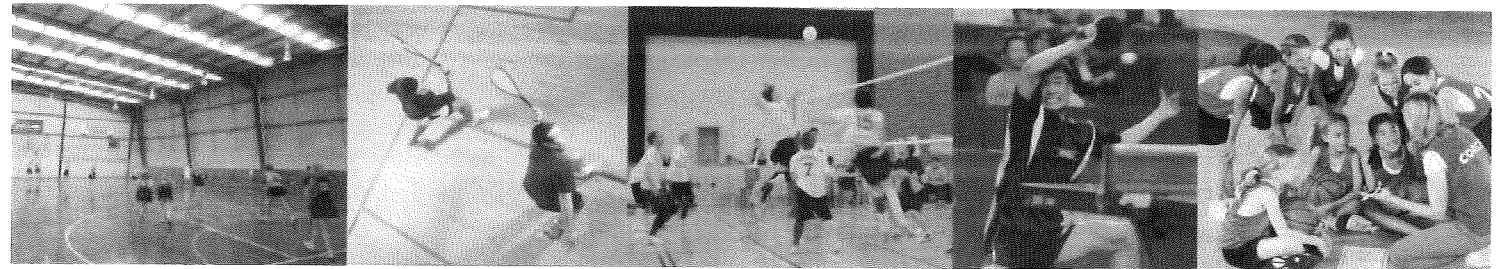
***That Council receive and endorse the Bluewater Fitness Centre Feasibility Study together with the concept plan acknowledging that this information forms the basis for the funding application to be submitted to the Federal Government in January 2010.***

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BLUEWATER FITNESS CENTRE SPORTS STADIUM FEASIBILITY STUDY

Prepared for Colac Otway Shire



Final Report
September 2008

Commercial in Confidence

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TABLE OF CONTENTS

| | | |
|-----------|---|-----------|
| 1. | INTRODUCTION | 1 |
| 1.1. | Project Overview | 1 |
| 1.2. | Acknowledgement | 1 |
| 2. | PROJECT CONTEXT | 2 |
| 2.1. | Literature Review | 2 |
| 2.2. | Demographic Information | 6 |
| 3. | SPORTS PARTICIPATION TRENDS..... | 9 |
| 3.1. | General Leisure Participation Trends | 9 |
| 3.2. | Participation Trends Based on Exercise, Recreation and Sport Survey | 11 |
| 3.3. | Trends in Sports Facility Design | 13 |
| 3.4. | Trends in Indoor Sports Facility Management | 14 |
| 3.5. | Trends in Financial Performance of Indoor Sports Facilities | 14 |
| 4. | BLUEWATER FITNESS CENTRE OVERVIEW | 15 |
| 4.1. | Land and Operation | 15 |
| 4.2. | BWFC Guiding Principles | 15 |
| 4.3. | BWFC Facilities and Programs..... | 16 |
| 4.4. | SWOT Assessment | 16 |
| 4.5. | Stadium Facilities | 17 |
| 4.6. | Current Stadium Use | 19 |
| 4.7. | Current Stadium Revenue..... | 22 |
| 4.8. | User Group Membership Trends | 22 |
| 4.9. | Summary of Key Findings..... | 23 |
| 5. | FACILITY DEVELOPMENT OPTIONS..... | 24 |
| 5.1. | Option 1 – Expanded 2 Court Stadium..... | 24 |
| 5.2. | Option 2 – 3 Court ‘Open Hall’ Stadium..... | 24 |
| 5.3. | Option 3 – Show Court with a 2 Court Stadium | 24 |
| 5.4. | Estimate of Probable Costs..... | 25 |
| 6. | CONSULTATION | 26 |
| 6.1. | Current User Groups..... | 26 |
| 6.1.1. | Colac Basketball Association..... | 26 |
| 6.1.2. | Colac Night Netball Association | 27 |
| 6.1.3. | Colac and District Football League Netball Association..... | 28 |
| 6.1.4. | Colac Representative Netball Teams | 29 |
| 6.1.5. | Colac and District Indoor Bias Bowls Association..... | 29 |
| 6.1.6. | Colac Otway Shire – Bluewater Fitness Centre..... | 30 |
| 6.2. | Potential New User Groups..... | 31 |
| 6.2.1. | Colac and District Badminton Association..... | 31 |

| | | |
|-----------|--|-----------|
| 6.2.2. | Colac Ladies Daytime Badminton Association | 31 |
| 6.2.3. | Badminton Planning Project..... | 32 |
| 6.2.4. | Colac and District Netball Association | 32 |
| 6.2.5. | Apollo Bay Night Netball | 32 |
| 6.2.6. | Apollo Bay Football Netball Club | 33 |
| 6.2.7. | Other Potential User Groups..... | 33 |
| 6.3. | Health Care Providers | 33 |
| 6.3.1. | Colac Area Health..... | 33 |
| 6.3.2. | Otway Health | 33 |
| 6.4. | Schools | 34 |
| 6.4.1. | Department of Education | 34 |
| 6.4.2. | Colac High School..... | 34 |
| 6.4.3. | Colac College | 35 |
| 6.4.4. | Trinity College | 36 |
| 6.5. | Private Service Providers | 36 |
| 6.5.1. | Champion Fitness Centre | 36 |
| 6.5.2. | Colac Indoor Sports Centre | 36 |
| 6.5.3. | Other | 37 |
| 6.6. | Neighbouring Shires..... | 37 |
| 6.6.1. | Corangamite Shire | 37 |
| 6.7. | Nearby Sports Stadiums..... | 37 |
| 6.7.1. | Apollo Bay..... | 37 |
| 6.7.2. | Lavers Hill | 38 |
| 6.7.3. | Winchelsea..... | 38 |
| 6.8. | Disability Advisory | 39 |
| 6.8.1. | Gateways..... | 39 |
| 7. | DEMAND ANALYSIS | 40 |
| 7.1. | Facility Capacity..... | 40 |
| 7.2. | Current Main User Group Demand | 40 |
| 7.3. | Colac Secondary College Demand | 42 |
| 7.4. | Surrounding Municipalities Demand..... | 42 |
| 7.5. | Demographic Projections Demand Impact | 42 |
| 7.6. | Potential User Groups Demand..... | 43 |
| 7.7. | Summary of Demand | 45 |
| 8. | MBL ANALYSIS..... | 47 |
| 8.1. | MBL Analysis | 47 |
| 8.2. | Summary of Recommended Facility Redevelopment Directions | 52 |
| 9. | OPERATIONAL MANAGEMENT..... | 53 |
| 9.1. | Management Model Options..... | 53 |
| 9.2. | Operational Management..... | 54 |

| | |
|--|-----------|
| 10. FINANCIAL PROJECTIONS | 57 |
| 10.1. Methodology..... | 57 |
| 10.2. Assumptions..... | 57 |
| 10.3. Summary..... | 59 |
| 11. FUNDING OPTIONS..... | 60 |
| 12. RECOMMENDATIONS | 61 |
| 12.1. Recommendation 1 | 61 |
| 12.2. Recommendation 2 | 61 |

APPENDICES

Appendix 1 – Preliminary Concept Design for BWFC Option 3

Appendix 2 – 10 Year Financial Plan (Conservative, Optimistic and Realistic Scenarios)

1. INTRODUCTION

1.1. Project Overview

The Bluewater Fitness Centre is located at 118–134 Hearn Street, Colac and is operated by the Colac Otway Shire. The centre, which opened in 1991 after major community fundraising, was built on Department of Education Land and integrated with the original Colac Recreation Centre (built in 1976). The original 1976 dry facilities are an asset of the Department of Education while the 1991 developed 'wet facilities' and other community facilities are an asset of the Colac Otway Shire.

The Colac Otway Shire and the Colac College Council have entered into a 30 year lease agreement for the management and operation of the centre. Through this agreement, Colac College has exclusive use of the following facilities during school hours: main stadium, minor hall, two squash courts, service area, staff room, first aid room, foyer, school gymnasium space and two store areas.

Consistent with the lease agreement, outside of school hours the above facilities can be used by the Bluewater Fitness Centre user groups. Additional to these facilities, Bluewater Fitness Centre provides community access to the following facilities during centre based operational hours: community gymnasium, six lane - twenty five metre swimming pool, toddler's pool, steam/sauna/spa area, crèche, outdoor area and entry foyer/reception area.

The Colac Education, Recreation and Community Precinct Project aims to establish a new state of the art secondary education facility within an education, recreation and community precinct in Colac, merging successful programs from the existing two Government secondary schools and extending these programs to meet the educational needs of the Colac community in the 21st century. Through the endorsed merging of Colac College and Colac High School the Queens Street (Colac College) site is to be redeveloped to provide a new secondary school for an estimated 1,100 students.

As outlined in the Colac Education, Recreation and Community Precinct Project Educational Requirements Statement (2006), it is proposed that the new facilities to be developed in the precinct area include new recreation facilities at the Bluewater Fitness Centre. The objective of this feasibility study is to recommend the scope associated with the development of the stadium facilities with particular consideration to 3 distinct development options as detailed in Section 5. In summary these options are:

1. An expanded 2 court stadium with court dimensions complying with relevant standards and dedicated meeting rooms, office space and the redevelopment of current amenities.
2. A 3 court open hall stadium with the additional Option 1 components.
3. A show court and 2 court stadium with the additional Option 1 components.

1.2. Acknowledgement

Stratcorp Consulting would like to acknowledge the contribution of the members of the Project Steering Committee for their input into the Bluewater Fitness Centre Sports Stadium Feasibility Study.

2. PROJECT CONTEXT

The Bluewater Fitness Centre Sports Stadium Feasibility Study was carried out with consideration of the following policy and planning inputs:

- Council strategies and planning reports.
- Demographic profile of the region.
- Participation, trends, benchmarks and facilities overview.

This Section outlines the key information from these planning factors and how each impacts on the study.

2.1. Literature Review

The following table provides a summary of the previous reports relevant to the Bluewater Fitness Centre Sports Stadium Feasibility Study.

| Report/Policy | Summary/Implication |
|--|--|
| Bluewater Fitness Centre - Business Review (2007) | <ul style="list-style-type: none"> • This report recommended key strategies for the improving the financial performance for the BWFC. Key relevant recommendations include: <ul style="list-style-type: none"> - General enhancement of the Health and Fitness membership services. - Development of a Master Plan for the Bluewater Fitness Centre. - Establish a specific maintenance and refurbishment plan for Bluewater Fitness Centre. - Implement a functional sales and marketing plan. |
| Colac Education, Recreation and Community Precinct Project Educational Requirements Statement (2006) | <ul style="list-style-type: none"> • Current facilities in the Colac Education, Recreation and Community Precinct area are: <ul style="list-style-type: none"> - Bluewater Fitness Centre. - Football oval and facilities. - Basketball court centre. - Netball courts. - Colac College (to be demolished). • It is proposed that the new facilities to be developed in the precinct area include: <ul style="list-style-type: none"> - School sporting facilities. - Enhanced recreation facilities (Bluewater Fitness Centre, football oval and facilities, indoor basketball/gym/tennis/badminton/squash centre) and enclosing and enhancing the netball courts. It is anticipated that the enhanced centre will be enlarged by at least one basketball court and will be large enough to hold assemblies of the whole school (1100 students) and be another community facility for large gatherings. Consideration is also being given to an outdoor swimming pool. - Athletics track and associated facilities. |

| Report/Policy | Summary/Implication |
|---|---|
| <p>Colac Beechy Centre - Project Management Plan (2007)</p> | <ul style="list-style-type: none"> • The Colac Education, Recreation and Community Precinct Project aims to establish a new state of the art secondary education facility within an education, recreation and community precinct in Colac, merging successful programs from the existing two Government secondary schools and extending these programs to meet the educational needs of the Colac community in the 21st century. • Through the endorsed merging of Colac College and Colac High School the Queens Street (Colac College) site is to be redeveloped to provide a new secondary school for an estimated 1,100 students. • The Colac College and the Colac High School are seeking the following outcomes from the project: <ul style="list-style-type: none"> - The vision for the new precinct is: To deliver a new precinct for Colac which integrates a range of educational recreational and community facilities which together provide a focus for an active, learning community. • The Colac Education, Recreation and Community Precinct aims to: <ul style="list-style-type: none"> - Promote Colac as a globally recognised leading rural centre of innovation and excellence. - Promote life long education for all members of the Colac community. - Be the centre for learning, recreation and personal development in Colac. - Encourage joint use of facilities by the secondary school, other post compulsory education providers and the community. - Promote innovation within the Colac education, business and community activities. - Set a new standard for education precincts in rural Victoria providing safe, accessible and functional educational facilities with high amenity spaces and quality environmental conditions. • Taking into account the Stakeholder's Outcomes the Project Objectives are as follows: <ul style="list-style-type: none"> - To construct a secondary school as part of an Education Community Recreation Precinct with the capacity to cater for 1,100 students. - To include components of the precinct which are intended for community use. - To develop concept plans and cost estimates for the scope of community facilities specifically requiring Department of Education and Council endorsement prior to the development of detailed design. - To develop, design and construction agreements between Precinct Project Partners including the scope of master planning, cost sharing process, timelines and roles and responsibilities of the project partners. - To develop operational agreements for the access and use of facilities to be shared between school, community and other specific stakeholders. |

| Report/Policy | Summary/Implication |
|--|---|
| Colac Education, Recreation and Community Precinct Project - Educational Feasibility Case (2006) | <ul style="list-style-type: none"> • Currently, there are joint facility use agreements for the shared use of the Bluewater Fitness Centre – full sized double basketball courts, a small hall – small group indoor training, 2 squash courts and changing facilities. The municipal indoor swimming pool adjoins this facility to which schools have limited access and is shared amongst three secondary and approx 12 primary schools and the community. There is also a weight training room operated by the owners of the facility. |
| Colac Otway Shire 2006 - 2010 Recreation Strategy | <ul style="list-style-type: none"> • The Bluewater Fitness Centre Stadium does not adequately cater for current indoor sport demands and restricts programming and event opportunities. • Opportunity exists to investigate future development options for the Bluewater Fitness Centre Stadium as a result of the current potential secondary school merge discussions. • Within the Shire 90% of sport and recreation facilities are outdoors. The remaining 10% are important assets specifically catering for significant participation in such activities as basketball, netball, swimming, badminton, tennis and squash. |

Table: Summary of Council Strategies and Planning Reports.

2.2. Demographic Information

The following information provides an overview of the demographic profile of the Colac Otway Shire relevant to this study.

Population Numbers

The table below provides a summary of the population breakdown for the Colac Otway Shire for the years 2001 and 2006¹.

| Key statistics | 2001 | | 2006 | | Actual Change
2001 to
2006 | Percentage
Change
2001 to
2006 |
|---|--------|--------------------------|--------|--------------------------|----------------------------------|---|
| | Number | % of Total
Population | Number | % of Total
Population | | |
| Total population | 20,089 | 100 | 19,982 | 100 | -107 | -0.5 |
| Males | 10,005 | 49.8 | 9,909 | 49.6 | -96 | -1.0 |
| Females | 10,084 | 50.2 | 10,073 | 50.4 | -11 | -0.1 |
| Enumerated population, excluding overseas visitors | | | | | | |
| Total population | 19,997 | 100 | 19,867 | 100 | -130 | -0.7 |
| Males | 9,966 | 49.8 | 9,856 | 49.6 | -110 | -1.1 |
| Females | 10,031 | 50.2 | 10,011 | 50.4 | -20 | -0.2 |
| Population characteristics | | | | | | |
| Indigenous population | 95 | 0.5 | 147 | 0.7 | 52 | 54.7 |
| Australian born | 17,785 | 88.9 | 17,382 | 87.5 | -403 | -2.3 |
| Overseas born | 1,362 | 6.8 | 1,362 | 6.9 | 0 | 0.0 |
| Australian citizens | 18,893 | 94.5 | 18,310 | 92.2 | -583 | -3.1 |
| Australian citizens aged 18+ | 13,775 | 68.9 | 13,585 | 68.4 | -190 | -1.4 |
| Institutional population | 603 | 3 | 680 | 3.4 | 77 | 12.8 |
| Age structure | | | | | | |
| Infants 0 to 4 years | 1,296 | 6.5 | 1,219 | 6.1 | -77 | -5.9 |
| Children 5 to 17 years | 4,104 | 20.5 | 3,806 | 19.2 | -298 | -7.3 |
| Adults 18 to 64 years | 11,477 | 57.4 | 11,632 | 58.6 | 155 | 1.4 |
| Mature adults 65 to 84 years | 2,756 | 13.8 | 2,790 | 14 | 34 | 1.2 |
| Senior citizens 85 years and over | 364 | 1.8 | 420 | 2.1 | 56 | 15.4 |

Table: 2001 and 2006 Colac Otway Shire Population Numbers

The key findings from this information are:

- Only a minor change in population numbers has occurred during the period 2001 to 2006 with a decrease in population of 105, an overall reduction of 0.5%.
- The most significant actual change in the Colac Otway Shire related to age structure and population characteristics with the following:
 - 5,400 Children/Infants (27% of the population) in 2001 compared to 5,025 Children/Infants (25.3% of the population) in 2006.
 - 3,120 Mature Adults/Senior Citizens (15.6% of the population) in 2001 compared to 3,210 Mature Adults/Senior Citizens (16.1% of the population) in 2006.
 - While there has been a 54.7% increase in the Indigenous population from 2001 to 2006, the indigenous population accounted for only 0.7% of the overall population in 2006.

¹ Source: Australian Bureau of Statistics Community Profiles 2007

- The overall number of residents born in Australia decreased from 17,785 (88.9% of the population) in 2001 compared to 17,382 (87.5% of the population) in 2006, an actual decrease of 403 or 2.3%.

Country of Birth

The table below provides a summary of the Country of Birth (excluding Australia) for the Colac Otway Shire Residents in the years 2001 and 2006.

| Country of Birth | 2001 | | 2006 | | Change
2001 to
2006 | Percentage
Change
2001 to
2006 |
|--------------------------|--------------|--------------------------|--------------|--------------------------|---------------------------|---|
| | Number | % of Total
Population | Number | % of Total
Population | | |
| United Kingdom | 576 | 2.9 | 567 | 2.9 | -9 | -1.6 |
| New Zealand | 175 | 0.9 | 200 | 1 | 25 | 14.3 |
| Netherlands | 92 | 0.5 | 75 | 0.4 | -17 | -18.5 |
| Italy | 92 | 0.5 | 71 | 0.4 | -21 | -22.8 |
| Germany | 66 | 0.3 | 58 | 0.3 | -8 | -12.1 |
| China | 13 | 0.1 | 25 | 0.1 | 12 | 92.3 |
| Vietnam | 3 | 0 | 25 | 0.1 | 22 | 733.3 |
| Ireland | 22 | 0.1 | 23 | 0.1 | 1 | 4.5 |
| United States of America | 14 | 0.1 | 23 | 0.1 | 9 | 64.3 |
| Sudan | 0 | 0 | 21 | 0.1 | 21 | NA |
| Total | 1,053 | 5.4 | 1,088 | 5.5 | 35 | 3.3 |

Table: Colac Otway Shire Residents Country of Birth

The key findings from this information are:

- The overall number of Colac Otway Shire residents born outside of Australia increased by 35 from 1,053 (5.4% of the population) in 2001 to 1,088 (5.5% of the population) in 2006.
- In 2006, of the Colac Otway Shire non-Australian born residents a total of 52% were born in the United Kingdom.
- The total number of Colac Otway Shire residents born in either New Zealand, Vietnam or Sudan increased by a total of 68 from the period 2001 to 2006. These populations accounted for 246 or 1.2% of the total Colac Otway Shire population in 2006.

Population Projections

The following table outlines Colac Shire population projections from the period 2006 to 2021. This information is sourced from the population projections completed by the Department of Sustainability and Environment in 2004 and as a result the 2006 population numbers vary to the actual population numbers outlined on previous pages.

| Age Cohort | 2006 | 2011 | 2021 | Actual
Variation
2006 to
2021 | Percentage
Variation
2006 to
2022 |
|----------------------|---------------|---------------|---------------|--|--|
| 0-4 | 1,250 | 1,145 | 1,084 | -166 | -13.3% |
| 5-9 | 1,450 | 1,362 | 1,212 | -238 | -16.4% |
| 10-14 | 1,579 | 1,477 | 1,296 | -283 | -17.9% |
| 15-19 | 1,487 | 1,457 | 1,284 | -203 | -13.7% |
| 20-24 | 1,070 | 1,089 | 967 | -103 | -9.6% |
| 25-29 | 1,117 | 1,103 | 1,065 | -52 | -4.7% |
| 30-34 | 1,256 | 1,181 | 1,180 | -76 | -6.1% |
| 35-39 | 1,359 | 1,301 | 1,215 | -144 | -10.6% |
| 40-44 | 1,482 | 1,394 | 1,261 | -221 | -14.9% |
| 45-49 | 1,542 | 1,450 | 1,306 | -236 | -15.3% |
| 50-54 | 1,533 | 1,550 | 1,365 | -168 | -11.0% |
| 55-59 | 1,575 | 1,609 | 1,518 | -57 | -3.6% |
| 60-64 | 1,181 | 1,574 | 1,626 | 445 | 37.7% |
| 65-69 | 983 | 1,177 | 1,622 | 639 | 65.0% |
| 70-74 | 785 | 912 | 1,513 | 728 | 92.7% |
| 75-79 | 766 | 697 | 1,027 | 261 | 34.1% |
| 80-84 | 615 | 638 | 722 | 107 | 17.4% |
| 85+ | 480 | 635 | 802 | 322 | 67.1% |
| Total Persons | 21,511 | 21,750 | 22,065 | 554 | 2.6% |

Table: Colac Otway Shire Population Projection to 2021

The key findings from this information are:

- The overall population of the Colac Otway Shire is projected to increase by 554 or 2.6% in the period 2006 to 2021.
- All age cohort population numbers from 0 - 4 years to 55 - 59 years are projected to decrease in the period 2006 to 2021. In summary the projected population for those residents under the age of 59 years is expected to decrease by a total of 1,947 in the period 2006 to 2021.
- All age cohort population numbers above the age of 60 – 64 years are projected to increase in the period 2006 to 2021. In summary the projected population for those residents over the age of 60 years is expected to increase by a total of 2,502 in the period 2006 to 2021.

3. SPORTS PARTICIPATION TRENDS

A discussion of the key trends that may impact the feasibility of indoor sports facilities is presented in the following Section, implications from these trends have been considered in completing the overall demand assessment as presented in Section 7 of this report. The following categories or subheadings are considered;

- General leisure participation trends.
- Participation trends based on Exercise, Recreation and Sport Survey.
- Sports participation trends – Children.
- Trends in sports facility design.
- Trends in indoor sports facility management.
- Trends in financial performance of indoor sports facilities.

Trends in local club membership and participation are discussed in the consultation results outlined in Section 6 for each of the key nominated sports clubs that may have a potential interest in using any new or expanded facility at the Bluewater Fitness Centre.

3.1. General Leisure Participation Trends

An understanding and appreciation of broad sport, leisure and recreation trends is of paramount importance to ensuring relevancy and appropriateness of future facility recommendations.

Factors regarded as the catalysts for change in sport and leisure participation include the following:

- Change in the size and structure of populations.
- Recognition of the importance for strong links between recreational involvement and health, and the development of appropriate activities and services that cater for this.
- A demand by people for a greater diversity of recreational activities, including activities that incorporate cultural relevance.
- Increasing expectations of people for higher standards in facility provision and programming, servicing and management.
- A greater reliance on locally accessed and low cost opportunities by those without the resources to travel or pay for more expensive pursuits.
- More flexible opening hours of facilities and programming, including weekday, evening and weekend time-slots.
- Increased diversity in employment arrangements.

- An increasing demand for indoor facilities to facilitate programming and to provide protection from the elements.
- Increased use of childcare facilities by parents, thereby allowing greater access to recreation services and programs.
- Health insurance providers providing premium discounts or incentives for participation in recreation services or programs, highlighting the clear link between health and physical activity participation.

These trends have been accompanied by a swing from involvement in team sports to individual fitness and social sport and aquatic activities. Swimming and aerobics increased in popularity as attractive year round aquatic/leisure centres became more widely available, particularly through the redevelopment of outdoor cold water pools to indoor heated facilities.

Other significant trends include a gradual decline in sports participation by young people (14 – 20 year olds), possibly because of increased emphasis on academic achievement and greater involvement in the workforce from the introduction of extended shopping hours. Another possible reason identified through recent National research² is the prevalence of children's use of electronic games, computers, TVs and videos. The research found that within the total population of children aged 5-14 years (2,647,500), more children now play electronic or computer games (71%) than play organised sport (62%). This decline in sports participation has resulted in decreasing involvement by young people in 'structured' sporting activities.

Notwithstanding the previously described trend, overall participation in organised sport and physical activities remains highest amongst young people and declines steadily with age. In 2005/06, 73.5% of all 18-24 year olds in Australia were involved in organised sport and physical activities. However, among 25-34 year olds, the participation rate had dropped to below 66.6%, for 45-54 year olds to 48.5%, and down to 33.8% for people over 65 years³.

A particularly significant trend concerns increasing participation rates amongst older people. Government programs (such as *Active Australia*) and the continued high media exposure of the Masters Games and athlete role models⁴, and the efforts of various sporting organisations are collectively encouraging older people to participate in sport and regular physical exercise. Therefore people over 50 years engage in recreation activities more than their predecessors did, hence the use of public recreation facilities is unlikely to decline significantly as the population grows older, rather programs and services will need to be modified to cater for this significant population segment.

A key finding to emerge from an analysis of general participation trends has been the shift away from organised, team based sport and recreation participation and the emergence of walking as the preferred form of physical activity by both males and females across all age groups (15+ years). This trend is also being experienced in other western countries such as Canada, New Zealand and the United States, where participation in walking has higher levels of participation than any other recreational activity. Similar to ERASS and ABS statistics, research undertaken by Stratcorp as part of other recreation projects consistently records walking as the single most popular form of physical activity throughout Australia.

² *Children's Participation in Cultural and Leisure Activities April 2003, ABS.*

³ *Participation on Sport and Physical Activity 2005-2006, ABS.*

⁴ *Invariably former champion players who are still actively involved in training/competition for fitness and social outcomes.*

As a result of general changes in leisure interests and trends, it can be expected that sport, recreation and physical activity behaviour will be influenced in the following ways:

- There will be a need for a greater emphasis on non-competitive, passive and informal leisure opportunities. These should be responsive to the cultural needs and identity of the local community in which they are being offered.
- Conversely, there will also be demand for elite level performance facilities and participation opportunities for specific sections of the community. A number of sports associations, such as swimming, soccer and basketball are beginning to look at (single) facilities that cater for all levels of participation from grass roots to elite (“aligning the ladders”).
- There will be an increasing reliance on facility managers and sporting clubs to provide facilitated participation opportunities on a ‘walk-in-walk-out’ basis, without the need for long-term personal commitment or membership.
- Community expectations in terms of facility (and program) quality and safety will continue to increase. Hence a hierarchical approach to facility and open space provision is recommended.
- Program and formal participation opportunities need to be responsive to changing work patterns (increasing casualisation of the work force) hence the need for evening, day-time and weekend opportunities.
- Facilities need to be sympathetic to their setting, sustainable and environmentally appropriate.
- Indoor facilities need to employ flexible designs that facilitate multi (and changing) use.

3.2. Participation Trends Based on Exercise, Recreation and Sport Survey

The Australian Sports Commission (ASC) conducted its third annual *Exercise, Recreation and Sport Survey* (ERASS) in 2006 to measure Australians’ participation in physical activity for exercise, recreation and sport.

ERASS reports are available annually, compared to the physical participation reports generated by the Australian Bureau of Statistics Census once every five years. The benefit of ERASS therefore is the opportunity to access research data on an annual basis.

The methodology for the ERASS is that every 12 months four surveys are carried out throughout Australia (quarterly) with the sample size each quarter being 3,410 people aged 15 years and over. The total annual sample is 13,640. AC Neilson undertakes the fieldwork survey by telephone on behalf of the ASC.

The following table identifies the most popular activities undertaken by all Australians. It clearly highlights Walking as the single most popular (and growing) sport, recreation or physical activity pursuit.

| Rank | Activity | % Participation
(2006) | % Participation
(2005) | % Participation
Change from
2005-2006 |
|------|------------------|---------------------------|---------------------------|---|
| 1 | Walking (other) | 36.2% | 37.3% | -1.1% |
| 2 | Aerobics/Fitness | 19.1% | 18.5% | 0.6% |
| 3 | Swimming | 13.6% | 14.4% | -0.8% |
| 4 | Cycling | 10.1% | 10.3% | -0.2% |
| 5 | Running | 7.4% | 7.7% | -0.3% |
| 6 | Tennis | 6.8% | 7.8% | -1.0% |
| 6 | Golf | 6.8% | 7.1% | -0.3% |
| 8 | Walking (bush) | 4.7% | 5.7% | -1.0% |
| 9 | Soccer (outdoor) | 4.2% | 3.8% | 0.4% |
| 10 | Netball | 3.6% | 3.6% | Nil |
| 11 | Basketball | 3.3% | 3.3% | Nil |

Table: Participation 2005 and 2006 (National)

Notably, there was a distinct lack of traditional indoor sports such as basketball, volleyball and badminton in the top 10 activities nationally.

The following table shows a comparison of participation rates across the top ten activities between Victoria and nationally. The table highlights that participation rates by Victorians are slightly above the national average in all activities within the national top ten, except for swimming and bush walking. In relation to indoor sport, netball and basketball are not in the top ten participant activities in Victoria.

| Rank | Activity | VIC (2006) | National (2006) |
|------|---------------------|------------|-----------------|
| 1 | Walking | 37.8% | 36.2% |
| 2 | Aerobics/Fitness | 20.4% | 19.1% |
| 3 | Cycling | 11.9% | 10.1% |
| 4 | Swimming | 11.7% | 13.6% |
| 5 | Tennis | 7.7% | 6.8% |
| 6 | Running | 7.6% | 7.4% |
| 7 | Golf | 6.9% | 6.8% |
| 8 | Basketball | 4.8% | 3.3% |
| 9 | Australian Football | 4.5% | 2.7% |
| 10 | Walking (bush) | 4.4% | 4.7% |

Table: Comparison of Activity Participation between National and Victoria (2006)

Indoor sports participation trends relevant to this project include:

- Approximately 3.5% of Victorians participate in netball (predominantly female), compared to the national average of 3.6%.
- Netball is most popular with younger people, 81% of participants are aged between 15-34 years old.
- There is a growing trend toward indoor netball participation.
- Victoria has more basketball players than any other State (4.8% compared to 3.3% nationally).
- Victoria has the second largest number of volleyball participants, with 40,400 participants, representing a participation rate of approximately 1.0% of the population.
- Participation in badminton in Victoria (1.3%) is higher than the National average (0.9%).
- Gymnastics and dance sport participation is growing in Victoria.

3.3. Trends in Sports Facility Design

Relevant trends in indoor sports facility design that have been observed by the consulting team include:

- The design and development of facilities that can be configured to meet a variety of different needs and uses.
- The design of “meeting and social places” within sports and leisure facilities.
- A growing community preference for indoor facility provision, as the expense of participation in outdoor sports.
- Design of major regional sports/leisure facilities that offer a wide variety of activities/sports and ancillary services.
- Consideration of energy efficiency and environmentally friendly features within the design of sports and leisure facilities.
- Co-locating leisure and sports facilities close to other community assets such as retail precincts, arts precincts, libraries and other facilities is an emerging trend, designed to maximise the visibility, traffic and throughput to these facilities.
- The design of joint-use facilities (educational and community use) at school and other educational facility locations allowing educational use during the off-peak daytime periods (weekdays) and community use during the peak evening and weekend periods.
- There is an emerging trend of public-private partnerships between developers, government and sports clubs to develop sports facilities.

3.4. Trends in Indoor Sports Facility Management

A number of common indoor facility management trends have been observed in recent times, including:

- A lack of professional non-government indoor facility management service providers.
- Incorporation of commercial facility components into the overall service mix, e.g. retail outlets, health services, café facilities.
- Recent moves toward the establishment of community Boards of Management to oversee the operation of indoor facilities, particularly when in partnership with joint (community) use of education department facilities.
- Pursuit of non-sporting uses for indoor facilities, for example events, displays, functions etc.

3.5. Trends in Financial Performance of Indoor Sports Facilities

The consulting team has observed the current relevant trends in the financial performance of indoor sports centres:

- The 2006 CERM5 median (n=12) for expense recovery for dry sports and leisure centres over 3,000 square metres in size was 88%. There are a multitude of individual factors that relate to the viability of any centre, however this statistic indicates that the majority of large, multi-court indoor sports centres are not financially self-sufficient.
- The 2006 CERM median for secondary spend at indoor sports facilities was \$0.53 per visit.
- The 2006 CERM median catchment multiple for dry sports and leisure centres over 3,000 square metres in size was 6.2. This indicates that the average number of visits from each person in the primary catchment area is 6.2 per annum.
- Facilities that are designed and operated to be “multi-use” are generally operating at higher levels of usage capacity and financial performance.
- Large regional facilities with four or more courts that are centrally located in large catchment areas, with a low level of competition, in prominent positions have a greater chance of being financially viable.
- Generally, stadiums with less than three to four courts have a lower income generating capacity and lower likelihood of being financially viable.
- There is a general trend that people are seeking more time efficient recreation and activity pursuits and programs at indoor sports facilities are generally timetabled to meet these criteria

⁵ Centre for Environmental and Recreation Management, University of South Australia.

4. BLUEWATER FITNESS CENTRE OVERVIEW

The following information outlines the options and specifications associated with the proposed Bluewater Fitness Centre Sports Stadium Redevelopment.

4.1. Land and Operation

As outlined in Section 1, the BWFC is located on Department of Education Land. The Colac Otway Shire and the Colac College Council have entered into a 30 year lease agreement for the management and operation of the centre.

4.2. BWFC Guiding Principles

Recreation Planning Guiding Principles

The following recreation planning guiding principles have been established to assist in both planning and implementation of Council's recreation services including Bluewater Fitness Centre. These principles have been established to ensure the Recreation Strategy framework is reflective of current needs and issues.

Accessibility: Equitable provision and the opportunities to participate in recreation are to be accessible to all regardless of age or ability.

Partnerships: The Recreation Unit will initiate and develop partnerships within and beyond the community to ensure the ongoing provision of recreation facilities and services. Clubs and organisations will be encouraged to share facilities, services and recreation resources to capitalise on availability.

Risk Management: The Recreation Unit will maintain awareness and manage risk with a preventative approach as opposed to a reactive approach. Council's collaboration with State and Federal Government, State Associations and clubs will ensure consistent planning for risk and avoid unnecessary duplication of risk management procedure requirements.

Financial Sustainability: Resources will be made available to all sporting and recreation committees to develop effective financial management strategies to reduce direct net cost to Council.

Flexible Multi-Purpose Approach: Formal joint use arrangements will be developed and the Recreation Unit will support facilities on the basis of maximum use. Planning of new facilities or redevelopment of existing will require consideration of flexible multi purpose capacities.

Cross Organisational Input: Discussions and planning across various Colac Otway Shire Units will be encouraged to ensure awareness and consistency with Council's 2006-2010 Recreation Strategy and other relevant endorsed planning.

Bluewater Fitness Centre Vision

The centres vision is to be a leading provider of recreational opportunities, whilst maintaining the highest standard of safety and quality, in a cost effective manner.

Bluewater Fitness Centre Mission

To offer a diverse range of leisure services of high quality and affordable prices through the maximising of available resources.

4.3. BWFC Facilities and Programs

The following information provides an overview of the BWFC facilities and programs.

BWFC Facilities

The Bluewater Fitness Centre facilities include: a 25 metre indoor heated swimming pool, spa and sauna facilities, fully equipped gymnasium, program room, crèche, 2 court basketball hall and 2 squash courts.

BWFC Programs

The centre offers a diverse range of programs and services including: gymnasium programs, aerobic programs, fit-ball, cross training, seniors gym, personal training, lap-swimming, swimming lessons, swimming carnivals, swimming club, aquarobics, Aust-swim, educational courses including bronze star and bronze medallion, room hire, birthday parties and crèche.

4.4. SWOT Assessment

The following information outlines the strengths, weaknesses, opportunities and threats as identified in the Bluewater Fitness Centre Business Plan Report (2007).

Strengths

- Good diversity and range of facilities and services.
- Services a catchment community of approximately 11,000.
- Good performance of swim school.
- Internal open space and front lawn area.
- Systems in place for centre management, human resource policies and processes, formal organisation structure and operations.

Opportunities

- Changes associated with the Beechy Project.
- Diversification of user groups.
- Increased marketing - within resource allocation, alternative strategies, capitalising on benefits and branding.
- Programming - current down time.
- Enhancement to outdoor area including the provision of outdoor shade.
- Precinct project.
- School and community partnerships, partnership scope with the Centre's regular user groups.

Weaknesses

- Staffing - quality, retention, training, incentives, consistencies, mentoring opportunities.
- Location - industry isolation and insular.
- Squash courts - lost space in terms of returns.

- Programming - need for dedicated timelines and deadlines for review and cost benefit analysis.
- No history of market research/customer feedback or formal review mechanisms.
- Lack of community buy-in/belonging and therefore impacting on loyalty.
- Financial performance and general reporting.
- Facilities require refurbishment and general maintenance.
- Business review and reporting.

Threats

- Gymnasium Competitors including: Curves Fitness, Champion Fitness Centre and Heathers Swim-School could impact on BWFC membership numbers and hence financial performance.
- Potential for Council to make changes for the future if no improvement in business outcomes.
- General staff retention.

4.5. Stadium Facilities

The facility is setup as outlined in the table on the next page with the following approximate dimensions.

- Overall stadium area is approximately 46m by 32m or 1,472sqm.
- The two basketball courts are configured as 24m by 14m with an approximate run off of 3m at each end and with 5m between the two courts.
- The two netball courts are configured as 26m by 16m with an approximate run off of 2m at each end and with 3m between the two courts.
- The stadium has a seating bank that is approximately 28m by 6m with a capacity to seat approximately 80 spectators.

The following photos are of the existing stadium facility at the BWFC.



Photo: BWFC Existing Stadium

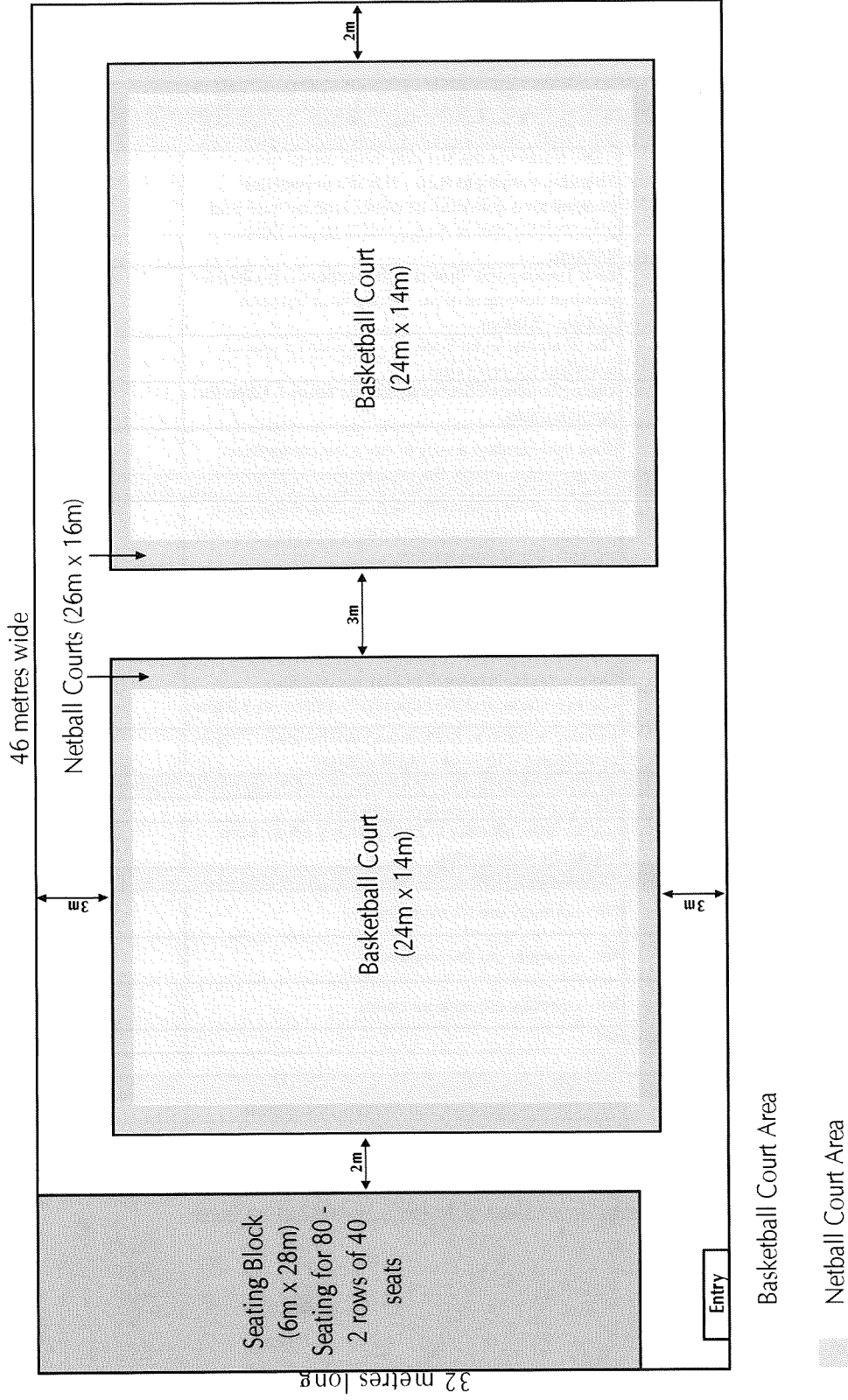


Table: Existing BWFC Stadium Area

4.6. Current Stadium Use

The following table provides a summary of current usage of the BWFC Stadium facility by usage group and season.

| User or Potential User Group | Summary of Current Court Usage | Approximate Court Hours (per Annum) |
|---|--|-------------------------------------|
| BWFC Programs and Bookings | | |
| Colac and District Football League | CDFL teams use the Stadium (both courts) on a Thursday evening to train. This is a permanent booking for a period of 10 weeks running from mid June until the end of August and is from 6.00pm – 8.00pm. | Winter - 40 |
| Personal Training | Each Tuesday and Thursday the stadium is booked for personal training sessions for one hour between 7.00am - 8.00am. | Winter - 52
Summer - 52 |
| Disability User Groups | The disability sector book 4 – 8 sessions a year on Saturdays for event days. | Winter - 32
Summer - 32 |
| Colac Basketball Association | During Summer CBA book Sunday 10am – 12pm for squad training. | Summer - 48 |
| Colac Indoor Bias Bowls | Book two Sundays a year to run zone competition. | Winter - 12
Summer - 12 |
| Current Facility Hire | | |
| Colac and District Football League Netball Association | Work in partnership with Night Netball Association running 2 coaching and umpiring clinics per year and rep and state league training. | 12 |
| Colac Basketball Association | Summer competition Monday to Friday, 2 courts 4pm to at least 9pm from mid Nov to April
Winter competition Tuesday (4pm to 7pm) and Wednesday (4pm to 7pm) | Winter - 168
Summer - 1,000 |
| Colac Indoor Bias Bowls Association | Once a year tournament in May for one day. Use two courts and the minor hall. 8.00am to 5.00pm. | 18 |
| Colac Night Netball Association | Monday 5.30pm to 8.45pm and Wednesday 5.30pm to 9.45pm for 12 weeks (April to Sept) | Winter - 180 |
| Schools Use | | |
| Colac High School | Nil - Currently uses existing own facility | 0 |
| Colac College | Use facilities Monday to Friday from 9 am to 3 pm during the school term | 2,400 (approx) |
| Potential Court Facility Users - Summary of Consultation | | |
| Colac and District Badminton Association | Nil - currently use Showgrounds | 0 |
| Colac Ladies Daytime Badminton Association | Nil - currently use Showgrounds | 0 |
| Colac Representative Netball Teams | Nil - currently use outdoor courts | 0 |
| Colac and District Netball Association | Nil | 0 |
| Apollo Bay Night Netball | Nil | 0 |
| Other Providers | | |
| Colac Area Health | Nil - Limited resources and facilities not suitable | 0 |
| Otway Health | Nil - Use a range of other facilities | 0 |
| Gateways/CBA/CNNA | Nil - use other facilities | 0 |

Table: Current Usage of the BWFC Stadium by User Group

In summary the above table indicates the following usage levels of the BWFC Stadium facility for the full year for the following times: Monday to Friday 4pm to 9.30pm, Saturday and Sunday 8am to 12noon and school usage hours of 9am to 3pm. Note: the analysis also considers public holidays and facility maintenance periods.

| Summary of Bookings Type | Available Court Hours | Current Court Hours | Percentage Use |
|---|-----------------------|---------------------|----------------|
| Sport and Community Hire - Winter* | 1,700 | 508 | 30% |
| Sport and Community Hire - Summer* | 1,700 | 1,150 | 68% |
| Subtotal Sport and Community Hire* | 3,400 | 1,658 | 49% |
| Exclusive School Use - Winter | 1,200 | 1,200 | 100% |
| Exclusive School Use - Summer | 1,200 | 1,200 | 100% |
| Subtotal Exclusive School Use | 2,400 | 2,400 | 100% |
| Total Booked Hours Per Annum | 5,800 | 4,058 | 70% |

Table: Summary of Occupancy Levels

The table below provides a summary of weekday only usage (i.e. excluding weekend availability) of the BWFC.

| Summary of Bookings Type | Available Court Hours | Current Court Hours | Percentage Use |
|---|-----------------------|---------------------|----------------|
| Sport and Community Hire - Winter* | 1,350 | 464 | 34% |
| Sport and Community Hire - Summer* | 1,350 | 1,058 | 78% |
| Subtotal Sport and Community Hire* | 2,700 | 1,522 | 56% |
| Exclusive School Use - Winter | 1,200 | 1,200 | 100% |
| Exclusive School Use - Summer | 1,200 | 1,200 | 100% |
| Subtotal Exclusive School Use | 2,400 | 2,400 | 100% |
| Total Booked Hours Per Annum | 5,100 | 3,922 | 77% |

Table: Summary of Weekday (Only) Occupancy Levels

The key findings from this analysis are:

- The total hours of regular court usage is approximately 4,058 hours per annum.
- The overall stadium occupancy rate is 70% for all available usage times.
- The overall stadium occupancy rate is 77% for weekdays only.
- The overall current sport and community weekday summer use is 1,058 hours with an occupancy rate of 78%.
- In summary it is concluded that the overall level of current usage of the BWFC during peak times is high.

The tables below provide a summary of regular stadium usage for winter and summer.

Regular Winter Bookings

| Time | Monday | | Tuesday | | Wednesday | | Thursday | | Friday | | | | | | | | | |
|---------|------------------------------|---------|------------------------------|---------|------------------------------|---------|------------------------------|---------|------------------------------|---------|---------------------|--|---------------------|--|---------------------|--|---------------------|--|
| | Court 1 | Court 2 | Court 1 | Court 2 | Court 1 | Court 2 | Court 1 | Court 2 | Court 1 | Court 2 | | | | | | | | |
| 9.00am | School Usage | | School Usage | | School Usage | | School Usage | | School Usage | | | | | | | | | |
| 9.30am | | | | | | | | | | | | | | | | | | |
| 10.00am | | | | | | | | | | | | | | | | | | |
| 10.30am | | | | | | | | | | | | | | | | | | |
| 11.00am | | | | | | | | | | | | | | | | | | |
| 11.30am | | | | | | | | | | | | | | | | | | |
| 12.00pm | | | | | | | | | | | | | | | | | | |
| 12.30pm | | | | | | | | | | | | | | | | | | |
| 1.00pm | | | | | | | | | | | | | | | | | | |
| 1.30pm | | | | | | | | | | | | | | | | | | |
| 2.00pm | | | | | | | | | | | | | | | | | | |
| 2.30pm | | | | | | | | | | | | | | | | | | |
| 3.00pm | | | | | | | | | | | | | | | | | | |
| 3.30pm | | | | | | | | | | | | | | | | | | |
| 4.00pm | Colac Basketball Association | | Colac Basketball Association | | Colac Basketball Association | | Colac Basketball Association | | Colac Basketball Association | | | | | | | | | |
| 4.30pm | | | | | | | | | | | | | | | | | | |
| 5.00pm | | | | | | | | | | | | | | | | | | |
| 5.30pm | | | | | | | | | | | | | | | | | | |
| 6.00pm | | | | | | | | | | | | | | | | | | |
| 6.30pm | | | | | | | | | | | Colac Night Netball | | Colac Night Netball | | Colac Night Netball | | Colac Night Netball | |
| 7.00pm | | | | | | | | | | | | | | | | | | |
| 7.30pm | | | | | | | | | | | | | | | | | | |
| 8.00pm | | | | | | | | | | | | | | | | | | |
| 8.30pm | | | | | | | | | | | | | | | | | | |
| 9.00pm | | | | | | | | | | | | | | | | | | |
| 9.30pm | | | | | | | | | | | | | | | | | | |

- end April to mid Sept
- June to early Sept
- Opportunities for training or competition expansion

Table: Regular Winter Bookings

Regular Summer Bookings

| Time | Monday | | Tuesday | | Wednesday | | Thursday | | Friday | |
|---------|--------------------------|---------|--------------------------|---------|--------------------------|---------|--------------------------|---------|--------------------------|---------|
| | Court 1 | Court 2 | Court 1 | Court 2 | Court 1 | Court 2 | Court 1 | Court 2 | Court 1 | Court 2 |
| 9.00am | School Usage | | School Usage | | School Usage | | School Usage | | School Usage | |
| 9.30am | | | | | | | | | | |
| 10.00am | | | | | | | | | | |
| 10.30am | | | | | | | | | | |
| 11.00am | | | | | | | | | | |
| 11.30am | | | | | | | | | | |
| 12.00pm | | | | | | | | | | |
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| 1.00pm | | | | | | | | | | |
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| 2.00pm | | | | | | | | | | |
| 2.30pm | | | | | | | | | | |
| 3.00pm | | | | | | | | | | |
| 3.30pm | | | | | | | | | | |
| 4.00pm | Colac B'ball Association | | Colac B'ball Association | | Colac B'ball Association | | Colac B'ball Association | | Colac B'ball Association | |
| 4.30pm | | | | | | | | | | |
| 5.00pm | | | | | | | | | | |
| 5.30pm | | | | | | | | | | |
| 6.00pm | | | | | | | | | | |
| 6.30pm | | | | | | | | | | |
| 7.00pm | | | | | | | | | | |
| 7.30pm | | | | | | | | | | |
| 8.00pm | | | | | | | | | | |
| 8.30pm | | | | | | | | | | |
| 9.00pm | | | | | | | | | | |
| 9.30pm | | | | | | | | | | |

- Mid Oct to Early April
- Opportunities for training or expansion of the competition

Table: Regular Summer Bookings

4.7. Current Stadium Revenue

The following information provides a summary of revenue at the Bluewater Fitness Centre Stadium.

| Account Details | YTD April
2007-2008 | 2006-2007 | 2005-6 | 2004-5 | 2003-4 | 2002-3 |
|----------------------------------|------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Karate Charges | \$891 | \$1,677 | \$818 | \$280 | \$540 | \$317 |
| Basketball Charges | \$20,011 | \$33,480 | \$26,062 | \$21,936 | \$23,690 | \$20,875 |
| Netball Charges | \$4,353 | \$15,055 | \$4,446 | \$9,600 | \$9,476 | \$10,110 |
| Other Charges | \$0 | \$131 | \$3,396 | \$3,659 | \$5,417 | \$2,605 |
| Squash Charges | \$834 | \$1,329 | \$1,440 | \$613 | \$720 | -\$1,074 |
| School Holiday Prog Charges | \$4,109 | \$4,670 | \$9,319 | \$8,473 | \$6,941 | \$9,896 |
| Colac Secondary College Contrib. | \$0 | \$9,756 | \$9,106 | \$8,487 | \$8,240 | \$8,240 |
| Child Care Subsidy | \$310 | \$12,269 | \$8,351 | \$5,486 | \$6,787 | \$14,585 |
| Grand Total | \$30,508 | \$78,366 | \$62,938 | \$58,534 | \$61,811 | \$65,555 |

Table: Stadium Revenue by User Group

The above information indicates that approximately over 60% of revenue in 2006/07 was from Basketball and Netball usage.

4.8. User Group Membership Trends

The following information provides a summary of the key trends associated with user group membership/participation numbers.

| User Group | Membership Numbers | | | |
|--|--------------------|---------|---------|---------|
| | 2004/05 | 2005/06 | 2006/07 | 2007/08 |
| Colac and District Football League Netball Association | NA | 48 | 38 | NA |
| Colac Basketball Association | 920 | 944 | 1,150 | 1,180 |
| Colac Night Netball Association | NA | 225 | 310 | 140 |

Table: User Group Membership/Participation Numbers

In summary the overall membership numbers for the Colac Basketball Association have increased by 260 or 28% from 2004/05 to the 2007/08 period while the total membership number of the Colac Night Netball Association has decreased by 170 or 54% in the period 2006/07 to 2007/08.

4.9. Summary of Key Findings

The following information summarises the key findings associated with the review of the BWFC.

- The dimensions of the BWFC sport court configuration for basketball (24m x 14m with a 3m safety zone) do not meet the recognised standards of 28m x 15m with a 2m safety zone.
- The dimensions of the BWFC sport court configuration for netball (26m x 16m with a 2m safety zone) do not meet the recognised standards of 30.5m x 15.25m with a safety zone at the side of 1.5m and a safety zone at the ends of 2m.
- The key findings from the bookings analysis are:
 - The total hours of regular court usage is approximately 4,058 hours per annum.
 - The overall stadium occupancy rate is 70% for all available usage times.
 - The overall stadium occupancy rate is 77% for weekdays only.
 - The overall current sport and community weekday summer use is 1,058 hours with an occupancy rate of 78%.
 - In summary it is concluded that the overall level of current usage of the BWFC during peak times is high.
- In the period 2002/03 to 2006/07 overall revenue associated with the sport user groups has increased as outlined below:
 - Basketball revenue has increased from \$21k to \$33k, an increase of 57%.
 - Netball revenue has increased from \$10k to \$15k, an increase of 50%.
- The following significant user group membership/participation numbers have been reported by the user group:
 - In the period 2004/05 to 2007/08, Colac Basketball Association membership numbers have increased from 920 to 1,180, an increase of 28%.
 - In the period 2005/06 to 2007/08, Colac Night Netball Association membership numbers have decreased from 225 to 140, a decrease of 37%. Association membership numbers peaked in the 2006/07 season with a membership of 310.

5. FACILITY DEVELOPMENT OPTIONS

Based on preliminary consultation with key user groups, three main facility development options for a BWFC Stadium development were identified. Information associated with each option is outlined below.

The Colac Otway Shire has engaged the services of an architect to provide concepts and associated costings for each of these design options. These concepts and costings are to be provided to Council separate to this report.

It is important to note that all options address the current situation of the existing 2 courts not meeting current sport compliance dimensions for playing areas as outlined in Section 4.5.

5.1. Option 1 – Expanded 2 Court Stadium

Option 1 – The facility is to be maintained as a 2 court stadium with the building footprint increased to the south to meet relevant court dimension standards. This facility development option incorporates the following:

- An expanded 2 court stadium option.
- An additional meeting room.
- Additional office space.
- Two separate and dedicated first aid rooms with one for the school and the other for non-school user groups.
- Upgrading of the change-rooms.

The estimated additional building footprint for the courts only associated with this design option is 473 square metres (refer Section 5.4).

5.2. Option 2 – 3 Court ‘Open Hall’ Stadium

Additional to the items outlined in Option 1, a further court is to be added to the west of the existing facility creating a 3 court, open hall stadium.

The estimated additional building footprint associated with this design option is 868 square metres (refer Section 5.4).

5.3. Option 3 – Show Court with a 2 Court Stadium

Additional to the items outlined in Option 1, a dedicated exclusive court is to be added to the west of the existing facility creating a 3 court venue designed as a 2 court hall with a separate 1 court hall.

The estimated additional building footprint associated with this design option is 1,710 square metres (refer Section 5.4).

A preliminary concept design for Option 3 is attached as Appendix 1.

5.4. Estimate of Probable Costs

The following information provides an estimate of probable costs for each Option as outlined above. This information is based on preliminary advice from the architect and the following notes, assumptions and/or exclusions:

- Estimations of additional building foot-print are based on the Preliminary Option 3 concept design.
- Costs for Option 3 exclude fit-out costs such as additional sport equipment and additional seating.
- Costs for Option 3 include additional entry point and extra changerooms.

| Design Option | Estimated Additional Building Footprint | Estimated Capital Cost
(at \$1,500 per sqm) |
|--|---|--|
| Option 1 - Expanded 2 Court Stadium | 473 | \$ 709,500 |
| Option 2 - 3 Court 'Open Hall' Stadium | 1,343 | \$ 2,013,895 |
| Option 3 - Show Court with a 2 Court Stadium | 2,184 | \$ 3,276,540 |

Table: High Level Indicative Costs for Options 1 and 3.

Whilst this information provides an estimate of probable costs, as a result of the associated limitations, it is recommended that a more comprehensive cost assessment be completed by a Quantity Surveyor once the final concept designs for each option have been completed by the Architect.

6. CONSULTATION

A comprehensive approach to stakeholder consultation was adopted to ensure the views of all parties were considered and a shared understanding of future facility needs determined. A range of consultation processes were employed which including workshops, meetings and interviews. A summary of the key outcomes of the consultation are outlined below.

6.1. Current User Groups

The following information summarises the major feedback provided by current user groups.

6.1.1. Colac Basketball Association

The Colac Basketball Association is the largest regular user of the Bluewater Fitness Centre Stadium with over 1,000 registered members. The Association currently offers a winter and a summer competition as outlined below:

- The summer competition runs from mid October to early April utilising Courts 1 and 2 of the stadium on Monday to Friday from 4pm to as late as 10pm.
- The winter competition was started last winter on the nights that Netball is not using the courts. The Tuesday night competition runs from 4pm to 8pm and the Wednesday night competition runs from 4pm to 7pm.
- Over the past 4 years, the Colac Basketball Association has increased their membership by 28%.
- The Basketball Committee also use the Meeting Room once a month for committee meetings at \$10 per hour. Currently, seniors are being charged \$63 per hour per court and juniors \$31.50 per hour per court.
- The competition has approximately 100 spectators weekly (throughout the night) and up to 250 spectators for the finals.

Currently, the facility does not meet the needs of the Basketball Association in the following ways:

- Unable to hold tournaments
- Limited opportunity to expand teams due to the lack of court space.
- Unable to access the courts during the day due to school use.
- Unable to introduce wheelchair basketball due to lack of court time during and outside of school hours.
- Require a dedicated and separate First-Aid room for non-school user groups.

If the Bluewater Fitness Centre and Stadium were re-developed, the following facilities would meet the needs of the Colac Basketball Association.

- A 3rd sports court to expand the summer and winter competitions.
- A 3rd court for hosting large basketball tournaments.
- The 3rd court should be a show court for exhibition games.
- Show court seating on the Eastern wall and relocatable seating on the Western wall.
- Access to a court during the day to run wheelchair basketball.
- Multipurpose room for training and meetings.
- Administration office.
- Referees and officials room.
- Canteen/Kiosk facilities.

The Colac Basketball Association have made the suggestion that a cheaper rate for teams training and programs such as Aussie Hoops which normally runs on a Saturday morning should be offered. This way, courts would more likely be used in non peak periods such as weekends and Friday nights.

6.1.2. Colac Night Netball Association

The Colac Night Netball Association is the second largest regular hirer of the Bluewater Fitness Centre Stadium with just over 140 registered members participating in Netball competitions over the winter period in 2008. The following information provides a summary of general usage:

- A 12 week winter competition runs from the end of April to mid September with breaks during the school holiday periods. The competition maximises court time on Monday and Wednesday nights from 5.30pm to 10.30pm.
- From the 2006 to 2007 seasons, the Night Netball Association experienced an increase in their membership of almost 38%. (Subsequent note: membership numbers have decreased to approximately 140 in 2008 from 300 in 2006/07).
- The Night Netball Association pays \$63 per hour per court for seniors and \$31.50 per hour per court for juniors. The rate is the same for competition and training, whether the lights are used or not.
- The competition has approximately 50 spectators weekly (throughout the night) and approximately 100 for the finals.

Currently, the facility does not meet the needs of the Night Netball Association in the following ways:

- The minimum run off around the playing court falls short of the recommended 3.7m. The run off between the court and the end wall is approximately 1.5 meters.
- There is no multipurpose room for conducting courses, clinics and meetings.
- There is no first aid room. Injured players are treated on court side.
- There are no officials or umpires rooms.

If the Bluewater Fitness Centre and Stadium were re-developed, the following facilities would meet the needs of the Colac Night Netball Association.

- A 3rd court to host representative and regional state competitions.
- A 3rd court to expand the existing night netball competition.
- Access to a court during the day to run wheelchair netball.
- A multipurpose room for holding training, exams, first aid classes and meetings.
- A dedicated first aid room.
- An officials or umpires room.
- Improved access to all courts (i.e. a corridor running behind the courts with Perspex or glass for viewing of the courts).
- Natural light for daytime use.
- Spectator seating for all courts.
- Canteen facilities.
- Existing amenities upgrade.

The Colac Night Netball Association have made the suggestion that a cheaper rate for teams training should be offered. It is also suggested that other rooms hired should be made available free of charge if the sports courts are being hired at the same time.

6.1.3. Colac and District Football League Netball Association

The Colac and District Football League Netball Association do not currently use the centre for regular competition, however, they work in partnership with the Colac Night Netball Association co-ordinating coaching and umpiring clinics and representative and state league training.

The Football League Netball Association run coaching clinics and umpiring clinics twice per year for approximately 25 people utilising court space and the meeting room. Some State League and Representative Teams train indoors if court space is available. There are no regular training times currently allocated.

Over the past three seasons, membership has decreased by approximately 4%. It appears that the drop in membership is for Senior rather than Junior players.

The Colac and District Football League Netball Association would like to host the regional state league competition twice yearly accommodating approximately 160 people. Three courts are required to host this competition.

If extra court time were available, and the cost of hiring the courts were reasonable, the courts would be hired for state league training for a 7 week period (2 to 3 courts) and representative team training for a 10 week period.

6.1.4. Colac Representative Netball Teams

The Colac Representative Netball Teams do not currently use the Bluewater Fitness Centre Stadium for competition, however, they are part of the Colac and District Football League Netball Association utilising the outdoor courts for regular competition.

Whilst the C&DFL Netball Association run Regional State League and Interleague representative sides, the Colac Representative Netball Teams run six representative sides.

For the past four years, six representative sides have competed for Colac. The representative sides would prefer to utilise the Bluewater Fitness Centre Stadium for training purposes for a 2 hour period, one night a week for 12 – 15 weeks. Three courts would enable all teams to train at around the same time.

The Representative Netball Teams also support the development of a third show court to host the state league competition in Colac.

6.1.5. Colac and District Indoor Bias Bowls Association

The Colac Indoor Bias Bowls Association uses the Bluewater Fitness Centre Stadium on an annual basis to host an indoor bias bowls tournament in May. The two sports courts are used for the Bowls tournament and the minor hall is used to serve refreshments. Approximately 128 people attend the tournament each year.

Currently, the facility does not meet the needs of the Indoor Bias Bowls Association in the following ways:

- There are not enough hand basins and toilets in the ladies amenities.
- Not enough power points in the minor hall.
- The stadium is too cold in May, heating is required.
- More relocatable seating is required.

6.1.6. Colac Otway Shire – Bluewater Fitness Centre

The BWFC currently co-ordinates all bookings associated with the use of the BWFC Stadium. The Centre advised that in addition to the information provided in Section 4.6 (current Stadium Use) that the following organisations have previously requested access to the stadium:

- Futsal (Indoor Soccer) would like to use the facility one night a week all year round and for 10 Saturday sessions.
- Power lifting.
- Remote control car Club.
- Karate.
- Falcon Football Club.
- South west region boxing.
- Leisure networks to run 10 week physical activity program.
- Lions Club to run events such as conferences and seminars.
- Unlimited Learning Adventures to run training days.
- Women's day time soccer.
- Boxing Gym Sessions.

While some of these user requests have been met on a one-off basis, the BWFC advised that the majority of these requests cannot be accommodated due to existing bookings by regular user groups. Whilst it is difficult to determine the exact hours of the above booking enquiries, it is estimated that the overall unmet demand is in excess of 400 hours per annum.

The BWFC also advised that it currently programs the minor hall area which is annexed to the BWFC stadium. The BWFC conducts a range of programs and services in this area including:

- 20 group exercise classes per week for 40 weeks a year, a total of 800 hours per annum.
- A minimum of ten personal training session hours per week, a total of 400 hours per annum.
- Other programs including: Seniors Strength training, No Falls, Bat and Ball, Aerobic conditioning and Pole walking for 5 sessions at 2.5 hours each week for 40 weeks per year, a total of 500 hours per annum.

Hence in addition to the stadium usage, the BWFC management advised that the minor hall is programmed for in excess of 1,300 hours per annum. As a number of these uses are nearing capacity, the provision of additional court space would allow for the further expansion of these programs and services.

6.2. Potential New User Groups

The following information summarises the major feedback provided by potential user groups.

6.2.1. Colac and District Badminton Association

The Colac and District Badminton Association has a 5 year lease with the Agricultural Society to use the showgrounds building for badminton activities. 7 courts are set up permanently with poles and nets and are accessible to the Badminton players for 50 weeks of the year.

The Ladies play on Tuesday mornings and night competitions are held on Monday and Thursday evenings. Players are also able to access the courts at other times for practice or special events. Full access to a kitchen is also provided.

The Colac and District Badminton Association conducts two pennant seasons per year and has had an average of 40 players per season. The Showgrounds building suits their needs currently as the courts are permanently set up and they can be accessed at any time other than for two weeks when the Agricultural Show is on. The facility however does have functional limitations including the concrete floor which is not an ideal playing surface and the air handling and lighting are inadequate.

Currently, the Bluewater Fitness Centre and Stadium does not meet the needs of the Colac and District Badminton Association in the following ways:

- Access to the courts is not available during the day due to school use.
- Access to courts is not available at night time due to Basketball and Netball use of the facility.
- Sun glare during the day is not ideal.
- Would prefer the courts to be set up permanently as they are that the showgrounds building.
- Other rooms in the centre should be made available free of charge if hiring the sports courts.
- The cost of court hire has been considered excessive by the Badminton Association in the past.

6.2.2. Colac Ladies Daytime Badminton Association

The Colac Ladies Daytime Badminton Association is under the same lease agreement with the Agricultural Society as the Colac and District Badminton Association.

On average, 51 players attend over two seasons per year. Ladies pennant numbers have been slowly decreasing over the last four years.

6.2.3. Badminton Planning Project

The Regional Badminton Planning Project, funded through G21 (shared vision for the Geelong region) and supported by Badminton Victoria is a means of highlighting plans and future opportunities for junior badminton development and school based initiatives in Colac.

In the region, 19% of badminton players are juniors, with 30 – 40 juniors currently involved in a Friday night competition in Colac.

The following outlines junior development plans and opportunities in the Colac and District regions:

- Level 1 coaching accreditation in Colac. In December 2007, 6 local coaches participated and achieved their accreditation.
- Schools badminton programs are offered at the Colac Secondary College, Colac College and the Colac South West Primary School.
- Badminton is one of the first sports to induct players into the newly developed Barwon Sports Academy with 6 players currently participating in the Elite Squad Program.
- Badminton Australia is in the process of developing a new program for lower primary school students as an introduction to the sport. The Barwon Region has been identified as a priority location for the pilot and Colac has been ear marked as a potential site for 2008/09.
- Plans are in place to introduce badminton into the Active after Schools Program. The Active After School Communities Program is a national initiative that provides primary school-aged children with access to free (or reduced price) structured physical activity programs in the after-school timeslot of 3.00pm to 5.30pm. The program aims to engage traditionally non-active children in structured physical activities and to build pathways with local community organisations, including sporting clubs⁶.

Given the above developments in junior badminton, it is likely that the development of the Bluewater Fitness Centre and Stadium be inclusive of badminton facilities to cater for junior development and school usage.

6.2.4. Colac and District Netball Association

The Colac and District Netball Association have indicated that they have no plans for using the Bluewater Fitness Stadium in the future.

6.2.5. Apollo Bay Night Netball

The Apollo Bay Night Netball Club are approximately one hour drive from Colac and have indicated that they have never used the Bluewater Fitness Centre and Stadium and are unlikely to have a requirement for use of the centre in the

⁶Program delivery is supported through Active After-school Communities State offices which are funded through the Australian Sports Commission.

future. The centre they use has the capacity to cater for their current and future needs.

6.2.6. Apollo Bay Football Netball Club

The Netball side of the Apollo Bay Football Netball Club are also approximately on hour drive from Colac and have indicated that they do not have a current or future requirement to use the Bluewater Fitness Centre and Stadium.

6.2.7. Other Potential User Groups

BWFC Management advised that enquiries for stadium usage been recently received from the following potential user groups:

- A group involved in organising boxing nights and associated clinics.
- The Skilled Connection Group for monthly hub meetings.
- The Rural Access group for monthly meetings and working groups (i.e. arts and crafts).

6.3. Health Care Providers

The following information summarises the major feedback provided by health care providers.

6.3.1. Colac Area Health

Colac Area Health run a suit of community programs including Aged Care, Primary Care, Acute Care and Allied Health Services to Colac Otway, Corangamite and Surf Coast Shires with a catchment population of approximately 30,000.

Most programs are run from the Health Centre in Connor Street Colac. Rehabilitation programs currently utilise the Bluewater Fitness Centre Swimming Pool, however, there is currently no requirement for rooms or space to deliver programs from the Bluewater Fitness Centre Stadium.

Colac Area Health have not been able to accommodate a program or activity due to lack of facilities, however, lack of human resources is more likely the case.

6.3.2. Otway Health

Otway Health is a multipurpose service established and managed to increase community self reliance and enhancing the quality of life enjoyed by the local community.

Some of the services offered to the community by Otway Health include; Health Promotion, Planned Activities Group, Marrar Woon Community Centre and Room Hire.

Otway Health is based in Apollo Bay and therefore utilises the facilities located closer to their client base. The centre runs Yoga and Pilate's classes from the Senior Citizens Hall and the church hall. Hydrotherapy sessions are conducted in Lavers Hill.

Otway Health has no plans to utilise the Bluewater Fitness Centre and Stadium for program delivery at this stage.

6.4. Schools

The following information summarises the major feedback provided by educational organisations.

6.4.1. Department of Education

A telephone interview was conducted with the Regional Officer for the Beechy Project and a summary of the relevant findings are outlined below.

The Colac High School and Colac College have recently amalgamated to form the Colac Secondary College. The Colac College site will be the newest site accommodating the existing High School students including Years 7 & 8 students from Colac High School as of Term 1 2009. Year's 9 to 12 students will continue to be based at the Colac High School in Murray Street until the third stage of development of the new campus is completed. It is expected that the Colac Secondary College will be able accommodate up to 1,200 students.

The Department advised that the long term projected enrolment number for the merged school was between 1,000 and 1,100 students.

The Department of Education also advised that the Facility Entitlements Policy detailed the stadium facility requirements for new and merging schools. In summary, this policy outlined the following:

- Secondary Schools of up to 1,200 students are to have access to stadium floor-space of 688 square metres.
- Secondary Schools of 1,201 to 1,300 students are to have access to stadium floor-space of 1,376 square metres.

6.4.2. Colac High School

Colac High School has a one court stadium that is used for physical education classes, assemblies and other activities on a daily basis throughout the school terms from 9.00am to up to 3.30pm. The High School believe they will continue to have a need for 1 court and the Colac College would continue to have a need for 2 courts, therefore, the development of a third court would need to be developed at the Bluewater Fitness Centre to service the new Colac Secondary College.

The High School would like to ensure that adequate male and female change facilities are provided, with the size of the change facilities being able to cater for up to 40 students at any one time.

Storage areas that are easily accessible to the sports hall are required. One of the courts should be of show court standard to cater for interschool events with the appropriate stadium seating to cater for up to 500 spectators.

6.4.3. Colac College

The Colac College currently has a licence agreement with the Colac Otway Shire to use the two sports courts and store rooms during school hours during school terms. Other areas of the centre can be used by the school during school hours under a booking arrangement with the Colac Otway Shire.

The two sports courts are used from 9.00am to 3.00pm daily Monday to Friday. The school currently has no outdoor space for sporting activities so all classes are held indoors. The school believes that the demand for an additional court will exist due to the expected increase in students when the two schools merge in the future.

The school uses the minor hall (aerobics room) for assemblies, table tennis and dance classes. A double ended storeroom to the minor hall allows for easy access to equipment for various activities in this room. The size of the room is appropriate for its current use however, increased storage space will be required when the school increases in size as a result of the development of the Colac Secondary College. The layout and design of the storage area will need to be re-designed.

An office is made available to the school which is mainly used as a storeroom for equipment. This room is inadequate in size and design.

The squash courts are used on a daily basis by the school during lunch hour. Students book the courts through the physical education department and often both courts are fully utilised at lunch time.

The school would like the old circuit room to be redeveloped into a more usable space that could be converted into a class room. A more modern, multipurpose room with movable tables and chairs would be of more use and this could also be used by other groups for classes such as first aid, coaching clinics meetings etc. If tables and chairs could be stored, the room could also be used for martial arts and other activities. The size of the room would need to accommodate 25 – 30 people.

Two separate and dedicated first aid rooms for school groups and other facility users would be highly desirable.

Natural lighting is desirable for the school to minimise the use of electric lighting during the day. Installation of skylights or something similar would be advantageous. The sun glare on the north wall is currently a problem that may be resolved with the installation of Perspex or tinted windows.

Protection of halogen stadium lights is also required.

6.4.4. Trinity College

Trinity College currently has approximately 670 students. The College has a one court stadium and four outdoor multi-purpose courts both of which are used for a variety of activities. The stadium area is used by the school each school day and is also hired out to community sporting groups approximately twice per week. The school advised that the on-site stadium facilities cater for existing needs.

The school currently uses the BWFC but predominately for "wet" activities such as learn-to-swim. The school advised that it does not have a need to use the BWFC dry facilities due to the provision of an on-site stadium. It is not anticipated that this situation would change in the future.

6.5. Private Service Providers

The following information summarises the major feedback provided by private service providers.

6.5.1. Champion Fitness Centre

Also known as Colac Squash and Leisure Centre, the facilities include three squash courts, a gymnasium, a cardio room (including spinning classes) and an aerobics room.

In September 2007, a squash court was redeveloped into the cardio room to allow for more floor space in the gymnasium. The owners of the Champion Fitness Centre have no plans for future development of the facility.

It is believed that the current facilities meet the communities' needs and demands for facilities. The three squash courts service the Ladies and Mixed competitions as well as the Junior and Mixed Racquetball Competitions. There is some limited casual use of the courts for practice mainly by those who compete in the competitions. Competitions are played two nights a week.

It is not thought that the proposed redevelopment of the Bluewater Fitness Centre and Stadium would impact greatly on the Champion Fitness Centre as the Fitness Centre does not run stadium activities such as ball sports. They do not have a multipurpose room to cater for education classes, martial arts or alternative activities.

However, any expansion or upgrade to the minor hall (aerobics room) could impact on the Champion Fitness Centre as would the redevelopment of the old circuit room if it were to be used as a cardio room or spin room.

6.5.2. Colac Indoor Sports Centre

The Colac Indoor Sports Centre currently offers indoor cricket, tennis and soccer programs. The centre is considering a further expansion of another tennis court and would like to introduce rebound netball to the centre.

The Colac Indoor Sports Centre does not have any meeting rooms, multipurpose space or offer any fitness classes. It is not believed that the redevelopment of the Bluewater Fitness Centre and Sports Stadium would have an impact on the operation of the Colac Indoor Sports Centre.

Management of the Colac Indoor Sports Centre would welcome the opportunity to open discussions with Council the possibility of potential partnerships for service delivery.

6.5.3. Other

A letter was sent to Curves, the Heather Munroe Swim School and the Lorrimar (Swim School) and no response was received.

6.6. Neighbouring Shires

The following information summarises the major feedback provided by neighbouring shires.

6.6.1. Corangamite Shire

Corangamite Shire currently has four stadium facilities in Camperdown, Terang, Cobden and Timboon. Both Camperdown and Terang are 2 court stadiums and Cobden and Timboon are one court stadiums. Camperdown and Cobden are approximately half an hour drive from Colac and Terang and Timboon are approximately 40 to 45 minutes drive from Colac.

All facilities are used by schools during school terms during the day, and then used for community activities after school hours. The main sports run from the facilities include Basketball, Netball, Badminton and Indoor Bowls.

The Corangamite Shire has no plans to develop more or extend indoor sports courts or facilities within the Shire in the future. However, they would be interested in participating in Regional competitions with Colac. A group of Corangamite residents currently go to Colac to use the Bluewater Fitness Centre and Stadium facilities.

6.7. Nearby Sports Stadiums

The following information summarises the major feedback provided by other stadium operators.

6.7.1. Apollo Bay

The Apollo Bay Stadium is situated within the Colac Otway Shire and is a one court stadium located at the Apollo Bay Primary School. The stadium is used by the school during the day during school terms and is used after school hours for community activities.

Activities conducted at the centre include; Ladies Netball and Ladies Basketball on a Thursday night. The AASC program runs 3 nights per week during school

terms. An informal mixed basketball, netball and soccer competition is also run on Monday nights.

The centre is run by a Committee of Management which is made up of Shire, School and Community representatives. There is an outdoor pool attached to the Leisure Centre which is operated under a joint management arrangement between the Colac Otway Shire and the Education Department.

The Committee of Management sets the hire fees which are currently \$35 per hour for hire of the court.

The Committee of Management and the Colac Otway Shire have a plan to extend the facility to include a multi purpose room for after school care, first aid, reception and entrance as well as the inclusion of an all abilities access amenities room. These works make provision for local activity needs and are to be completed in the second half of 2008.

6.7.2. Lavers Hill

The Lavers Hill Stadium is within the Colac Otway Shire and is a one court stadium situated on the Lavers Hill Primary School grounds. The stadium is used by the school during the day during school terms and is used after school hours for community activities.

Activities conducted in the centre include; Active After School Community programs 3 afternoons per week and Cricket Club training during wet weather. Basketball is played occasionally at the centre and a local Playgroup uses the centre weekly during the day.

The Lavers Hill Stadium is used by the community on a regular basis only one night a week and is underutilised outside of school hours. There are no plans for further expansion or upgrade to this facility in the future.

6.7.3. Winchelsea

Winchelsea Stadium sits within the Surf Coast Shire and is approximately ½ hour drive from Colac. The one court stadium is situated on the Winchelsea Primary School grounds and is run by a committee of management.

The stadium is used by the school during the day during school terms and is used after school hours for community activities. The type of activities conducted in the centre includes; church run after school activities, boxing one night a week and a couple of garden shows per year. The local football club use the stadium for indoor training when the weather is inclement. A local playgroup also uses the centre on a weekly basis. There are no formal sporting clubs regularly using the facility.

The centre has hosted a regular basketball competition in the past, however, that competition is no longer running and the centre received limited use outside of school hours.

Fees are set by the Committee of Management and are currently set at \$12.00 per hour or \$10.00 per hour for community groups. There are no plans for future expansion of this facility.

6.8. Disability Advisory

The following information summarises the major feedback provided by Gateways.

6.8.1. Gateways

The Gateways programs are currently operated out of the Colac Special School and are run on weekends during the school terms and on weekdays during the school holidays.

Discussions have taken place with the Colac Basketball Association and the Night Netball Association regarding the possibility of running disability specific basketball and netball competitions in partnership with the associations.

Gateways would also like to pursue other activities for people with disabilities including indoor soccer competitions, other ball sports, gymnastics, indoor carpet bowls and darts.

However, current use of the Bluewater Fitness Centre and Stadium by people with disabilities is limited due to lack of facilities. In order for disability groups to use the centre, facilities such as separate disabled change rooms with adult changing benches and hoists would be required. At least 2 disabled change rooms would be required in addition to the family change rooms in the aquatic area.

Separate disabled parking areas are also required and the concept of fenced disabled parking bays were discussed as does happen in Geelong. An education room to accommodate 30 to 40 people with tables and chairs that can be stored, as well as storage for craft and equipment is required.

Further consideration of the fees and charges applicable to Gateways would need to be discussed further as many of the current public facilities on offer within the Colac area are priced outside the reach of Gateways.

7. DEMAND ANALYSIS

The following Section draws on the background research and consultation results to inform an analysis of the likely influences and considerations in determining the level of demand for an expanded facility at the Bluewater Fitness Centre.

7.1. Facility Capacity

The following information summarises the overall usage of the BWFC Stadium facilities as detailed in Section 4:

- The total hours of regular court usage is approximately 4,058 hours per annum.
- The overall stadium occupancy rate is 70% for all available usage times.
- The overall stadium occupancy rate is 77% for weekdays only.
- The overall current sport and community weekday summer use is 1,058 hours, an occupancy rate of 78%.
- In summary it is concluded that the overall level of current usage of the BWFC during peak times is high.
- Outside of school usage, the two major hirers are the Colac Basketball Association (CBA) and the Colac Night Netball Association (CNNA). The following information summarises their overall usage per annum:
 - The CBA books approximately 1,000 court hours in summer with usage of approximately 50 hours per week over a 20 week competition period.
 - The CBA books approximately 168 court hours in winter with usage of 12 hours per week over a 14 week period.
 - The CNNA books approximately 180 court hours in winter with usage of 15 hours per week over a 12 week period.

7.2. Current Main User Group Demand

The following significant user group membership/participation numbers (excluding schools) have been reported by the user group:

- In the period 2004/05 to 2007/08, Colac Basketball Association membership numbers have increased from 920 to 1,180, an increase of 28%.
- The current participation rate for basketball in Colac is in excess of 6% of the population compared to a national rate of 3.3% and a state rate of 4.8%.
- The total membership number of the Colac Night Netball Association has recently decreased by 170 or 54% in the period 2006/07 to 2007/08. Association membership numbers peaked in the 2006/07 season with a membership of 310 and are now 140.

Future Additional Demand

The following information summarises the possible future variation to usage and other facility feedback provided by the major users of the Bluewater Fitness Centre Stadium facility.

| User Group | Possible Future Variation to Usage | Other Facility Feedback |
|--|--|---|
| Colac and District Football League Netball Association | Host representative and regional state competition.
Host tournaments in conjunction with courts at central reserve. | Minimum run off around the courts required.
Circulation space around the courts not adequate.
No meeting room for meetings and courses.
Not enough seating for spectators around the courts.
Require natural light for day use. |
| Colac Basketball Association | Expand the number of teams in competitions.
Hosting of tournaments.
Show court for exhibition games. | Minimum runoff, meeting space and spectators facilities.
Require appropriate circulation around courts.
Access to a court during the day to run wheelchair basketball.
Need multipurpose room for training and meetings.
Require access to the following: first aid room, office for administration and referees/officials room. |
| Colac Night Netball Association | Would like to run clinics twice per year for up to 25 people. Require 2 courts and possibly 3 courts plus meeting room.
Would like to run umpiring courses twice per year for up to 25 people. Require access to 2 - 3 courts plus meeting room.
Would like to host regional state league competition twice yearly. Require three courts for 160 people.
Would like to conduct State League training for approximately 20 people over a period of 7 weeks.
Would like to conduct representative team training for approximately 40 people over a 10 week period. | Require ability to access all courts and not to interfere with games going on. (i.e. a corridor along the back of courts with windows). Amenities need upgrading.
Meeting room or multipurpose room for holding training, exams, first aid classes and meetings.
Require access to an officials and umpires room, and first aid room.
Require natural light for daytime use. |

Table: Current User Group Possible Future Usage and Facility Feedback

In summary:

- All current user groups identified the potential use of an additional 3rd court. Based on the feedback provided, it is estimated that the additional use would be in excess of 200 hours per annum.
- Additional to the above, the BWFC management advised that the unmet demand for additional usage of the court areas for activities as outlined in Section 6.1.6 was in excess of 400 hours per annum.
- All groups identified a significant need for increasing the existing court areas of the Bluewater Fitness Centre Stadium. Specifically it was identified that:
 - The current court dimensions did not meet the minimum standards for Basketball and Netball.
 - The general circulation space in and around the courts was inadequate for the circulation of non players including officials.

- Feedback was provided in relation to the need for a suitable meeting room, together with a need for administrative spaces, dedicated first aid rooms (for school and other user groups) and a general improvement in amenities (changerooms) areas.
- Significant feedback was provided in relation to the quality of the existing facilities with particular reference to the temperature, the provision of electricity outlets and lighting conditions.

7.3. Colac Secondary College Demand

As detailed in the Consultation process, the Department of Education determines the provision of stadium floor space based on the secondary school student numbers. The Department has advised that the long term projected enrolment number for the merged school was between 1,000 and 1,100 students. As a result, based on the Facility Entitlements Policy, the school was entitled to access to 688 square metres of stadium floor space. As the current Bluewater Fitness Centre Stadium area is approximately 46m x 32m or 1,472 square metres, the Education Department advised that the current facilities exceed the minimum level requirement as outlined in the Facility Entitlements Policy.

Whilst this is the policy position of the Department of Education, Colac College advised that it would utilise any additional space for the expansion of existing programs and services and for the development of new programs both during and after school times.

7.4. Surrounding Municipalities Demand

Whilst no other indoor stadium facilities exist in the Colac township, facilities are located at Apollo Bay, Lavers Hill and Winchelsea. While it was noted that several basketball teams travelled to Colac from Apollo Bay to compete in the Colac Otway Shire competition, overall feedback from user groups in these areas advised that the local facilities adequately catered for the current and projected local area community based usage.

7.5. Demographic Projections Demand Impact

The demographic projections as outlined in Section 2.2 do not indicate any change to facility usage demand factors in the medium to long term. In summary, an analysis of the current and projected population indicates that:

- The population of the Colac Otway Shire is projected to increase from 21,511 in 2006 to 22,065 in 2021 an increase of 554 or 2.6%.
- In the period 2006 to 2021, the Colac Otway Shire population is projected to age with:
 - All age cohort populations for ages above 60 – 64 years are projected to increase in the period 2006 to 2021. In summary the projected population for those residents over the age of 60 years is expected to increase by a total of 2,502 in the period 2006 to 2021.
 - All age cohort populations for 0 - 4 years to 55 - 59 years are projected to decrease in the period 2006 to 2021. In summary the projected population for

those residents under the age of 59 years is expected to decrease by a total of 1,947 in the period 2006 to 2021.

- The overall number of Colac Otway Shire residents born outside of Australia increased by 35 from 1,053 (5.4% of the population) in 2001 to 1,088 (5.5% of the population) in 2006.

In summary, the demographic analysis indicates the following:

- A potential increase in demand for programs and services for the ageing population.
- An opportunity to develop social inclusion type programs for the small population of non Australian born residents in the Colac Otway.
- An overall limited, if any, increased demand associated directly with the projected increase in overall population numbers of 554 or 2.6% in the period 2006 to 2021.

7.6. Potential User Groups Demand

The table on the following page provides a summary of the demand from potential user groups of the Bluewater Fitness Centre Stadium facilities.

| User or Potential User Group | Membership/Participation Numbers | | | Possible Future Use | Proposed Additional Usage (per annum) | Other Facility Feedback |
|--|--|---------|---------|--|---------------------------------------|--|
| | 2005/6 | 2006/7 | 2007/8 | | | |
| | Colac and District Badminton Association | 48 | 38 | | | |
| Colac Ladies Daytime Badminton Association | 55 | 49 | 46 | Unknown. | Limited | Would like to get access to the courts during the day. |
| Colac Representative Netball Teams | 6 teams | 6 teams | 6 teams | Host representative and regional state competition.
No plans to use facility. | Limited | Require between 5.30 - 7.30pm one night per week for 12 - 15 weeks.
None |
| Colac and District Netball Association | NA | NA | NA | No plans to use facility. | 0 | None |
| Apollo Bay Night Netball | NA | NA | NA | No plans to use facility. | 0 | None |
| Colac Area Health | NA | NA | NA | 3rd Court will not influence usage. | 0 | None |
| Otway Health | NA | NA | NA | 3rd Court will not influence usage. | 0 | None |
| Gateways (CBA/CNNA) | NA | NA | NA | Use dependant upon facilities. | 40 | Facilities must be accessible in design and inviting for special needs groups. |

Table: Potential User Group Feedback.

A summary of this feedback is as follows:

- Based on the information provided it can be assumed that the overall level of potential future usage for current non-users would be up to 100 hours per annum (based on membership numbers provided).
- Potential user groups also advised that there was a need to enhance the quality of existing amenities and provide additional amenities to increase alternate use.
- A number of user groups mentioned that they would use the facility during the daytime if it was accessible.

7.7. Summary of Demand

Based on the information above, it is concluded that:

- The total hours of regular court usage is approximately 4,058 hours per annum with overall stadium occupancy rate of 70% for all available usage times and 77% for weekdays only. The overall current sport and community weekday summer use is 1,058 hours, an occupancy rate of 78%. In summary it is concluded that the overall level of current usage of the BWFC during peak times is high.
- The unmet and future demand for access to the stadium facilities at the BWFC can be summarised as follows:
 - It is estimated that the unmet demand of current users groups is in excess of 200 hours per annum.
 - It is estimated that the unmet demand of the BWFC programs and services (and other potential users) is in excess of 400 hours per annum.
 - It is projected that the overall level of future usage by current non-users would be up to 100 hours per annum.
- Based on the information outlined above, it is projected that the potential overall level of future use (i.e. current usage, unmet demand and future demand) would be in excess of 4,758 hours per annum.
- As the majority of this usage would occur on weekdays, it is identified that this level of usage equates to 94% of the weekday available hours of 5,100 per annum. Due to booking conflicts and other constraints it is identified that a two court facility could not service a 94% occupancy rate.
- The Colac Basketball Association, as the main stadium user group, generated 30% of total stadium hire fees for the period 2004/05 to 2006/07 (refer Section 4.7). The Association has confirmed a trend of continued increasing membership numbers with a 28% increase in the period 2005/06 to 2007/08. Whilst this is a substantial increase, significant capacity exists at the BWFC to cater for a significant increase in overall facility usage.
- The current participation rate for basketball in Colac is in excess of 6% of the population compared to a national rate of 3.3% and a state rate of 4.8%.
- Based on the Department of Education Facility Entitlements Policy of 688 square metres of court space for a school enrolment number of up to 1,200, it is assessed that the stadium provision for merged school will be met by the existing court space of 1,472 square metres.
- There is a significant identified need for the provision of additional amenities including a suitable meeting room, administrative spaces and dedicated first aid rooms (for school and other user groups).
- There is a significant identified need for the enhancement in the quality of the existing facilities with particular reference to improved temperature control (heating

in winter), the provision of electricity outlets, the introduction of natural lighting conditions and an improvement in the quality of changerooms.

- There is a potential increase in demand for programs and services for the ageing population.
- There is an opportunity to develop social inclusion type programs for the small population of non Australian born residents in the Colac Otway.

8. MBL ANALYSIS

The following section contains an MBL Analysis and considers the key facility development opportunities and options for the Bluewater Fitness Centre that arose from the consultation undertaken and an assessment of demand for facilities including a review of competitor facilities. Key aims for this analysis are to: increase/maintain visitations levels at the site, maximisation of facility / asset utilisation and viability and the development of flexible multi-purpose assets.

8.1. MBL Analysis

| Opportunity/Facility Development | MBL Analysis | | | Need/Justification or Issue | Recommendation | |
|--|--|---|--|---|---|---|
| | Financial Outcomes | Social Outcomes | Sport/Event Development Outcomes | | | Environmental Outcomes |
| The development of an additional meeting room, additional office space, additional storage areas and separate first aid rooms. | The provision of these facilities would attract additional hire both as a dedicated hire (of meeting rooms) and as part of a total stadium hire inclusive of the stadium courts. | User groups have indicated that the provision of these facilities would assist in increasing the diversity/range of programs and services (including special needs group access). | These facilities have been identified as being critical for the delivery of both existing and new product at the BWFC. | The stadium facility was built in 1976 as the original Colac Recreation Centre and as such now requires an upgrade. | All current and potential user groups have indicated a need for these facilities. | Include in the proposed BWFC Stadium redevelopment. |

| Opportunity/Facility Development | MBL Analysis | | | | Need/Justification or Issue | Recommendation |
|--|---|---|---|---|--|---|
| | Financial Outcomes | Social Outcomes | Sport/Event Development Outcomes | Environmental Outcomes | | |
| <p>General facility refurbishment including the provision of additional electricity supply, enhanced temperature control, provision of natural lighting, upgrade of changerooms, additional meeting room, office space and dedicated first aid room.</p> | <p>The estimate of probable cost is \$500k.
This development, in isolation, would result in only a minor increase in revenue as there is no additional court space.</p> | <p>The BWFC front entrance was recently refurbished and this resulted in positive community feedback. Based on consultation for this project, the same outcome would occur for a stadium amenities upgrade.</p> | <p>All user groups have highlighted the development of these components as a priority need.</p> | <p>The stadium facility was built in 1976 as the original Colac Recreation Centre and as such now requires refurbishment.</p> | <p>All current and potential user groups have indicated a need for a general stadium facility upgrade.</p> | <p>Include in the proposed BWFC stadium redevelopment.
It is specifically recommended that the following facilities be enhanced/developed:</p> <ul style="list-style-type: none"> - Additional electricity supply. - Enhanced temperature control. - Provision of natural light. - Additional meeting room. - Additional office space. - Two separate and dedicated first aid rooms with one for the school and the other for non-school user groups. - Upgrading of the change-rooms. |

| Opportunity/Facility Development | MBL Analysis | | | | Need/Justification or Issue | Recommendation |
|--|---|---|--|---|---|---|
| | Financial Outcomes | Social Outcomes | Sport/Event Development Outcomes | Environmental Outcomes | | |
| An expanded 2 court option (Option 1) with court sizes to meet relevant standards (as outlined in Sections 4.9 and 5.1). | The estimate of probable cost is \$200k for the court expansion component only (i.e. excludes the redevelopment of the amenities).

This development option would result in only a minor increase in operational revenue as no additional stadium booking space is being created. | Increase of building footprint by 473sqm would allow for increase diversity if usage. | Meets national standards for court dimensions, enhances circulation around courts and minimises OH&S issues associated with current design.

Will not meet the identified demand for the provision of additional courts. | Smaller building footprint by comparison to Options 2 and 3 (below).

Opportunity to improve facilities by increasing natural light, temperature control and enhanced special needs access. | The stadium facility was built in 1976 as the original Colac Recreation Centre and as such now requires an upgrade. | It is recommended that the existing 2 courts be expanded to meet the relevant standards.

Additional to the above, it is further recommended that an assessment be completed on the options associated with the provision of additional court space (i.e. Options 2 and 3). |

| Opportunity/Facility Development | MBL Analysis | | | | Need/Justification or Issue | Recommendation |
|--|--|--|---|--|---|--|
| | Financial Outcomes | Social Outcomes | Sport/Event Development Outcomes | Environmental Outcomes | | |
| An expanded 3 court 'open hall' option (Option 2) with all court sizes to meet national standards (as outlined in Sections 4.9 and 5.1). | The estimate of probable cost for this option is \$1.5m for the court expansion component only (i.e. excludes the redevelopment of the amenities).

Provides opportunity for additional activity and hence associated revenue. | Increase of court footprint to 868sqm would allow for increase diversity if usage. | Would meet the identified current and future demand.

Meets national standards for court dimensions, enhances circulation around courts and minimises OH&S issues associated with current design.

Open hall design increases opportunity for additional events and activities. | Requires a larger building footprint by comparison to Option 1 (above).

Opportunity to improve on the current situation by increasing natural light, temperature control and enhanced special needs access. | The addition of a 3 rd court would allow for the provision of court space that would meet the estimated current and future demand of in excess of 4,758 hours per annum. | It is recommended that the expanded 3 court 'open hall' Option be developed as this Option:
<ul style="list-style-type: none"> - Meets projected demand. - Is more cost effective than Option 3. - Can be used for both sport and non-sport use (i.e. events, exhibitions etc.). |

| Opportunity/Facility Development | MBL Analysis | | | | Need/Justification or Issue | Recommendation |
|--|---|---|--|---|---|---|
| | Financial Outcomes | Social Outcomes | Sport/Event Development Outcomes | Environmental Outcomes | | |
| <p>An expanded 1 court show court and 2 court stadium option (Option 3) with court sizes to meet national standards (as outlined in Sections 4.9 and 5.1).</p> | <p>The estimate of probable cost for this option is \$2.7m for the court expansion component only (i.e. excludes the redevelopment of the amenities).

Possible increase in revenue opportunities.

This Option will result in a higher operational cost due to requirements for cleaning, lighting and access control.</p> | <p>Increase of court footprint to 1,710sqm would allow for increase diversity if usage.

Additional seating may allow additional alternate use.</p> | <p>Meets national standards for court dimensions, enhances circulation around courts and minimises OH&S issues associated with current design.

Show court design with seating provides opportunity to isolate activities.

Limited identified use of a show court facility.</p> | <p>Requires a larger building footprint by comparison to Option 1 (above).

Opportunity to improve on the current situation by increasing natural light, temperature control and enhanced special needs access.</p> | <p>While demand exists for the provision of an additional court, it is identified that limited demand exists for the provision of a dedicated show court.</p> | <p>As outlined above, it is recommended that the Option 2 court configuration and the Option 1 amenities development proceed.</p> |

8.2. Summary of Recommended Facility Redevelopment Directions

Based on the assessment as outlined in the MBL assessment the following elements are recommended as the facility development items for the Bluewater Fitness Centre Stadium.

- General facility refurbishment including the provision of additional electricity supply, enhanced temperature control, provision of natural lighting and upgrade of changerooms.
- Development of an additional meeting room, additional office space, additional storage areas and separate first aid rooms.
- An expanded 3 court option (Option 2) with court sizes to meet national standards (as outlined in Sections 4.9 and 5.1).

9. OPERATIONAL MANAGEMENT

The following information provides a review of the key management areas associated with the operation of BWFC Stadium.

9.1. Management Model Options

Upon the review of industry trends, previous project experience and benchmarking of facilities, three main options in relation to the overall management of the proposed component facilities of the BWFC Stadium, these being:

1. Management by the Council.
2. Management by an Independent Management Group.
3. Management by a Third Party (e.g. Local Board of Management).

The following table summarises the PMI (Plus, Minuses and Issues) Analysis conducted for each management option.

| Management Option | Pluses | Minuses | Issues |
|--|---|---|--|
| Option 1 – Management by Council | <p>Council has ‘control’ of bookings and can develop consistent user agreements and a priority of use policy.</p> <p>Can utilise existing staff resources of the BWFC.</p> <p>Can operate the facility as one community facility with integrated marketing and ‘linked’ programs and services.</p> <p>Can focus on recreational benefit, diversity of usage and general access.</p> | <p>The BWFC has historically been used by hirers (sports and school) with a limited focus on Centre delivered programs and services.</p> | <p>May not maximise commercial opportunities.</p> |
| Option 2 – Management by an Independent Management Group | <p>Ability to gain specialist management expertise.</p> <p>Singular focus for management group.</p> <p>Long term planning likely to be a focus.</p> <p>Likely to have a stronger commercial focus than other options.</p> | <p>Limited number of specialist management groups and lack of available expertise.</p> <p>May impact on diversity of use with a greater focus on commercial activity.</p> <p>Likely to be a higher cost to Council than Option 1.</p> | <p>There is limited commercial opportunity for a management group.</p> <p>Council has a reduced role on the management of the BWFC Stadium as defined by management and performance agreement.</p> |

| Management Option | Pluses | Minuses | Issues |
|---|-----------------------------------|--|---|
| Option 3 – Management by a Third Party (Local Board of Management). | Management cost may be minimised. | <p>May not be focused on the delivery of a diverse range of programs of services.</p> <p>Local Board of Management may not have the capacity to fund future maintenance and upgrade obligations (as the facilities age).</p> <p>May result in a strong existing user groups focus to the detriment of other potential users.</p> | Board would need to be an eclectic group of individuals with a mix of skills (i.e. commercial, law, finance, tourism, etc). |

Based on the results of the PMI analysis, it is recommended that Council continue to manage the BWFC Stadium site. The major drivers of this recommendation are:

- To maintain the strong focus on diversity, access and equity of use.
- To promote optimal participation in sport and recreation activity.
- To increase the diversity of both programs/services and user groups

9.2. Operational Management

Based on the Situational Analysis and Consultation as previously outlined in this report, the following general management recommendations are made for the overall operation of the Bluewater Fitness Centre Stadium.

| Issue or Opportunity | General Comment | Recommendation |
|---|---|---|
| <p>Opportunity to accommodate additional usage of the BWFC.</p> | <p>The proposed facility development would increase the ability of the BWFC to accommodate additional activity.</p> | <p>Develop a Priority of Use and Bookings Policies for user groups. This policy should include consideration to consolidating Colac Basketball Usage of the facility from 5pm to 9.30pm as opposed to spreading bookings out over 5 nights with shorter booking periods. This will free up times for other user groups such as Netball.</p> <p>Develop a specific stadium Marketing Plan with key performance indicators.</p> |
| <p>Outside of school usage, the majority of usage of the BWFC Stadium is booked by external user groups such as basketball and netball. These bookings are predominately sport focused and competition based.</p> | <p>Opportunities exist for the development of BWFC non-sport, community based programs, services and events.</p> | <p>Deliver BWFC programs and services in partnership with other providers.</p> <p>Develop BWFC programs that link programs from the wet and dry area.</p> <p>Review potential funding opportunities for the delivery of product.</p> <p>Organise community special events, community days and other recreational programs.</p> |
| <p>Limited reporting currently occurs on the overall operation of the BWFC Stadium.</p> | <p>The Stadium area should be seen as a core business area of the BWFC.</p> | <p>Business Development – upcoming events, marketing activity, etc.</p> <p>Financial Performance – income and expenditure for the month (actual versus budget) income and expenditure for the year to date (actual versus budget), number of visitations, number of events, income received by activity, etc.</p> <p>Community Service Obligations – value of usage subsidised by Council, access and usage by target groups, etc.</p> <p>Risk Management – number of incidents, OH&S, risk management planning, insurances, etc.</p> |

| Issue or Opportunity | General Comment | Recommendation |
|--|--|---|
| <p>Proposed change of Governance Structure.</p> | <p>An opportunity exists to revisit the current programming of the BWFC stadium area.</p> | <p>Develop new Priority of Use and Booking Rights arrangements that reflect the demand for the use of the BWFC Stadium.</p> |
| <p>The Department of Education has advised that the long term projected enrolment number for the Colac Secondary College was between 1,000 and 1,100 students. As outlined in the Departments Facility Entitlements Policy, the school was entitled to access to 688 square metres of stadium floor space. The current total stadium space is 1,472sqm more than twice the policy entitlement.</p> | <p>Opportunities may exist to negotiate the current exclusive access arrangement with the merged school with the view of providing some access to other community groups from Monday to Friday during the day. Potential user groups were outlined in the Demand Section of this report.</p> | <p>Negotiate this opportunity with the school.
Subject to this outcome, consider any redevelopment design requirements for multi-use of the stadium. (Note: Shared facility use will be more viable as a result of the proposed increase in floor space).
Liaise with potential day time user groups.</p> |

10. FINANCIAL PROJECTIONS

10.1. Methodology

To assess the financial viability of the recommended BWFC Stadium facility redevelopment, Option 2, the consulting team have performed indicative financial modelling on three different scenarios under key business model assumptions identified in this report. The scenarios developed are: conservative, optimistic and realistic.

The models constructed are designed to be indicative only, based on forecast demand arising from the consultation and research into the cost structures of operating community leisure facilities.

Net Present Value (NPV)

The model has been based on the discounted cash flow (DCF) methodology which discounts future cash flows to adjust for risk and the time value of money to estimate a net present value of the future cash flows. Previously accepted State Treasury and Finance cash rates have been used.

If the NPV is positive then the project or business' cash flows are sufficient for the project to be financially viable. If the NPV is negative the project is not economically viable in its own right, and prima facie, would not attract private sector interest.

Timeframes

The analysis is conducted over the first 10 years of operation.

Sensitivity and scenario analysis

The scenarios are based on developing the facility components indicated previously. It should be noted that a number of subjective assessments were used to develop the cash flow forecasts, although objective assumptions have been relied upon wherever possible. Sensitivity analysis on key financial assumptions has been conducted in an attempt to indicate a reasonable range of results which provides a greater degree of comfort than a single point estimate. The usage and the variable costs have been proportionally increased over the 10 year operating period.

10.2. Assumptions

In reviewing financial performance associated with the proposed Option 2 BWFC facility development, the following major assumptions have been made.

General Assumptions

- Financial projections exclude loan servicing and depreciation costs.
- Facility start-up costs and FFE costs have not been included in the analysis.
- Council enters into a licence agreement(s) with major user group(s).
- Hire fees for each user group remain unchanged (refer Section 6).

- The Optimistic Scenario assumes that the operational recommendations outlined in Sections 9.1 and 9.2 will be implemented. This includes the proposed management model, access to courts during school time, the development of a business development plan and the promotion of non-sport usage and BWFC programs and services.

Income Assumptions

- Total competition weeks per annum for each competition are based on advice from the relevant clubs.
- Operating income will achieve growth as outlined in each of the financial scenarios.
- It is projected that future demand will be consistent with that outlined in Section 7.
- In 2006/07 the stadium income to the BWFC was \$56k (excluding school contribution and child care rebate).

Expenditure Assumptions

- The actual BWFC facility financial performance report for 2006/07 has been used as a basis for apportioning associated expenses to the stadium facility.
- The court lights will be switched off when the courts are not in use.
- Maintenance and equipment replacement costs will be controlled in line with expenditure levels in the Financial Model.
- Gas and electricity expenditure are at current day levels.
- Building maintenance includes approximately \$50,000 for facility facelift/renovation in year 6.

10.3. Summary

The following table shows the forecast net result and the net present value for an expanded two court multi use highball facility at the BWFC site under three scenarios. A more detailed copy of the financial plan for each scenario is provided in Appendix 2.

| | Conservative | | Optimistic | | Realistic | |
|--------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| | Cash Position | NPV | Cash Position | NPV | Cash Position | NPV |
| Year 1 | \$30,327 | \$31,237 | \$53,077 | \$54,669 | \$38,077 | \$39,219 |
| Year 2 | \$31,077 | \$29,915 | \$53,077 | \$51,093 | \$38,077 | \$36,654 |
| Year 3 | \$31,546 | \$30,366 | \$53,766 | \$51,756 | \$38,077 | \$36,654 |
| Year 4 | \$31,546 | \$30,366 | \$53,766 | \$51,756 | \$38,616 | \$37,172 |
| Year 5 | \$32,014 | \$30,818 | \$54,454 | \$52,419 | \$38,616 | \$37,172 |
| Year 6 | -\$4,706 | -\$4,530 | \$17,734 | \$17,071 | \$2,256 | \$2,171 |
| Year 7 | \$32,483 | \$31,269 | \$55,143 | \$53,082 | \$39,154 | \$37,691 |
| Year 8 | \$32,483 | \$31,269 | \$55,143 | \$53,082 | \$39,154 | \$37,691 |
| Year 9 | \$32,952 | \$31,720 | \$55,832 | \$53,745 | \$39,154 | \$37,691 |
| Year 10 | \$32,952 | \$31,720 | \$55,832 | \$53,745 | \$39,693 | \$38,209 |
| Sum 1 to 10 | \$282,673 | \$274,150 | \$507,823 | \$492,416 | \$350,874 | \$340,323 |

Table: 10 Year Financial Projections

As shown in the above table the projected financial results are:

- Conservative Scenario – It is projected the cash position for the redevelopment would vary between a deficit of approximately \$4k per annum to a surplus of approximately \$32k per annum. The estimated aggregate for ten years is approximately \$282k with an NPV of approximately \$274k.
- Optimistic Scenario – It is projected the cash position for the redevelopment would vary between a surplus of approximately \$17k per annum to a surplus of approximately \$55k per annum. The estimated aggregate for ten years is approximately \$507k with an NPV of approximately \$492k.
- Realistic Scenario – It is projected the cash position for the redevelopment would vary between a surplus of approximately \$2k per annum to a surplus of approximately \$39k per annum. The estimated aggregate for ten years is approximately \$350k with an NPV of approximately \$340k.

11. FUNDING OPTIONS

The following information provides a summary of the potential funding sources for the BWFC Stadium Facility Upgrade as identified through consultation and general research.

- The Federal Department of Infrastructure, Transport, Regional Development and Local Government are currently in the process of replacing the Regional Partnerships program with a new Regional and Local Community Infrastructure Program. The aim of this program is to fund local community infrastructure in regional Australia that promote economic development and investment in genuine community infrastructure initiatives. While specific criteria for this program are still being developed, it is known that funding under program will become available in the 2009/10 financial year.
- The Department of Education – Regional Officer for the Beechy Project advised that while no specific allocation for the development of the stadium has been confirmed, funding of up to \$500k may be available as part of the school merger process.
- The Regional Community Engagement Officer for Department of Planning and Community Development advised that the project would be eligible to apply for funds under the Community Facilities Funding Program. This program is part of the Major Facilities Funding Program for Sport and Recreation Victoria. Funding for \$500k is available through this program. Any contribution is based on a \$1 (DVC) to \$2 (Other) contribution arrangement.
- The Colac Otway Shire has an in principle commitment to providing funding to the project. At this stage no formal position has been established in relation to the actual dollar value.
- The Colac Basketball Association has indicated that they would contribute up to \$80k to the project subject to the final direction in relation to management arrangements. Additional to this, the CBA would consider loaning funds if it was able to negotiate a suitable arrangement with the Council on usage fee payment terms.
- The Colac Night Netball Association has indicated that they would contribute up to \$50k to the project subject to the final direction in relation to management arrangements.
- Other possible funding sources/organisations include: Drought Relief for Community Sport and Recreation Programs, Australian Sports Foundation, Philanthropic Trusts, Naming Rights Sponsors and Corporate Funding.

12. RECOMMENDATIONS

The following information summarises the key recommendations associated with this report.

12.1. Recommendation 1

Based on the review as outlined in the Demand and MBL assessments, the following elements are recommended as the facility development items for the Bluewater Fitness Centre Stadium.

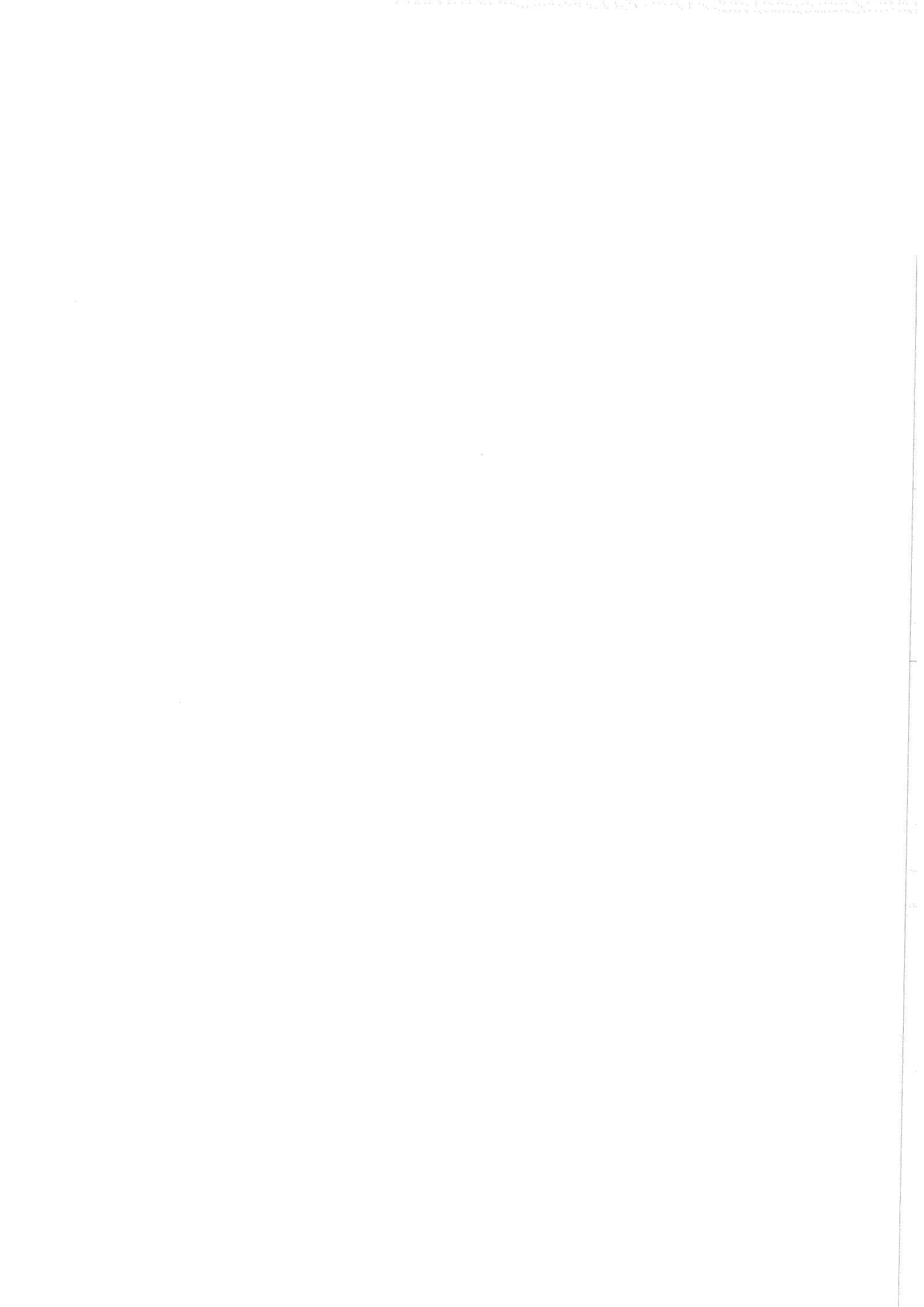
- General facility refurbishment including the provision of additional electricity supply, enhanced temperature control, provision of natural lighting and upgrade of changerooms.
- Development of an additional meeting room, additional office space, additional storage areas and separate first aid rooms.
- An expanded 3 court option (Option 2) with court sizes to meet national standards (as outlined in Sections 4.9 and 5.1).

12.2. Recommendation 2

It is further recommended that:

- Council continue to manage the BWFC Stadium site.
- A Business development plan for the stadium area be developed and that this Plan include:
 - The establishment of a priority of use policy outlining priority of use for schools, competitions, special events and BWFC conducted programs and services.
 - The establishment of a booking template outlining time allocated to user groups and that this template considers any opportunities to consolidate booking times of existing users.
- That an increase of non-sport programs and services be delivered in the BWFC Stadium either by the BWFC staff or in partnership between BWFC and relevant organisations.
- That community programs and special events be developed with consideration to the following:
 - There is a potential increase in demand for programs and services for the ageing population.
 - There is an opportunity to develop social inclusion type programs for the small population of non Australian born residents in the Colac Otway Shire.

- That Council liaise with the school to discuss the options associated with providing access to the BWFC Stadium for community groups from Monday to Friday during the day.



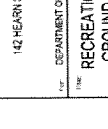
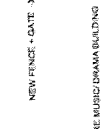
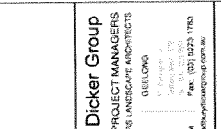
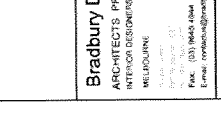
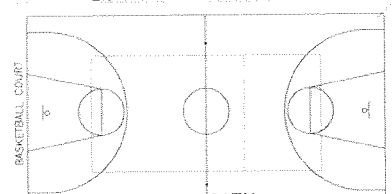
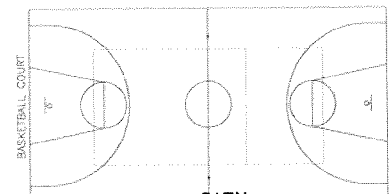
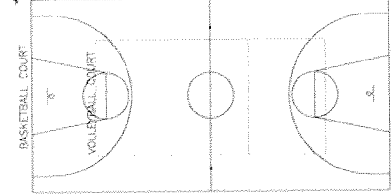
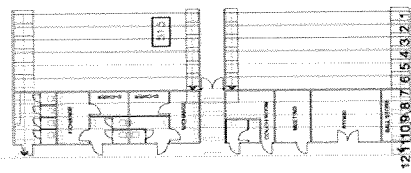
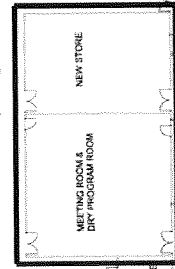
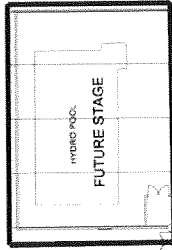
RECREATIONAL CENTRE

FOOT-PATH

EXISTING CAR PARK
1741 Sqm

FUTURE EXPANSION
9000 Sqm

LANDSCAPED FORE COURT
656 Sqm

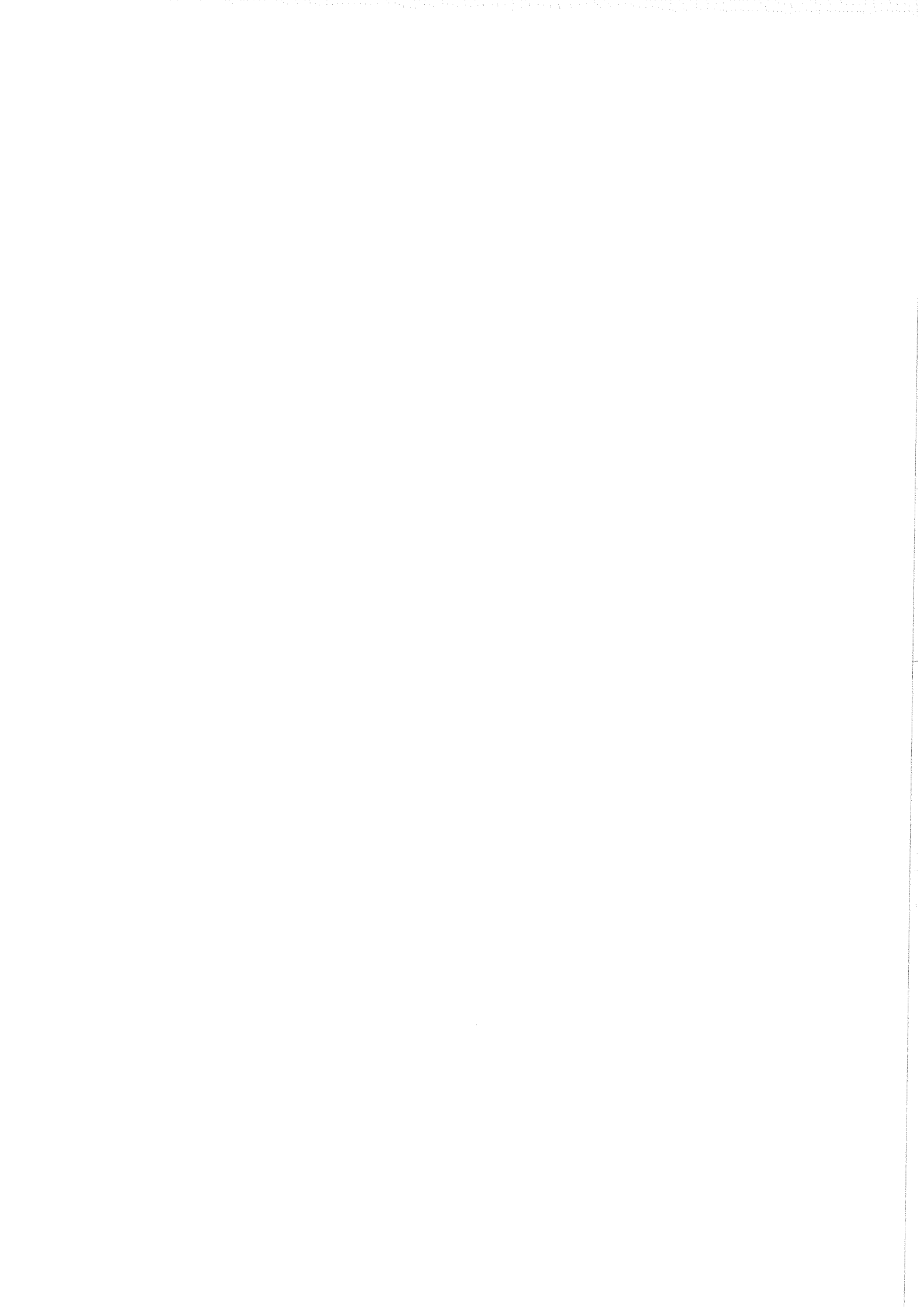


FLOOR PLAN
RECREATIONAL CENTRE

ROLLER DOOR ACCESS

ROLLER DOOR ACCESS

| | | | | | |
|---|--|---|--|--|--|
| Bradbury Dicker Group
ARCHITECTS PROJECT MANAGERS
INTERIOR DESIGNERS LANDSCAPE ARCHITECTS
WELLBURNING QUEENSLAND
127 Park Road, Brisbane QLD 4000
Ph: (07) 3860 8888 Fax: (07) 3275 7163
Email: enquiries@bradburydicker.com.au | | COLLAC COLLEGE
REJUVENATION PROJECT
142 HEARN STREET, COLLAC VIC
DEPARTMENT OF EDUCATION & TRAINING
RECREATIONAL CENTRE
GROUND FLOOR PLAN
(N COS) | | Date: 13
Checked: 13
User: DECEMBER 2009
Scale: 1:300 | Job No: 06.020
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Rev: |
|---|--|---|--|--|--|



APPENDIX 2
10 YEAR FINANCIAL PLAN
(CONSERVATIVE, OPTIMISTIC AND REALISTIC SCENARIOS)



Bluewater Fitness Centre Stadium Redevelopment

Consolidated Income and Expenditure

| | Future | Y1 | Y2 | Y3 | Y4 | Y5 | Y6 | Y7 | Y8 | Y9 | Y10 |
|--|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------------------|-------------------|
| Conservative Scenario | Projected | 100% | 100% | 101% | 101% | 102% | 102% | 103% | 103% | 104% | 104% |
| Conservative | | | | | | | | | | | |
| 1 Karate | \$ 1,677 | \$ 1,677 | \$ 1,677 | \$ 1,694 | \$ 1,694 | \$ 1,711 | \$ 1,711 | \$ 1,727 | \$ 1,727 | \$ 1,744 | \$ 1,744 |
| 2 Basketball | \$ 43,480 | \$ 43,480 | \$ 43,480 | \$ 43,915 | \$ 43,915 | \$ 44,350 | \$ 44,350 | \$ 44,784 | \$ 44,784 | \$ 45,219 | \$ 45,219 |
| 3 Netball | \$ 11,055 | \$ 11,055 | \$ 11,055 | \$ 11,166 | \$ 11,166 | \$ 11,276 | \$ 11,276 | \$ 11,387 | \$ 11,387 | \$ 11,497 | \$ 11,497 |
| 4 Other | \$ 10,131 | \$ 10,131 | \$ 10,131 | \$ 10,232 | \$ 10,232 | \$ 10,334 | \$ 10,334 | \$ 10,435 | \$ 10,435 | \$ 10,536 | \$ 10,536 |
| 5 Squash Charges | \$ 1,329 | \$ 1,329 | \$ 1,329 | \$ 1,342 | \$ 1,342 | \$ 1,356 | \$ 1,356 | \$ 1,369 | \$ 1,369 | \$ 1,382 | \$ 1,382 |
| 6 School Holiday and Programs | \$ 7,170 | \$ 7,170 | \$ 7,170 | \$ 7,242 | \$ 7,242 | \$ 7,313 | \$ 7,313 | \$ 7,385 | \$ 7,385 | \$ 7,457 | \$ 7,457 |
| 7 School Contribution | \$ 9,756 | \$ 9,756 | \$ 9,756 | \$ 9,854 | \$ 9,854 | \$ 9,951 | \$ 9,951 | \$ 10,049 | \$ 10,049 | \$ 10,146 | \$ 10,146 |
| 8 Child Care Subsidy | \$ 12,269 | \$ 12,269 | \$ 12,269 | \$ 12,392 | \$ 12,392 | \$ 12,514 | \$ 12,514 | \$ 12,637 | \$ 12,637 | \$ 12,760 | \$ 12,760 |
| Total Income | \$ 96,867 | \$ 96,867 | \$ 96,867 | \$ 97,836 | \$ 97,836 | \$ 98,804 | \$ 98,804 | \$ 99,773 | \$ 99,773 | \$ 100,742 | \$ 100,742 |
| Estimated Operating Expenditure | | | | | | | | | | | |
| 9 Admin Salaries | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 |
| 10 Reception Wages | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 11 Competition Costs | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 12 Creche Costs | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 13 Cafe Cost of Goods Sold | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 14 Marketing | \$ 3,000 | \$ 3,750 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 |
| 15 Electricity | \$ 12,000 | \$ 12,000 | \$ 12,000 | \$ 12,120 | \$ 12,120 | \$ 12,240 | \$ 12,240 | \$ 12,360 | \$ 12,360 | \$ 12,480 | \$ 12,480 |
| 16 Gas | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,030 | \$ 3,030 | \$ 3,060 | \$ 3,060 | \$ 3,090 | \$ 3,090 | \$ 3,120 | \$ 3,120 |
| 17 Telephone | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,010 | \$ 1,010 | \$ 1,020 | \$ 1,020 | \$ 1,030 | \$ 1,030 | \$ 1,040 | \$ 1,040 |
| 18 Stationary | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 |
| 19 Building Maintenance | \$ 18,000 | \$ 18,000 | \$ 18,000 | \$ 18,180 | \$ 18,180 | \$ 18,360 | \$ 18,360 | \$ 18,540 | \$ 18,540 | \$ 18,720 | \$ 18,720 |
| 20 Equipment Maintenance | \$ 4,000 | \$ 4,000 | \$ 4,000 | \$ 4,040 | \$ 4,040 | \$ 4,080 | \$ 4,080 | \$ 4,120 | \$ 4,120 | \$ 4,160 | \$ 4,160 |
| 21 Cleaning | \$ 12,000 | \$ 12,000 | \$ 12,000 | \$ 12,120 | \$ 12,120 | \$ 12,240 | \$ 12,240 | \$ 12,360 | \$ 12,360 | \$ 12,480 | \$ 12,480 |
| 22 Bank Charges | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 |
| 23 Sanitary Supplies | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 |
| 24 Security | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 |
| 25 Managers Vehicle | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 26 Audit | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 |
| 27 Insurance | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 |
| 28 Management Fees | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 29 Miscellaneous | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 |
| Total Expenditure | \$ 65,790 | \$ 66,540 | \$ 65,790 | \$ 66,290 | \$ 66,290 | \$ 66,790 | \$ 67,290 | \$ 67,290 | \$ 67,290 | \$ 67,790 | \$ 67,790 |
| Net Result | \$31,077 | \$30,327 | \$31,077 | \$31,546 | \$31,546 | \$32,014 | -\$4,706 | \$32,483 | \$32,483 | \$32,952 | \$32,952 |

Notes: - increasing.

Disclaimer of Liability:

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Bluewater Fitness Centre Stadium Redevelopment

Consolidated Income and Expenditure

| | Future | Y1 | Y2 | Y3 | Y4 | Y5 | Y6 | Y7 | Y8 | Y9 | Y10 |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Optimistic Scenario | Projected | 100% | 100% | 101% | 101% | 102% | 102% | 103% | 103% | 104% | 104% |
| Estimated Operating Income | | | | | | | | | | | |
| 1 Karate | \$ 1,677 | \$ 1,677 | \$ 1,677 | \$ 1,694 | \$ 1,694 | \$ 1,711 | \$ 1,711 | \$ 1,727 | \$ 1,727 | \$ 1,744 | \$ 1,744 |
| 2 Basketball | \$ 51,480 | \$ 51,480 | \$ 51,480 | \$ 51,995 | \$ 51,995 | \$ 52,510 | \$ 52,510 | \$ 53,024 | \$ 53,024 | \$ 53,539 | \$ 53,539 |
| 3 Netball | \$ 17,055 | \$ 17,055 | \$ 17,055 | \$ 17,226 | \$ 17,226 | \$ 17,396 | \$ 17,396 | \$ 17,567 | \$ 17,567 | \$ 17,737 | \$ 17,737 |
| 4 Other | \$ 16,131 | \$ 16,131 | \$ 16,131 | \$ 16,292 | \$ 16,292 | \$ 16,454 | \$ 16,454 | \$ 16,615 | \$ 16,615 | \$ 16,776 | \$ 16,776 |
| 5 Squash Charges | \$ 1,329 | \$ 1,329 | \$ 1,329 | \$ 1,342 | \$ 1,342 | \$ 1,356 | \$ 1,356 | \$ 1,369 | \$ 1,369 | \$ 1,382 | \$ 1,382 |
| 6 School Holiday and Programs | \$ 9,170 | \$ 9,170 | \$ 9,170 | \$ 9,262 | \$ 9,262 | \$ 9,353 | \$ 9,353 | \$ 9,445 | \$ 9,445 | \$ 9,537 | \$ 9,537 |
| 7 School Contribution | \$ 9,756 | \$ 9,756 | \$ 9,756 | \$ 9,854 | \$ 9,854 | \$ 9,951 | \$ 9,951 | \$ 10,049 | \$ 10,049 | \$ 10,146 | \$ 10,146 |
| 8 Child Care Subsidy | \$ 12,269 | \$ 12,269 | \$ 12,269 | \$ 12,392 | \$ 12,392 | \$ 12,514 | \$ 12,514 | \$ 12,637 | \$ 12,637 | \$ 12,760 | \$ 12,760 |
| Total Income | \$ 118,867 | \$ 118,867 | \$ 118,867 | \$ 120,056 | \$ 120,056 | \$ 121,244 | \$ 121,244 | \$ 122,433 | \$ 122,433 | \$ 123,622 | \$ 123,622 |
| Estimated Operating Expenditure | | | | | | | | | | | |
| 9 Admin Salaries | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 |
| 10 Reception Wages | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 11 Competition Costs | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 12 Creche Costs | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 13 Cafe Cost of Goods Sold | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 14 Marketing | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 |
| 15 Electricity | \$ 12,000 | \$ 12,000 | \$ 12,000 | \$ 12,120 | \$ 12,120 | \$ 12,240 | \$ 12,240 | \$ 12,360 | \$ 12,360 | \$ 12,480 | \$ 12,480 |
| 16 Gas | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,030 | \$ 3,030 | \$ 3,060 | \$ 3,060 | \$ 3,090 | \$ 3,090 | \$ 3,120 | \$ 3,120 |
| 17 Telephone | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,010 | \$ 1,010 | \$ 1,020 | \$ 1,020 | \$ 1,030 | \$ 1,030 | \$ 1,040 | \$ 1,040 |
| 18 Stationary | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 |
| 19 Building Maintenance | \$ 18,000 | \$ 18,000 | \$ 18,000 | \$ 18,180 | \$ 18,180 | \$ 18,360 | \$ 18,360 | \$ 18,540 | \$ 18,540 | \$ 18,720 | \$ 18,720 |
| 20 Equipment Maintenance | \$ 4,000 | \$ 4,000 | \$ 4,000 | \$ 4,040 | \$ 4,040 | \$ 4,080 | \$ 4,080 | \$ 4,120 | \$ 4,120 | \$ 4,160 | \$ 4,160 |
| 21 Cleaning | \$ 12,000 | \$ 12,000 | \$ 12,000 | \$ 12,120 | \$ 12,120 | \$ 12,240 | \$ 12,240 | \$ 12,360 | \$ 12,360 | \$ 12,480 | \$ 12,480 |
| 22 Bank Charges | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 |
| 23 Sanitary Supplies | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 |
| 24 Security | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 |
| 25 Managers Vehicle | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 26 Audit | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 |
| 27 Insurance | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 |
| 28 Management Fees | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 29 Miscellaneous | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 |
| Total Expenditure | \$ 65,790 | \$ 65,790 | \$ 65,790 | \$ 66,290 | \$ 66,290 | \$ 66,790 | \$ 66,790 | \$ 67,290 | \$ 67,290 | \$ 67,790 | \$ 67,790 |
| Net Result | \$53,077 | \$53,077 | \$53,077 | \$53,766 | \$53,766 | \$54,454 | \$54,454 | \$55,143 | \$55,143 | \$55,832 | \$55,832 |

Notes: - increasing.

Disclaimer of Liability:

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Bluewater Fitness Centre Stadium Redevelopment

Consolidated Income and Expenditure

| | | Future | Y1 | Y2 | Y3 | Y4 | Y5 | Y6 | Y7 | Y8 | Y9 | Y10 |
|--|-----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Realistic Scenario | | Projected | 100% | 100% | 100% | 101% | 101% | 101% | 102% | 102% | 102% | 103% |
| Estimated Operating Income | | | | | | | | | | | | |
| 1 | Karate | \$ 1,677 | \$ 1,677 | \$ 1,677 | \$ 1,677 | \$ 1,694 | \$ 1,694 | \$ 1,694 | \$ 1,711 | \$ 1,711 | \$ 1,711 | \$ 1,727 |
| 2 | Basketball | \$ 47,480 | \$ 47,480 | \$ 47,480 | \$ 47,480 | \$ 47,955 | \$ 47,955 | \$ 47,955 | \$ 48,430 | \$ 48,430 | \$ 48,430 | \$ 48,904 |
| 3 | Netball | \$ 13,055 | \$ 13,055 | \$ 13,055 | \$ 13,055 | \$ 13,186 | \$ 13,186 | \$ 13,186 | \$ 13,316 | \$ 13,316 | \$ 13,316 | \$ 13,447 |
| 4 | Other | \$ 10,131 | \$ 10,131 | \$ 10,131 | \$ 10,131 | \$ 10,232 | \$ 10,232 | \$ 10,232 | \$ 10,334 | \$ 10,334 | \$ 10,334 | \$ 10,435 |
| 5 | Squash Charges | \$ 1,329 | \$ 1,329 | \$ 1,329 | \$ 1,329 | \$ 1,342 | \$ 1,342 | \$ 1,342 | \$ 1,356 | \$ 1,356 | \$ 1,356 | \$ 1,369 |
| 6 | School Holiday and Programs | \$ 8,170 | \$ 8,170 | \$ 8,170 | \$ 8,170 | \$ 8,252 | \$ 8,252 | \$ 8,252 | \$ 8,333 | \$ 8,333 | \$ 8,333 | \$ 8,415 |
| 7 | School Contribution | \$ 9,756 | \$ 9,756 | \$ 9,756 | \$ 9,756 | \$ 9,854 | \$ 9,854 | \$ 9,854 | \$ 9,951 | \$ 9,951 | \$ 9,951 | \$ 10,049 |
| 8 | Child Care Subsidy | \$ 12,269 | \$ 12,269 | \$ 12,269 | \$ 12,269 | \$ 12,392 | \$ 12,392 | \$ 12,392 | \$ 12,514 | \$ 12,514 | \$ 12,514 | \$ 12,637 |
| Total Income | | \$ 103,867 | \$ 103,867 | \$ 103,867 | \$ 103,867 | \$ 104,906 | \$ 104,906 | \$ 104,906 | \$ 105,944 | \$ 105,944 | \$ 105,944 | \$ 106,983 |
| Estimated Operating Expenditure | | | | | | | | | | | | |
| 9 | Admin Salaries | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 |
| 10 | Reception Wages | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 11 | Competition Costs | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 12 | Creche Costs | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 13 | Café Cost of Goods Sold | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 14 | Marketing | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 |
| 15 | Electricity | \$ 12,000 | \$ 12,000 | \$ 12,000 | \$ 12,000 | \$ 12,120 | \$ 12,120 | \$ 12,120 | \$ 12,240 | \$ 12,240 | \$ 12,240 | \$ 12,360 |
| 16 | Gas | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,000 | \$ 3,030 | \$ 3,030 | \$ 3,030 | \$ 3,060 | \$ 3,060 | \$ 3,060 | \$ 3,090 |
| 17 | Telephone | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,010 | \$ 1,010 | \$ 1,010 | \$ 1,020 | \$ 1,020 | \$ 1,020 | \$ 1,030 |
| 18 | Stationary | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 |
| 19 | Building Maintenance | \$ 18,000 | \$ 18,000 | \$ 18,000 | \$ 18,000 | \$ 18,180 | \$ 18,180 | \$ 18,180 | \$ 18,360 | \$ 18,360 | \$ 18,360 | \$ 18,540 |
| 20 | Equipment Maintenance | \$ 4,000 | \$ 4,000 | \$ 4,000 | \$ 4,000 | \$ 4,040 | \$ 4,040 | \$ 4,040 | \$ 4,080 | \$ 4,080 | \$ 4,080 | \$ 4,120 |
| 21 | Cleaning | \$ 12,000 | \$ 12,000 | \$ 12,000 | \$ 12,000 | \$ 12,120 | \$ 12,120 | \$ 12,120 | \$ 12,240 | \$ 12,240 | \$ 12,240 | \$ 12,360 |
| 22 | Bank Charges | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 |
| 23 | Sanitary Supplies | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 | \$ 500 |
| 24 | Security | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 | \$ 1,500 |
| 25 | Managers Vehicle | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 26 | Audit | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 |
| 27 | Insurance | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 | \$ 3,500 |
| 28 | Management Fees | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 29 | Miscellaneous | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 | \$ 1,290 |
| Total Expenditure | | \$ 65,790 | \$ 65,790 | \$ 65,790 | \$ 65,790 | \$ 66,290 | \$ 66,290 | \$ 66,290 | \$ 66,790 | \$ 66,790 | \$ 66,790 | \$ 67,290 |
| Net Result | | \$38,077 | \$38,077 | \$38,077 | \$38,616 | \$38,616 | \$2,256 | \$39,154 | \$39,154 | \$39,154 | \$39,154 | \$39,693 |

Notes: - increasing.

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OM091612-7

ENDORSEMENT OF HEALTH ACT 1958 REGISTRATION FEES TO PUBLIC HEALTH AND WELLBEING ACT 2008

| | | | |
|-------------|--------------------------------|-----------|-----------------|
| AUTHOR: | Peter Matchan | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN0920 General |

Purpose

To present a list of registration fees currently approved by Council under the *Health Act 1958* that need to be readopted by Council for application under the new *Public Health and Wellbeing Act 2008* which takes effect on 1 January 2010.

Declaration of Interests

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

Background

The new *Public Health and Wellbeing Act 2008* takes effect on 1 January 2010 and allows Council to set fees for certain types of premises inspected by Council officers. For existing fees to remain legally applicable they need to be readopted by Council under the relevant sections of the new Act.

Council Plan / Other Strategies / Policy

The objective under 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

The fees have already been set and adopted by Council for the 2009/2010 financial year.

Proposal

To adopt existing approved fees under the new *Public Health and Wellbeing Act 2008*.

List of Premises and Fees

Premises to be registered under the new *Public Health and Wellbeing Act 2008* are:

- Hair Dressers
- Beauty Parlours
- Skin Penetration
- Spas
- Colonic Irrigation

Business premises registered under the *Health Act* remain registered until that registration expires. After 1 January 2010, when a renewal, transfer or new business registration is sought, the premises must be registered under the PHWA.

Council is required to set fees for registration/renewal/transfer of prescribed accommodation and registered premises.

Current Fees

| | | |
|------------------------------|--|----------|
| Hairdressers/Beauty Parlours | | |
| - | New premises design and processing fee | \$75.00 |
| - | Registration/renewal | \$105.00 |
| Skin Penetration | | |
| - | New premises design and processing fee | \$75.00 |
| - | Registration/renewal | \$105.00 |
| Combo Beauty | | |
| - | New premises design and processing fee | \$85.00 |
| - | Registration/renewal | \$115.00 |

Other Charges

Currently Council does not have separate charges for spa premises and colonic irrigation premises.

| | | |
|---|--|----------|
| - | New premises design and processing fee | \$85.00 |
| - | Registration/renewal | \$115.00 |

Prescribed Accommodation

| | | |
|---------------|--|----------|
| 6-10 persons | | |
| | New premises design and processing fee | \$85.00 |
| | Registration/registration renewal fee | \$140.00 |
| 11-20 persons | | |
| | New premises design and processing fee | \$95.00 |
| | Registration/registration renewal fee | \$175.00 |
| 20+ persons | | |
| | New registration and processing fee | \$105.00 |
| | Registration/registration renewal fee | \$220.00 |

Financial and Other Resource Implications

Fees have previously been adopted by Council as part of the 2009/10 Budget process. The fees will be reviewed during the 2010/11 Budget process.

Risk Management & Compliance Issues

The fees must be adopted under the new *Public Health and Wellbeing Act 2008* or it will not be legal to charge them as from 1 January 2010.

Environmental and Climate Change Considerations

Not applicable

Communication Strategy / Consultation

The fees have not changed. Any renewals, transfers or new business registrations will be advised that they are to be registered under the *Public Health and Wellbeing Act 2010*.

Implementation

The fees will come into effect on premises registered after 1 January 2010.

Conclusion

To maintain the current 2009/2010 fee structure for premises registered under the *Health Act 1958*, Council should adopt the same fees under relevant sections of the *Health and Wellbeing Act 2008* and add fees for Spa and Colonic Irrigation premises.

Attachments

Nil

Recommendation(s)

That Council adopt the following fee structure under the relevant sections of the Public Health and Wellbeing Act 2008:

Hairdressers/Beauty Parlours

- ***New premises design and processing fee*** ***\$75.00***
- ***Registration/renewal*** ***\$105.00***

Skin Penetration

- ***New premises design and processing fee*** ***\$75.00***
- ***Registration/renewal*** ***\$105.00***

Combo Beauty

- ***New premises design and processing fee*** ***\$85.00***
- ***Registration/renewal*** ***\$115.00***

Spa Premises and Colonic Irrigation Premises

- ***New premises design and processing fee*** ***\$85.00***
- ***Registration/renewal*** ***\$115.00***

Prescribed Accommodation***6-10 persons***

- ***New premises design and processing fee*** ***\$85.00***
- ***Registration/registration renewal fee*** ***\$140.00***

11-20 persons

- ***New premises design and processing fee*** ***\$95.00***
- ***Registration/registration renewal fee*** ***\$175.00***

20+ persons

- ***New registration and processing fee*** ***\$105.00***
- ***Registration/registration renewal fee*** ***\$220.00***

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OM091612-8

**BLUEWATER FITNESS CENTRE MAYOR COMMUNITY INVITATION**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Marg Scanlon                   | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN 00374    |

**Purpose**

The purpose of this report is to provide Council with information pertaining to an invitation from the former Mayor, Councillor Brian Crook to the community to use the Bluewater Fitness Pool on 21 December 2009 for a gold coin donation.

**Declaration of Interests**

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

**Background**

The former Mayor, Cr Brian Crook, would like to invite community members to access the Bluewater Fitness Centre Pool in exchange of a gold coin donation per person. The purpose of this activity is to provide community members that otherwise do not use the Bluewater Fitness Centre Pool with a more economical option. Cr Brian Crook has proposed this as a way of Council giving something back to the Colac Otway community at the conclusion of his term as Mayor and acknowledging the festive season by way of providing an activity option during this busy time.

It is proposed that this day will be held on Monday 21 December 2009 noting that the declared last day of the school term is 18 December 2009. This will provide families with an alternative activity as many are preparing for Christmas and the busy holiday period. It is proposed that this would occur between the hours of 11.00am and 3.00pm.

It is proposed that the funds collected would be donated to a local charity. Possible local charities include, but are not limited to;

- Salvation Army as a contribution to the food parcels distributed throughout the Shire.
- Anam Cara (Colac)
- Colac Rotary Club
- Colac Lions Club

**Council Plan / Other Strategies / Policy**

This proposal is consistent with Council's commitment to providing a range of community health and being options and where possible support local organisations.

**Issues / Options**

There are two options;

1. Council support the proposal and determine the agreed charity.
2. Council not support the proposal.

The proposed date has been suggested but this could be altered to Tuesday 22 December 2009 if preferred.

**Proposal**

It is proposed that Council support this proposal and allocate the donated funds to the Colac Salvation Army as a contribution to the costs incurred in the collation and distribution of food parcels over the festive season.

**Financial and Other Resource Implications**

This proposal requires Officer resources to promote and manage the activity however this is consistent with core business activities of both the Recreation, Arts and Culture and Public Relations Units. Both Units will continue to collaborate to finalise and implement appropriate media coverage.

Presuming that this will attract significant community participation additional pool supervision would be required and this would be provided through current Centre staff.

**Risk Management & Compliance Issues**

Risk management and compliance issues will be addressed consistent with Bluewater Fitness Centre practices.

**Environmental and Climate Change Considerations**

No environmental or climate change considerations apply to this proposal.

**Communication Strategy / Consultation**

Council Officers will develop in partnership with the Mayor appropriate media coverage including local print and radio. Community organisations will also be advised seeking their support to further promote this initiative.

**Implementation**

If endorsed Council Officers would continue to arrange implementation of the initiative on 21 December 2009.

**Conclusion**

The former Mayor has proposed to host a gold coin entry day to the Bluewater Fitness Centre Pool on 21 December 2009. This will be an opportunity to encourage members of the community who may not frequent the Centre and to provide an economical holiday activity option. The funds raised would be donated to a local charity.

**Attachments**

Nil

**Recommendation(s)**

***That Council endorse the proposal to hold a gold coin entry day to the Bluewater Fitness Centre on 21 December 2009 with funds raised being donated to the Colac Salvation Army as a contribution towards food parcels for the 2009 festive season.***

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OM091612-9 REVIEW OF VICTORIAN REGIONAL WASTE MANAGEMENT GROUPS - BRWMG SUBMISSION

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Janet Forbes | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | GEN00202 |

Purpose

On the 26 November Council received a letter from Barwon Regional Waste Management Group (BRWMG) seeking Council support for BRWMG submission to the Minister for Environment and Climate Change on the Future Directions Paper Consultation Draft.

Declaration of Interests

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

Background

Council was provided with a detailed report on the Future Options Paper at its September 2009 Council Meeting. Council decided to work with BRWMG who would prepare a submission to Sustainability Victoria on behalf of the Group and member Councils.

Council Plan / Other Strategies / Policy

Environmental Management

Objective – Council will protect and enhance the environment entrusted to us, demonstrate efficient use of natural resources and minimise climate change impacts.

Strategy – Minimise, recycle and manage residential waste.

Issues / Options

- The Group supports the vision for delivery of the Government's waste management, resource recovery and sustainability programs through regional bodies throughout Victoria;
- The Group supports a reduction of Regions from 12 to 7 as detailed in the Future Directions Paper Consultation Draft;
- The Group believes that a statutory authority model which will secure local government commitment maximises the potential and effectiveness in meeting the Government's objectives. The powers, duties and functions should be revised to focus on achieving these;
- The Group submits that additional resources are required to provide for the expanded role in construction and demolition, market development and developing regional contracts. Future funding of regions should be as a fixed percentage of the landfill levy. Currently the RWMGs are legislated for delivery of Municipal Solid Waste (MSW) for \$3.7million or 7.4% of the landfill levy (assuming \$50million collected). A similar additional percentage could be considered for provision of the additional functions; and
- The Group recommends that human resourcing levels for the Barwon Southwest Region be a minimum initial level of 1EFT Executive Officer, 2EFT Facilitators, 3EFT Regional Education Officers and a half time Administration Officer.

Proposal

That Council support the BRWMG by writing to the Honourable Gavin Jennings Minister for Environment and Climate Change in support of BRWMG submission.

Financial and Other Resource Implications

Not Applicable.

Risk Management & Compliance Issues

Not Applicable.

Environmental and Climate Change Considerations

The review of Regional Waste Management Groups will affect the delivery of the Towards Zero Waste Strategy in Regional areas.

Communication Strategy / Consultation

The submission was discussed by the BRWMG at its Board meeting on Thursday 25 November 2009 where the Board requested a copy of the submission be forwarded to the relevant Minister and to Member Councils seeking their support.

Implementation

Submissions closed 30 November 2010 and the BRWMG made a submission to the Minister for Environment and Climate Change. The government has advised that any change is planned to come into effect by 1 July 2010 if endorsed.

All of the above will affect the ability of Colac Otway Shire to effectively implement the Towards Zero Waste strategy of Sustainability Victoria.

In line with the request from the BRWMG, a letter of support for the BRWMG submission from member councils is required to the Minister.

Conclusion

Officers have been involved with discussions in relation to the future direction as proposed by the BRWMG submission and endorse the proposal. A letter of support for the BRWMG submission from Council to The Honourable Gavin Jennings Minister for Environment and Climate Change would add weight to the submission.

Attachments

1. Letter from Barwon Region Waste Management Group

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

1. ***Support the Barwon Regional Waste Management Group by writing to The Honourable Gavin Jennings Minister for Environment and Climate Change endorsing the group's submission.***

~~~~~\)



26<sup>th</sup> November 2009

Mr. Rob Small  
Chief Executive Officer  
Colac-Otway Shire  
PO Box 283  
COLAC VIC 3250

Dear Rob

**REVIEW OF VICTORIAN REGIONAL WASTE MANAGEMENT GROUPS -  
BARWON RWMG SUBMISSION**

The Barwon Regional Waste Management Group is writing to inform member Councils of its submission to Sustainability Victoria regarding the Review of Victorian Regional Waste Management Groups and to seek your Councils consideration to support the Barwon RWMG submission presented to Sustainability Victoria.

At the Barwon Regional Waste Management Group 26<sup>th</sup> November 2009 board meeting, the following resolution was adopted and is provided for your information.

**Moved; Dir. John Doull**

**Seconded; Dir. Peter Bollen**

1. That the Group forward a copy of the Barwon Regional Waste Management Group submission on the Review of Regional Waste Management Groups to the Minister for Environment and Climate Change reinforcing the Group's position as a translatable model for Victoria.
2. That the Group forward a copy of the Barwon Regional Waste Management Group submission on the Review of Regional Waste Management Groups to the Member Councils seeking their consideration to support the Barwon RWMG submission to the Minister for Environment and Climate Change.
3. That the copy of the correspondence to the Minister for Environment and Climate Change reinforcing the Group's position as a translatable model for Victoria be forwarded to local members of state parliament.

Carried

Please find attached the Barwon Regional Waste Management Group submission on the Review of Regional Waste Management Groups for your information.

Yours faithfully

A handwritten signature in black ink, appearing to read "Enzo Bruscella".

**ENZO BRUSCELLA**  
Executive Officer



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Page For 10



November 19, 2009

Michelle Ogulin  
Project Manager  
Sustainability Victoria  
Level 28, 50 Lonsdale Street  
Melbourne, VIC 3000

Dear Michelle,

**SUBMISSION - FUTURE DIRECTIONS PAPER CONSULTATION DRAFT**

The Barwon Regional Waste Management Group appreciates the opportunity to respond to the Future Directions Paper Consultation Draft released for comment on the 27 August 2009. We also valued the subsequent briefing session with the Group provided by Sustainability Victoria, and the meeting held with the Minister for Environment and Climate Change.

The Group acknowledges that there is a need to ensure that regional arrangements are appropriate and efficient in delivering the Government's programs for waste management and resource recovery, and are directed at achievement on the targets of the Towards Zero Waste Strategy. It is also appropriate that such regional arrangements have the capacity to deliver broader programs dealing with the full range of materials, water and energy as part of the State's sustainability program.

In our view, the proposals put forward in the Future Directions Paper do not maximize the potential for improved program delivery and the achievement of the Towards Zero Waste targets. We believe that successful regional arrangements must demonstrate:

- Council engagement on the issues and commitment and their capacity to provide and facilitate local networks and staff and financial resources;
- A robust Regional Waste Management Planning process and a plan which contains real and effective regional commitments requiring collaboration and multi-council contracting.
- The appropriate level of autonomy and independence to act in a timely and appropriate manner on regional issues
- The ability to attract additional funding from external sources
- Adequate government funding for both staff and program delivery
- Capable and energetic staff with real commitment.

The Group believes very strongly that it has been very effective and efficient in undertaking its responsibilities in the Barwon region. In fact, the Barwon Regional Waste Management Group provides a statutory model for regional program delivery throughout the State. The factors which we believe are critical to the success of the Barwon Regional Waste Management Group are:

- Real collaboration and commitment by Local Government and their acknowledgement that member Councils have responsibility for the performance of the organization. In 2009/2010 they contributed \$112,000 towards education programs, developing regional contracts, data, surveys and programs.



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Page 2 of 10



- The ability to develop regional contracts for Alternate Waste Treatment and plan to meet Towards Zero Waste targets. This has been through the development of effective networks in key sectors such as local government, litter, health, small to medium enterprises, construction and demolition, industry, and schools. The Region also manages a Sustainability Education Centre.
- Through capacity building within networks and member Councils, the Region has been able to develop innovative programs such as trader stewardship, regional litter and materials recovery campaigns in the region e.g. new resource recovery businesses in mattress recycling and expanded polystyrene recovery programs.

The Group is concerned that the current level of service and capacity for the Region to deliver Towards Zero Waste may be reduced due to the proposed reduction in human resources identified in the Future Directions Paper Consultation Draft. This is contrary to the John Nolan paper which recommended an increase in human resources in the provincial regions where the greatest return on achieving Towards Zero Waste targets are to be achieved.

The Group is not advocating maintaining the status quo. We support the reduction in the number of Regional Groups to generate opportunities in economies of scale and leadership. We also acknowledge that changes are needed to the current duties and functions of Groups. The powers, duties and functions should be directed to planning and program delivery directed to the Government's waste management, resource recovery and sustainability programs, and the achievement of the Towards Zero Waste targets across Municipal Solid Waste, Commercial & Industrial and Construction & Demolition materials.

It is in this context that at the Barwon Regional Waste Management Group board meeting on 29<sup>th</sup> October 2009, resolutions set out below were adopted.

#### **1. STATUTORY AUTHORITIES VS REGIONAL BUSINESS UNIT (RBU) MODEL**

That the Barwon RWMG supports a Statutory Authorities model over the proposed RBU model, due to embedded local decision making and autonomy, increased local government engagement, and this maximises the ability to achieve Towards Zero Waste targets.

#### **2. DELIVERY OF SUSTAINABILITY VICTORIA PROGRAMS AT A REGIONAL LEVEL**

1. The Group supports in principle the expansion of roles as outlined in the Future Directions Paper, subject to the provision of adequate resources and appropriate funding.
2. The Group supports the rebranding of the proposed future regions to reflect their role and function.



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### 3. COMMUNITIES OF INTEREST

The following 7 regions are proposed in the Review paper;

- Desert Fringe, Grampians, and Highlands Region;
- Mildura,
- Central Murray and Calder Region;
- Barwon and South West Region,
- North East
- Goulburn Valley;
- Gippsland Region

(Assuming Mornington Peninsula Region to the MWMG.)

That the Group supports the reduction from 12 to 7 RWMGs in regional and rural Victoria as detailed in the Future Directions report.

### 4. ALIGNMENT OF BOUNDARIES WITHIN THE MODEL

That the Barwon RWMG supports Golden Plains joining the Barwon South West region, in alignment with the G21 boundaries and existing regional contracts.

### 5. REGIONAL WASTE MANAGEMENT PLANS

That the Group as a Statutory Authority supports the retention of the status of Regional Waste Management Plans to meet the objectives of the States Towards Zero Waste strategy, to provide a foundation for the State Solid Industrial Waste Management Plan, and to guide municipal waste management planning.

### 6. ABILITY TO PROVIDE FOR DIVISIONS

That under the Statutory Authority model, a divisional model of advisory committees is recommended to ensure that there is effective communication and representation of communities of interest in the proposed 'super' regions.

### 7. LIABILITY FOR DEBTS OF THE REGIONS

That Section 50 M of the *Environment Protection Act 1970* be repealed and the same liability provisions that apply to the Metropolitan Waste Management Group apply to RWMGs.



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**8. EQUITABLE RESOURCING OF MODEL**

1. That the Environment Protection (Distribution of Landfill Levy) Regulations 2002 be amended to provide a greater return from the levy to the regions for delivery of programs.
2. That the Group supports a percentage of the landfill levy as a preference to a fixed value (as per Sustainability Victoria and EPA) and that the levy needs to support the RWMG and Councils regional projects and programs.
3. That the future model increases human resourcing levels for Barwon Southwest Region over the current human resource levels.
4. That the Group supports the Barwon Southwest minimum initial staffing levels of 1EFT Executive Officer and 2EFT Facilitators, 3EFT Regional Education Officers and a half time Admin Officer to manage greater responsibilities identified in the report.

**9. SUPPORT FOR RWMG TO BE PRINCIPAL FOR REGIONAL CONTRACTS,**

That the Group supports amendment to the Environment Protection Act to allow regional contract facilitation, and for RWMG to be the principal of regional contracts.

**10. ADVOCATING A SEAMLESS DELIVERY FOR SV STATEWIDE GRANTS AND PROGRAMS THROUGH RWMGS**

That the Group support amendments to the legislation to provide a seamless delivery of grant funding and programs from SV through to RWMG as statutory authorities to assist in the delivery of Towards Zero Waste programs.

**11. STRATEGIC SERVICE DELIVERY PARTNERSHIP**

That the Group as a Statutory Authority supports a mechanism that improves consultative processes and day to day working arrangements between Sustainability Victoria and the RWMGs.

**12. AVRWMG 16 PRICIPLES FOR EVALUATION OF THE REVIEW MODEL**

The Group supports the 16 Principles for evaluation of the review model as listed in the appendix 1.



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The following Motion was also adopted:

**Moved; Dir. Peter Bollen**                      **Seconded; Dir. Bruce Harwood**

1. That the Group adopts the recommendations 1-11 as listed for preparation of the Barwon Regional Waste Management Group submission to Sustainability Victoria on the Review of Regional waste Management Groups.
2. That the Group supports the 16 Association of Regional Waste Management Group (AVRWMG) principles for evaluation of the review models.
3. That the 11 recommendations adopted provide guidance for the Executive Officer to prepare a submission to Sustainability Victoria on the Review of Regional Waste Management Groups.
4. That the member Councils, AVRWMG and the South West Regional Waste Management Group be advised of the resolution.

Carried

In summary;

- The Group supports the vision for delivery of the Government's waste management, resource recovery and sustainability programs through regional bodies throughout Victoria
- The Group supports a reduction of Regions from 12 to 7 as detailed in the Future Directions Paper Consultation Draft.
- The Group believes that a statutory authority model which will secure local government commitment maximises the potential and effectiveness in meeting the Government's objectives. The powers duties and functions should be revised to focus on achieving these.
- The Group submits that additional resources are required to provide for the expanded role in construction and demolition, market development and developing regional contracts. Future funding of regions should be as a fixed percentage of the landfill levy. Currently the RWMGs are legislated for delivery of MSW for \$3.7million or 7.4% of the landfill levy (assuming \$50million collected). A similar additional percentage could be considered for provision of the additional functions
- The Group recommends that human resourcing levels for the Barwon Southwest Region be a minimum initial level of 1EFT Executive Officer, 2EFT Facilitators, 3EFT Regional Education Officers and a half time Administration Officer to manage greater responsibilities identified in the report.



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Page 6 of 10



The Colac Otway Shire considered the Barwon RWMG submission and requested their comments be attached – see Appendix 2

The Group would be pleased to meet Sustainability Victoria and the Minister to discuss the matters in this submission with a view of developing the most effective model for delivering programs and to achieve the TZW targets for Victoria.

Please feel free to contact me if you require further information regarding this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read "Enzo Bruscella".

**ENZO BRUSCELLA**  
Executive Officer



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## APPENDIX 1.- AVRWMG 16 PRICIPLES FOR EVALUATION OF THE REVIEW MODEL

### Waste planning and management

- Principle 1 The responsibilities of RWMGs should be extended to planning (as set out under Section 50H of Division 2A of the *Environment Protection Act 1970*) for non municipal as well as municipal wastes. These wastes do not include Category A and B prescribed wastes and municipal and industrial wastewaters.
- Principle 2 The planning responsibilities as set out under Section 50H of Division 2A of the *Environment Protection Act 1970*, should cover inclusion of non-municipal waste management in the Regional Plan, assistance in developing markets and support for implementing the waste hierarchy.
- Principle 3 Waste planning and management within regional Victoria needs to be delivered by officers who are local within the regions and connected to their communities.

### Structure of RWMGs

- Principle 4 The private sector should be involved in the management of C&I and C&D waste. Commercial operators should be able to participate in providing advice, but not at board level.
- Principle 5 Private sector involvement could be achieved through full membership of the Board as a skill based member(s), non-voting membership of the Board, or a member of an industry advisory committee.
- Principle 6 Local government should maintain a majority on the Board as is currently the case.
- Principle 7 Every member council should have a representative on the RWMG board.
- Principle 8 The obligation for members of a regional waste management group to assume joint and several liability for group debts should be deleted from the *Environment Protection Act 1970*.
- Principle 9 Regional boundaries should be defined by communities of interest, travel time and municipal boundaries followed by geography, markets, and best value (as it relates to waste and resource recovery infrastructure and services).
- Principle 10 Economies of scale (as it relates to waste and resource recovery infrastructure) could be achieved by cross-regional coordination in some cases.

### Authority of RWMGs

- Principle 11 Members of regional groups need the ability to enter into joint contracts (either as a regional group or as a joint venture).
- Principle 12 Regional groups need to be strategic partners with DSE, EPA, and Sustainability Victoria with a strong working relationship and regular communication.

### Provision of education services

- Principle 13 Regions should undertake a lead agency role in the coordination of sustainability education within the regions including, supporting the ResourceSmart program within the region, one stop shop for information, regional co-ordination of State supported sustainability programs, and network development.
- Principle 14 While education services should focus on waste and resource efficiency, regions should be able to support broader sustainability education and provide linkages to programs run by other agencies and authorities. Regions should be able to be flexible in their delivery of sustainability education programs, but maintain a consistent level of support for state wide programs.
- Principle 15 Waste education within regional Victoria needs to be delivered by officers who are local within the regions and connected to their communities.

### Funding of RWMG activities

- Principle 16 Adequate and indexed funding allocation to fully support agreed outcomes including administration.



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## APPENDIX 2– KEY ISSUES FACED BY THE COLAC OTWAY SHIRE AND SIMILAR RURAL COUNCILS ON A DAY TO DAY BASIS

- Greater focus needs to be paid on the disadvantaged Councils within the regions that are lagging behind the zero waste targets to bring them at par with the leading Councils.
  - Boards should be made up of elected members from each member Councils who should then be involved with the appointment of skill based directors. SV to provide support with procedures and policies in the appointment process.
  - Board to have autonomy with decision making.
  - Equitable funding distribution formula to be devised.
  - Consistency with waste education programs, material development and distribution.
  - Consistency with waste bins & colours schemes.
  - Consistency with landfill monitoring & reporting to EPA incorporating gas monitoring as well.
  - EPA delegate to be a permanent member of BRWMG and provide updates on EPA policy issues.
  - Clear cut guidelines and funding support for gas extraction and groundwater quality control initiatives for the rehabilitated landfills.
  - Guidelines and funding support on greenhouse emission control measures at the existing and closed landfills.
  - More regular programmed collections for domestic hazardous waste as the current biannual collection in rural areas at only one collection point is not enough for Councils covering vast areas.
  - Address concerns with transportation costs of waste and recyclable goods to disposal centres.
  - Consistency with collection of E- waste, hard waste, silage wrap, polystyrene and items with recycling contents.
  - Recognize constraints of rural areas mainly due to scarce population, vast travelling distances and transportation costs while formulating future policies.
  - The current Council resources do not allow management of construction and demolition (C&D) and commercial and industrial (C&I). Assessment will need to be made on extent of extra resources required together with funding support.
  - Council's planning personnel need to be involved for dealing with C&D and C&I planning issues.



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## APPENDIX 2– KEY ISSUES FACED BY THE COLAC OTWAY SHIRE AND SIMILAR RURAL COUNCILS ON A DAY TO DAY BASIS (Cont'd)

- The meetings, information sessions etc need to be better planned or consolidated for effective time management for people travelling greater distances.
- Benchmarking between similar Councils should be encouraged for continuous improvement.
- Setting of key performance indicators and performance monitoring between similar Councils.
- Rotation of meetings to all the Councils.
- Lack of funding support for bin replacement – a major cost to all the Councils.
- Minimal funding support currently available for waste infrastructure development.
- Assistance with Regional contracts – formation and administration.
- Development of Waste Management Officers and career paths.
- Consistency with waste data recording, interpretation and presentation.



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Page 10 of 10

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

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | D | W |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p> <p><b><u>OM091612-10 NEIGHBOURHOOD SAFER PLACES</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Notes the information provided in the above report including the fact that there are no locations that currently meet the assessment criteria to enable their designation as Neighbourhood Safer Places in the Colac Otway Shire.</i></b></li> <li><b><i>2. Supports Council officers in undertaking further investigation and necessary works required to further develop the site which has been assessed as “compliant with conditions” with the aim of having it meet the assessment criteria at the earliest possible time, while recognising that it may not be possible to have it designated as a Neighbourhood Safer Place during the 2009-10 fire season.</i></b></li> <li><b><i>3. Supports Council officers in working with the CFA and other responsible authorities in the preparation of Township Protection Plans and the assessment of other potential sites for Neighbourhood Safer Places in other vulnerable locations within the Colac Otway Shire.</i></b></li> <li><b><i>4. Requests Council officers to prepare a report on issues and future budget allocations in respect of Fire and Emergency Management to be considered by Council in the 2010 – 11 Budget Process.</i></b></li> <li><b><i>5. Continues to consistently remind the Colac Otway Shire community that in high risk areas all people should leave on Code Red days and emphasise the need for all residents to develop and implement their own personal Fire Plan with the focus being on the preservation of life.</i></b></li> <li><b><i>6. Authorises the Chief Executive Officer to sign and seal the Neighbourhood Safer Places – Temporary Deed of Indemnity which provides indemnity to Council with respect to the death or injury of a person sheltering at Designated Neighbourhood Safer Places during a bushfire.</i></b></li> </ol> |   |   |

|                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p><b><u>OM091612-11 COLAC AND APOLLO BAY<br/>CARPARKING STUDY - ISSUES AND<br/>OPPORTUNITIES PAPERS</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p><b><i>1. Endorse the Colac and Apollo Bay Car Parking Study - Issues and Opportunities Papers for community consultation to commence early 2010 for a period of six weeks.</i></b></p> |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

**OM091612-10 NEIGHBOURHOOD SAFER PLACES**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Stewart Anderson                   | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | GEN00179   |

**Purpose**

The purpose of this report is to inform Council of the current status of the investigation of Neighbourhood Safer Places in designated high risk townships within the Colac Otway Shire and to advise that there are no locations within the Shire that meet the assessment criteria and therefore no Neighbourhood Safer Places (NSP) can be declared in this municipality for the 2009-10 fire season at this stage.

**Declaration of Interests**

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

**Background**

With the tragic and substantial loss of life and property associated with the 7 February wildfires in Victoria the community is experiencing a heightened level of anxiety over preparedness for the 2009-2010 fire season. The recommendations of the 2009 Victorian Bushfires Royal Commission Interim Report released on 17 August 2009 have led to many new initiatives being undertaken by Council in partnership with the CFA and the DSE.

To facilitate action in line with the recommendations from the Royal Commission Interim Report, officers from DSE and CFA were invited to present at a Councillor Workshop on 8 September 2009.

Council was informed in a subsequent report to the November Ordinary Meeting of Council that a significant amount of work had been undertaken by Council prior to the 2009 Bushfires which placed Council in a strong position with regard to its fire prevention and emergency management responsibilities. This work has been further progressed since the last fire season and has been given a broader focus with a new internal structure being implemented and a range of projects initiated and although many of the projects are yet to be completed, a large amount of progress has been made.

As a result of the Royal Commission Interim Report, Council has been working in partnership with several agencies involved in fire management, including the CFA, DSE and Parks Victoria which are the lead agencies with responsibility for fire management on the following four key objectives:

1. Developing Township Protection Plans;
2. Identifying and assessing potential Neighbourhood Safer Places;
3. Reviewing and updating the Municipal Fire Prevention Plan; and
4. Reviewing and updating the Municipal Emergency Management Plan.

Council has worked hard to strengthen relationships with these agencies in order to tap into their resources and expertise as we have worked through the above matters.



Eight high risk townships were identified across the Colac Otway region in the first stage of the above process and these have all now had Township Protection Plans developed for the 2009-2010 fire season. These were endorsed by Council at the November 2009 Council Meeting. The high risk townships identified in the Colac Otway Shire were: Barwon Downs; Forrest; Lavers Hill; Marengo; Carlisle River; Kawarren; Barongarook; and the Wye River, Separation Creek and Kennett River Complex.

The second major task was the identification and assessment of potential Neighbourhood Safer Places in each of the designated high risk townships.

A computer based tool called the Victorian Fire Rating Register (VFRR) for wildfire was used to identify potential sites for Neighbourhood Safer Places within the high risk townships. The VFRR is a Victorian version of a mapping application developed by the NSW Rural Fire Service to assist in the wildfire risk management planning process. The VFRR is a systematic process that identifies assets at risk from fire, assesses the level of risk to assets and provides a range of treatments to mitigate the risk. Treatments may include activities such as planned fuel reduction, community education programs and safety audits.

A detailed assessment was led by the CFA of the potential sites for Neighbourhood Safer Places identified through the VFRR. The assessment was carried out in partnership with Council, Victoria Police, DSE and Parks. The criteria used to assess the sites focused on the distance to surrounding vegetation and the amount of radiant heat expected to come from the surrounding vegetation during a fire. At the conclusion of this extensive assessment process there were no areas within the high risk townships in the Colac Otway Shire which have had Township Protection Plans prepared that currently meet the criteria required to be declared as a Neighbourhood Safer Place (NSP).

The third and fourth tasks identified above have been completed by conducting a review of the Municipal Emergency Management Plan and the Municipal Fire Prevention Plans in accordance with the Royal Commission Interim Report recommendations and making changes to indicate the location and arrangements associated with Township Protection Plans. The updated plans have been presented to and endorsed by the Municipal Emergency Management Planning Committee and the Municipal Fire Prevention Committee.

Council officers will continue to work with the CFA and other responsible Authorities over coming months to prepare Township Protection Plans for other high risk townships throughout the municipality and to identify further Neighbourhood Safer Places where possible.

The following tools have been developed by the MAV to assist in these initiatives.

The MAV has provided a draft template for development of a Municipal Neighbourhood Safer Places Plan for each Shire that will have NSPs. It contains guidelines to assist councils in identifying, designating, establishing, maintaining and decommissioning NSPs. The MAV is also developing the non-council land owner documentation that will address the consent to the use of non-council land as a NSP, the licence required for the Council to undertake establishment and maintenance works of the property and the requirement that the open space NSP and Buffer Zone or the Buffer Zone around the NSP building not be used for any inconsistent use e.g. car park, during the bushfire season. The MAV is also working with the State Government regarding the issues surrounding crown land to ensure that NSPs are not designated on crown land where the purpose of the reservation does not permit the NSP use.

**Council Plan / Other Strategies / Policy**

These actions are consistent with priorities set out in the Council Plan including the Council Plan Strategy “Meet our statutory obligations for community safety and emergency situations”. This Council Plan Strategy is being addressed through the Municipal Emergency Management Plan which is supported by a number of sub-plans including the Municipal Fire Prevention Plan and the Municipal Recovery Plan.

**Issues / Options**

The assessment of the sites identified as potential Neighbourhood Safer Places found that none of the sites examined within the eight townships in the Colac Otway Shire met the criteria at the time of the assessment. This is a direct result of the townships being located in close proximity to large stands of vegetation that will produce very high levels of radiant heat during a bush fire.

The high risk townships in the Colac Otway Shire simply do not have expansive areas of the open space or the urban and built environment that is required for sites to be compliant. Only one site was assessed as being “compliant with conditions” which does not allow it to be identified or designated as a Neighbourhood Safer Place until all conditions have been properly investigated and met. An investigation of how this site could be made compliant is currently being undertaken by Council Officers in conjunction with the CFA, but there are significant issues to be addressed and at this stage it is unlikely that there will be any site designated as a Neighbourhood Safer Place in the Township Protection Plans for the Colac Otway Shire during the 2009-2010 fire season.

Although not having a Neighbourhood Safer Place will be seen as cause for concern by members of the community it is a reflection of the fact that the eight identified high risk townships in the region are nestled in the Otway Ranges. The Otways are beautiful and attract many people to the area but they are also highly prone to wildfire. The fact that no sites met the criteria demonstrates that staying and defending in these areas during a fire is very dangerous and highlights why all people should leave the area on Code Red days. The community has a clear responsibility to develop and implement their own personal fire plan with the focus being on the preservation of life.

It is also worth noting that if any Neighbourhood Safer Places are declared in the future that they are meant to be a ‘place of last resort’ for those people who have been caught in the fire. The designation of a Neighbourhood Safer Place should not encourage people to try to stay and defend their properties. It must be made very clear that people’s plans should not be altered or unduly influenced by whether there is a Neighbourhood Safer Place in their town or not. Neighbourhood Safer Places are only ‘safer’ places where there is no other alternative – they are not ‘safe’ places.

**Proposal**

That Council notes that there are no sites in the identified high risk townships within the Colac Otway Shire that currently meet the criteria for designation as a Neighbourhood Safer Place.

That Council work in partnership with other key agencies to inform the community that there are no locations in the identified high risk townships within the Colac Otway Shire that currently meet the criteria for designation as Neighbourhood Safer Places for the 2009-2010 fire season.

That Council consistently remind the community that in the high risk areas all people should leave on Code Red days and that they need to think seriously about their own personal fire plan with the focus being on the preservation of life.

That Council continue to work with other agencies to further investigate what can be done to establish a Neighbourhood Safer Place at the site assessed as compliant with conditions as soon as possible.

That Council continue to work with the CFA and other responsible Authorities on the development of further Township Protection Plans and Neighbourhood Safer Places, where they may be appropriate in the Colac Otway Shire, as a matter of priority.

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

There are some as yet indefinable financial impacts associated with implementing the proposal in the event that any Neighbourhood Safer Place may be assessed as meeting the criteria in the future. These relate primarily to the preparation and maintenance of the area to a high standard relative to the intended purpose to ensure that the identified locations are kept fire ready, the purchase, erection and maintenance of signage and the officer and equipment resource allocation that will be necessary which will have a negative impact on Council's normal operations.

While the officer time required to implement the proposal can be catered for within existing resource allocations in the short term, it is worth noting that a more senior Municipal Emergency Management Coordinator role has only recently been created in part to respond to the extra work required as a result of the Royal Commission recommendations. The Royal Commission will release further recommendations in 2010 that in addition to the proposed investigation into Neighbourhood Safer Places may have significant resource implications for Council in the future. This will need to be considered in future budgets and budget briefs will be submitted for 2010/2011 to address further costs that will need to be allocated by Council to address the additional works required.

The responsibilities for who should be delivering some elements of this enhanced fire management program is not yet clear. There is likely to be unbudgeted costs to Council in delivering some elements of the program however much of this is expected to be managed by reallocation of funds from lower priority fire readiness works which will have to be delayed. The MAV is continuing to work through funding issues with the State Government. The Council's which cover the 52 high risk towns have shared equally in a \$500,000 State grant to the MAV and this Council's share was \$7800 which will not cover the additional works needed for NSPs and other works, should that be required in the future.

There will also be a need for Council to consider the financial implications of how it will be able to meet the rapidly increasing levels of responsibility for preparedness and response that is resulting from both the events that occurred throughout Victoria on 7 February earlier this year and the changing climatic conditions that are being experienced throughout the world that are leading to more extreme weather related events, including the unprecedented conditions experienced on Black Saturday in Victoria.

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

The Colac Otway region has a beautiful natural environment that attracts many people to the area. However the same natural environment that attracts people also has a very high propensity for wild fire occurring that endangers both life and property. Council has statutory responsibilities that it carries out in relation to fire prevention and emergency management that are aimed at helping the community manage the risk of wild fire in the region.

The establishment of a new Municipal Emergency Management Coordinator in addition to a number of other improvements made over recent years highlights Council's commitment to carrying out these statutory responsibilities effectively. Council has worked hard with other agencies and further strengthened relationships with the CFA and DSE in order to enable the recommendation from the Royal Commission's Interim Report to be carried out as soon as possible.

The inability of this area to provide any Neighbourhood Safer Places which meet the assessment criteria clearly demonstrates the fire danger associated with the beautiful Colac Otway environment.

While our community enjoys the amenity of this area there are downsides which they are exposed to as a result of living in close proximity to the Otway National Forest and the grasslands that abound in this municipality. Council is committed to its responsibilities in relation to fire prevention and emergency management within the Shire, but at the end of the day each member of this community is responsible for the safety and preservation of the lives of themselves and their families.

Council has introduced and implemented an extensive fire prevention program throughout the municipality, has worked closely with all agencies and increased its funding allocation and management capability in relation to emergency management and has met all responsibilities with regard to the findings on the Interim Report from the Royal Commission.

The major risk that Council cannot control is the response to the issue by every member of our community and their responsibility to prepare a personal Fire Plan for themselves and their families. Council has undertaken an extensive and constant media program to ensure that this community is well aware of the dangers of the coming fire season and has been consistent in its messages in relation to the need for preparation of personal Fire Plans and that in high risk areas, particularly on Code Red days, residents should leave and leave early.

Council will continue to work with this community and all relevant responsible agencies to ensure that all elements of Council's Risk and Compliance responsibilities continue to be fully addressed

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

There are no significant environmental impacts associated with implementing the proposal. There are possible environmental impacts associated with the fuel reduction works that may be required in relation to the assessment and potential establishment of any Neighbourhood Safer Places that are able to meet the assessment criteria in the future, however, any works required would need to be done in accordance with relevant legislation.

### **Communication Strategy / Consultation**

There has been a significant amount of communication that has been undertaken with the community through media releases and reports on this matter over the past several months and community awareness is at a high level.

A media release specifically related to the information in this Council Report will be released immediately following Council resolving on this matter advising that there are currently no locations within the Colac Otway Shire that meet the assessment criteria enabling them to be declared as Neighbourhood Safer Places.

The CFA will also continue with a community awareness raising program informing the community on this matter. Information advising that there are no Neighbourhood Safer Places in Colac Otway and the importance of the preparation of personal Fire Plans by each member of our community will be sent to residents in the high risk townships, placed in public areas and on the CFA website.

It is envisioned that there will be more community engagement carried out prior to the 2010-2011 fire season to further improve Township Protection Plans and find local solutions to local problems, including further investigation into Neighbourhood Safer Places.

### **Implementation**

Council officers will work in partnership with other key agencies to raise community awareness of why there are no Neighbourhood Safer Places in the Shire for the 2009-2010 fire season. Council officers will continue to work with other agencies to further investigate the level of works required and what can be done to establish a Neighbourhood Safer Place at the site assessed as "compliant with conditions".

### **Conclusion**

The Colac Otway Shire has eight of the fifty two high risk townships located in Victoria and Township Protection Plans have been developed for these eight township areas for the 2009-2010 fire season.

Due to the fact that the eight high risk townships in the Colac Otway region are nestled in the Otways and have relatively small urban areas there are no sites that currently meet the Neighbourhood Safer Place criteria and therefore there are no Neighbourhood Safer Places that can be endorsed within the Colac Otway Shire at this stage.

An investigation will be carried out to determine what works need to be undertaken, what negotiations are necessary to implement any required agreements in an endeavour to establish a Neighbourhood Safer Place at the site which has been assessed as "compliant with conditions" as soon as possible.

It is important to acknowledge that the fact that no sites within Colac Otway meet the Neighbourhood Safer Places criteria clearly demonstrates that staying and defending in these areas during a fire is very dangerous and highlights why all people should leave these areas on Code Red days. In the high risk areas, as well as other vulnerable locations throughout the Colac Otway Shire, the community needs to think seriously about their own personal fire plan with the focus being on the preservation of life.

### **Attachments**

Nil

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

- 1. Notes the information provided in the above report including the fact that there are no locations that currently meet the assessment criteria to enable their designation as Neighbourhood Safer Places in the Colac Otway Shire.**
- 2. Supports Council officers in undertaking further investigation and necessary works required to further develop the site which has been assessed as “compliant with conditions” with the aim of having it meet the assessment criteria at the earliest possible time, while recognising that it may not be possible to have it designated as a Neighbourhood Safer Place during the 2009-10 fire season.**
- 3. Supports Council officers in working with the CFA and other responsible authorities in the preparation of Township Protection Plans and the assessment of other potential sites for Neighbourhood Safer Places in other vulnerable locations within the Colac Otway Shire.**
- 4. Requests Council officers to prepare a report on issues and future budget allocations in respect of Fire and Emergency Management to be considered by Council in the 2010 – 11 Budget Process.**
- 5. Continues to consistently remind the Colac Otway Shire community that in high risk areas all people should leave on Code Red days and emphasise the need for all residents to develop and implement their own personal Fire Plan with the focus being on the preservation of life.**

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OM091612-11 COLAC AND APOLLO BAY CARPARKING STUDY - ISSUES AND OPPORTUNITIES PAPERS

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Anne Sorensen | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | GEN00450 |

Purpose

This report presents the Colac and Apollo Bay Carparking Study - Issues and Opportunitites papers for Council consideration and proposes that the community be consulted on the Issues and Opportunitites paper early in 2010.

Declaration of Interests

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

Background

Provision of car parking and the waiver of car parking requirements have been a long standing, contentious issue in considering whether a planning proposal should be supported. Concerns have been raised that continued support for the waiving of car parking could lead to an undersupply of car parking in the commercial areas of Colac and Apollo Bay, particularly in the tourist session where high levels of demand for car parking are experienced in Apollo Bay. Council is being regularly required to consider planning permit applications which seek to modify or waive car parking requirements.

The current State standard provisions for car parking requirements in the planning scheme at Clause 52.06 are often considered to be excessive, particularly for different types of commercial uses. The State standard provisions apply across the state and do not differentiate between metropolitan Melbourne and regional areas in their application. The rates in the planning scheme are not necessarily based on empirical demand and in many circumstances do not match local conditions. The demand for car parking varies between different land uses and varies depending on the location of the use and the convenience and level of service of other transport modes.

The State Government has undertaken a review of car parking provisions and prepared an Advisory Committee Report in August 2007. This report discusses a range of matters including a review of land use terms and car parking requirements. The report recommends that the State standard provisions be amended and that car parking rates for various land uses be reduced in most circumstances. Although the recommendations of the Advisory Report have not been incorporated into planning schemes it is widely accepted through Victorian and Civil Administrative Tribunal (VCAT) determinations that the car parking requirements for different land uses, particularly retail type activities is unrealistic and that lesser rates recommended by the Advisory Committee are generally more appropriate.

Council has received a number of reports on this important issue in recent years that have provided detailed discussion on options that could be implemented to address these issues, however, no strategy or precinct plan has been prepared or incorporated into the planning scheme to provide local policy guidance when making decisions on car parking provision.

Although no policy has been incorporated into the planning scheme to enable Council to request cash in lieu contributions for the waiver of car spaces, Council has been successful in negotiating by agreement cash in lieu contributions for a number of major planning development proposals in Apollo Bay where a significant waiver of car spaces were required. The car parking cash in lieu contributions collected so far from these developments will be used to assist in the funding of future car parking provision in Apollo Bay. For example, the contributions will be used to assist in the funding of the car park for the Pascoe Street Parking Precinct Plan which was adopted by Council in 2001. A detailed design is currently being prepared and will provide a framework for the future development of the area including car parking and access arrangements. Council and the land owners are committed to its implementation, however, the plan has relied upon existing and future agreements with property owners being secured through the use of S173 Agreements for the provision of car parking under a common property arrangement.

An Apollo Bay Car Park Study was prepared in 1997 by PPK and a Colac Business Area Traffic Study was prepared by Andrew O'Brian and Associates Pty Ltd in 1999. However, both of these studies are no longer current and predate the introduction of the Victorian Planning Provisions that contain the State standard provisions for car parking in the Colac Otway Planning Scheme and the State Government Advisory Committee Report.

The Colac and Apollo Bay Structure Plans were adopted by Council in 2007 and have been incorporated into the Colac Planning Scheme. Both structure plans provide a number of future land use and development recommendations including the review and implementation of appropriate car parking initiatives to improve car parking opportunities within the central business districts of Colac and Apollo Bay.

There is a need to prepare a Parking Precinct Plan that would identify parking issues in both Colac and Apollo Bay and set realistic requirements for parking rates for different land uses and to enable cash in lieu contributions to be required under specific circumstances. The Parking Precinct Plan needs to be strategically justified before it could be incorporated in the planning scheme.

In January 2009, Council engaged AECOM Australia Pty Ltd (Formerly Maunsell) to undertake a car parking Study for Colac and Apollo Bay townships. The study is intended to identify existing levels of car parking and parking demand in both townships, explore other alternatives in managing demand for existing car parking spaces, improve urban design outcomes in the provision of car parking, encourage use of public transport, review the existing rate for provision of car parking under clause 52.06 of the planning scheme and make recommendations on rates that should be applied for various land uses, explore options for funding new on-street/off-street car parking including an appropriate 'cash-in-lieu' contribution for parking shortfalls, if appropriate.

A Steering Committee comprising of Councillors Higgins and Buchanan, Council Officers, a representative from VicRoads and Otway Coastal Committee has been established to oversee the project.

The Consultants have prepared an Issues and Opportunities Paper for Colac and Apollo Bay Townships as the first stage of the project. The Issues and Opportunities Papers and feedback from the community will guide the preparation of a draft Car Parking Study and Parking Precinct Plans for both townships for consideration by the Steering Committee prior to reporting to Council.

The Issues and Opportunities Papers include:

- Review of relevant State, Regional and council policies/studies and the strategic direction provided by these for parking provision in the centres;
- Demographic analysis (i.e. population trends) and identification of future floor space demand;
- Analysis of current parking demand and utilisation;
- Projected future parking needs and management options;
- Analysis of the capacity of alternative non-motorised transport options to reduce future parking demand;
- Consideration of current and future land uses within the commercial area and whether it is appropriate to identify preferred parking locations as part of an overall parking strategy;
- Review of the appropriateness of parking rates at Clause 52.06 of the Planning Scheme;
- Review of time limited areas and taxi parking, coach parking and bus bays.

Two separate Issues and Opportunities Papers have been prepared, each report presents the key issues and opportunities relating to parking in each township that have been identified during extensive surveying and from a review of existing Council practices. The findings of each report will be discussed separately below.

Colac Township – Issues and Opportunities Paper

The study area for the Colac Township is shown on page 1 of the report. The study area includes the commercial precinct and extends into nearby residential areas. The findings of the paper are outlined below:

a) Sustainable transport options

Based on the existing level of public transport infrastructure and services the study found that public transport is unlikely to be a feasible alternative to car based travel for many types of trips, particularly for medium to longer distance travel. There would need to be a significant improvement to services and coverage for public transport to have any meaningful effect on demand for car travel and hence car parking.

b) Parking surveys – key findings

Colac currently has a total of 2,825 parking spaces in the study area, with 1,916 being on-street and 947 off-street parking spaces. In order to better understand the existing parking trends and demand of the existing provision of car spaces in Colac, on and off-street parking surveys were conducted on Thursday 26 February 2009 and Saturday 28 February 2009.

Overall demand for car parking peaked at 11.00 am for the weekday survey, although it was found that over the entire study area the demand of on-street parking is modest with a peak parking occupancy of 52%. There are localised instances of higher parking demand on those streets in close proximity to:

- The main retail area on Murray Street;
- The national retailers such as Safeway, Target and Coles;
- The hospital;
- The light industrial uses located on Bromfield Street.

The surveys found that although in some areas there were higher occupancy rates, there was also frequent turnover of the on-street parking spaces available in most

streets which resulted in most locations having some unoccupied spaces available for use.

The weekday survey also identified that in some locations the longer term parking demands created by the retail, industrial and service industries during peak periods can overspill into the residential areas and potentially affect local residential amenity and reduce parking opportunities for short term visitors.

The weekend survey identified that, with the exception of a few streets located close to the central area of Murray Street, on-street parking occupancy during the peak period is very low.

c) Future parking needs

A retail-economic analysis was undertaken by Essential Economics Pty Ltd to assess the existing and future demand for retail floor space. The retail study found that Colac has a total retail floorspace of approximately 51,110m² and potential for an additional 14,710m² of retail floorspace to be supportable over the period 2009 to 2025. Of this amount approximately 1,270m² is likely to be new food retail space potentially in the form of supermarket expansion and approximately 13,440m² is likely to be other retail such as food catering, department store retailing and non-food specialities, most of which will involve the redevelopment and expansion of existing sites.

d) Issues and Opportunities

The report explores a range of issues and opportunities relating to medium to long term parking, residential parking, management of on-street parking spaces, improved way finding and managing future parking needs.

The car parking surveys undertaken have identified that there is more than adequate supply of parking spaces within the Colac study area to service both existing and future demand. It was found that even in many of the most desirable locations there were often available parking spaces during the peak periods.

The parking surveys have also highlighted that there are some parking related issues that should be addressed in order to better cater for the varying types of parking demand, reduce overspill of parking into residential areas and ensure the more efficient use of parking supply.

The parking related issues and opportunities are summarised in Table 8.1 of the consultant's report attached.

Apollo Bay Township – Issues and Opportunities Paper

The study area for the Apollo Bay Township is shown on page 2 of the report. The study area includes the commercial precinct and extends into the residential area up to Thomson Street. The findings of the paper are outlined below:

a) Sustainable transport options

The study recognises that based on the existing level of service and coverage, public transport is unlikely to be a feasible alternative to car based travel for many trip types in particular, medium and longer distance trips. There would need to be a significant improvement to services and coverage for public transport to have any meaningful affect on demand for car travel and hence car parking.

b) Parking surveys – key findings

Apollo Bay township has a total of 667 parking spaces within the study area, with 488 being on-street and 179 off-street parking spaces. In order to better understand the existing parking trends and demand of existing provision of car spaces in Apollo Bay during holiday and off-peak season, on-street parking surveys were conducted on Friday 10 January 2009 and Saturday 11 January 2009, holiday season, and Thursday 26 February 2009 and Saturday 28 February 2009, off-peak season.

The holiday season surveys showed that over the entire study area, the demand of on-street parking is fairly modest with a peak parking occupancy of 72%. During the busiest period of the day, on-street parking on a number of streets is at or close to capacity. On street parking in the study area is most highly utilised along the section of Great Ocean Road fronting the foreshore area and retail outlets with parking demand overspilling into the intersecting side streets within close proximity to these main attractions. Directly outside the busiest areas, the demand for parking is generally much lower with site observations indicating that at most locations there was always unoccupied spaces available for use. Throughout the study area it was observed to be in the order of 105-135 available on-street parking spaces during the peak period. Many of these available spaces would be no more than a couple of minutes walk from the main attractions in Apollo Bay.

The surveys found that off-street parks in the most desired locations are approaching capacity throughout the day during the holiday season. In comparison, two car parks located within a couple of minutes walk of the foreshore and main retail areas were shown to have relatively modest parking occupancy.

The demand for weekday parking during the off-peak season is generally low on all the surveyed streets and off-street car parks. High levels of parking utilisation were observed on some streets and off-street car parks during the weekend day survey. Again, parking in the study area is most highly utilised along the sections of Great Ocean Road fronting the foreshore area and retail outlets with parking demand overspilling into the intersecting side streets within close proximity to these main attractions.

c) Future parking needs

A retail-economic analysis was undertaken by Essential Economics Pty Ltd to assess the existing and future demand for retail floor space. The retail study found that Apollo Bay has a total retail floorspace of approximately 10,740m² and potential for an additional 2,600m² of retail floorspace to be supportable over the period 2009 to 2025. The additional retail floorspace is expected to be made up of an additional 410m² of food and grocery, an additional 610m² of food catering and an additional 1,580m² of non food services. It is envisaged that the increase in retail floor space is likely to be primarily focussed on Pascoe Street with some intensification of retail activities along the Great Ocean Road.

d) Issues and Opportunities

This section of the report explores a range of issues and opportunities relating to supply of parking, management of on-street parking spaces, public transport parking, improved way finding and managing future parking needs.

The car parking surveys have identified that there currently is adequate parking to cater for the peak demand in the holiday season. Although some of the available on-street car parking is in the side streets, all are within a short walking distance of the key destinations within Apollo Bay. Demand is greatest for car parking along the Great Ocean Road and the Surf Club car parks.

The surveys found that in the off-peak season demand for car parking was low.

The parking surveys have also highlighted that there are some parking related issues that should be addressed in order to better cater for the varying types of parking demand and ensure the more efficient use of parking supply.

The parking related issues and opportunities are summarised in Table 8.1 of the report.

Council Plan / Other Strategies / Policy

State Planning Policy section of the Colac Otway Planning Scheme has an objective at Clause 18.02-1 to: *“ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing transport networks and the amenity of surrounding areas”*. It states that planning and responsible authorities should prepare or require parking precinct plans for the design and location of local car parking to:

- Protect the role and function of nearby roads, enable easy and efficient use and the movement and delivery of goods.
- Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.
- Create a safe environment for users, particularly at night.
- Facilitate the use of public transport.

Council has two strategic documents that provide a framework for land use and development for Apollo Bay and Colac Townships, being the Apollo Bay Structure Plan 2007 and the Colac Structure Plan 2007.

Other strategic documents of relevance are:

- Apollo Bay Parking Precinct Plan 2002
- Apollo Bay Car park Study 1997
- Colac Business Area Traffic Study 1999

The 2009-13 Council Plan objective for land use and development is: *“Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations”*. A key strategy is to: *Ensure a partnership approach to land use planning that reflects the needs, values and aspirations of the community”*. One of the actions to implement this strategy is to finalise and implement a car parking study for Colac and Apollo Bay.

Issues / Options

The key issues for consideration include:

1. The State Government Advisory Committee recommendations have not been incorporated in the State Section of the planning scheme, although it is widely recognised in that report and other forums such as VCAT that the current car parking rates at Clause 52.06 are excessive for some land uses.
2. Without a car parking study or parking precinct plan, there is no local policy to guide decision making for planning applications that are seeking to waive car parking requirements or to require cash in lieu contributions. Applications will continue to be assessed against the car parking requirements of Clause 52.06.

3. For applications that involve the waiver of car spaces in the central business precincts of Colac and Apollo Bay that have not fully satisfied the requirements of Clause 52.06 and where waiving of car park requirements have not been justified, applicants can only be encouraged to make voluntary cash in lieu contributions as there is no parking precinct plan in the planning scheme. Any contribution made can only be by negotiation and is purely voluntary subject to the applicant's agreement.
4. Through the work being undertaken as part of the car parking study there is an opportunity to determine the future direction for car parking for Colac and Apollo Bay and whether existing car parking rates are appropriate and what level of car parking provision would be required to meet future demand and options for funding.

The Issues and Opportunities Papers are the first step in developing a draft car parking study for Colac and Apollo Bay. It is appropriate that Council test the issues and opportunities identified in the papers with the community and elicit feedback that can assist in informing a draft study.

Proposal

It is proposed that the Council endorse the Apollo Bay and Colac Carparking Study – Issues and Opportunities Paper for community consultation to take place early in 2010 and that the submissions/feedback received from the community consultation be used to inform the preparation of a draft Apollo Bay and Colac Car parking Study.

Financial and Other Resource Implications

This project was a priority in previous Council plans and funded in 2007/08. Work on the project commenced late 2008 and now is being carried out as part of the 2009-10 Strategic work program. The Colac and Apollo Bay Car Parking Study was funded within the 2008/09 Budget for \$80,000 and funds have been carried over into the 2009/10 budget to enable the work to continue in order to deliver Council's objectives in this regard.

Risk Management & Compliance Issues

Planning permit applications are currently assessed in accordance with the relevant car parking provisions of the planning scheme. This is considered to be an appropriate response to Council's statutory obligations under the Planning and Environment Act.

The development and ultimate implementation of a car parking study and parking precinct plan will provide the strategic basis and justification to implement measures that will guide decision making on when car parking waivers should be supported and whether cash in lieu contributions should be required, amongst other things.

In the absence of a parking precinct plan, cash in lieu contributions can only be achieved by voluntary agreement between parties, which may mean that opportunities to collect funding that could contribute to future car parking facilities cannot be guaranteed.

Environmental and Climate Change Considerations

The development and implementation of a parking precinct plan for Colac and Apollo Bay will improve car parking opportunities, pedestrian and cycle permeability, urban design and reduce traffic congestion which will improve the amenity and general environment of these precincts.

Communication Strategy / Consultation

The project brief for the Colac and Apollo Bay Car Parking Study outlines the consultation strategy for the project. It is proposed that the community be consulted on the Issues and Opportunities Paper, the draft parking study and precinct plans and through the formal exhibition process of the planning scheme amendment.

Implementation

The current planning permit assessment process against the car parking provisions will continue until such time as the finalisation of a car parking study for Colac and Apollo Bay.

Once the car parking study has been endorsed by Council, the study and parking precinct plan will be incorporated into the planning scheme via a planning amendment process.

Once authorisation of the planning scheme amendment is received by the Minister for Planning it would be placed on public exhibition. At the conclusion of the exhibition period a report would be prepared that would discuss any submissions received and provide recommendations to Council.

Conclusion

Council is regularly being asked to consider planning permit applications that seek to modify or waive car parking requirements and has raised concerns that support for the waiver of car parking may lead to an undersupply of car parking in the commercial precincts of Colac and Apollo Bay.

There is no strategy or precinct plan to give guidance in decision making on the waiver of car parking requests or when cash in lieu contributions would be appropriate to be sought in conjunction with support for a waiver of car parking.

It is considered that the car parking rates contained in Clause 52.06 are excessive and do not reflect regional or local circumstances.

While the State Government Advisory Committee has released a report that recommends changes to existing car parking rates for some land uses, these recommendations have not been incorporated into the State Section of the planning scheme, at this time.

The development of a car parking study and parking precinct plans will provide the necessary guidance for decision making and justification for financial contributions, if appropriate, to be required as part of the planning permit process.

The preparation of the Colac and Apollo Bay Car Parking Study – Issues and Opportunities Papers is the first step in the development process of the study and plan.

It is considered appropriate that the community is consulted on these papers to provide an opportunity for input and feedback which will be used to inform a draft car parking study. Subject to endorsement by Council, it is intended that community consultation will take place early in 2010.

Attachments

1. Apollo Bay Carparking Study - Issues and Opportunities paper
2. Colac Carparking Study - Issues and Opportunities paper

Recommendation(s)

That Council:

- 1. Endorse the Colac and Apollo Bay Car Parking Study - Issues and Opportunities Papers for community consultation to commence early 2010 for a period of six weeks.***

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Colac Otway Shire  
25 November 2009

**AECOM**

# Issues and Opportunities Paper - Apollo Bay

Colac and Apollo Bay Parking Study



Issues and Opportunities Paper - Apollo Bay - Colac and Apollo Bay Parking Study

AECOM

## Issues and Opportunities Paper - Apollo Bay

### Colac and Apollo Bay Parking Study

Prepared for  
Colac Otway Shire

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25 November 2009

Issues and Opportunities Paper - Apollo Bay - Colac and Apollo Bay Parking Study

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### Quality Information

Document Issues and Opportunities Paper - Apollo Bay

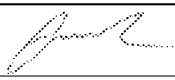
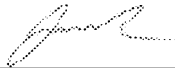
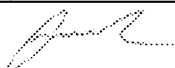
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Date 25 November 2009

Prepared by Danny Millican

Reviewed by Tony Frodsham

### Revision History

| Revision | Revision Date | Details                             | Authorised                            |                                                                                       |
|----------|---------------|-------------------------------------|---------------------------------------|---------------------------------------------------------------------------------------|
|          |               |                                     | Name/Position                         | Signature                                                                             |
| 1        | 11/09/2009    | Draft Report                        | Garrath Cadness<br>Principal Engineer |   |
| 3        | 30/10/2009    | Draft Report incorporating comments | Garrath Cadness<br>Principal Engineer |  |
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25 November 2009

## Table of Contents

|       |                                              |    |
|-------|----------------------------------------------|----|
| 1.0   | Introduction                                 | 1  |
| 1.1   | Background                                   | 1  |
| 2.0   | Apollo Bay Profile                           | 3  |
| 3.0   | Review of relevant documents                 | 4  |
| 3.1   | Apollo Bay Structure Plan 2007               | 4  |
| 3.2   | Apollo Bay Parking Precinct Plan (2002)      | 4  |
| 3.3   | Apollo Bay Carpark Study (1997)              | 5  |
| 3.4   | Apollo Bay Foreshore Masterplan              | 5  |
| 3.5   | Apollo Bay Harbour Master Plan (2008)        | 5  |
| 4.0   | Sustainable transport options                | 7  |
| 4.1   | Public transport                             | 7  |
| 4.1.1 | Bus Services                                 | 7  |
| 4.1.2 | Taxi Services                                | 7  |
| 4.1.3 | Future Improvements                          | 8  |
| 4.2   | Walking and cycling                          | 8  |
| 4.2.1 | Walking                                      | 8  |
| 4.2.2 | Cycling                                      | 8  |
| 4.3   | Summary                                      | 8  |
| 5.0   | Parking in Apollo Bay                        | 9  |
| 5.1   | General overview                             | 9  |
| 5.2   | On-street Parking                            | 9  |
| 5.2.1 | Overview                                     | 9  |
| 5.2.2 | Parking surveys                              | 9  |
| 5.2.3 | Parking restrictions                         | 10 |
| 5.2.4 | Daily profile of on-street parking occupancy | 10 |
| 5.2.5 | On-street parking analysis                   | 13 |
| 5.3   | Off Street Parking                           | 18 |
| 5.3.1 | Overview                                     | 18 |
| 5.3.2 | Off-street parking analysis                  | 19 |
| 5.3.3 | Additional off-street parking facilities     | 21 |
| 6.0   | Future Parking Needs                         | 22 |
| 6.1   | Parking Demand                               | 22 |
| 6.2   | Comparison with existing parking rates       | 22 |
| 6.3   | Future parking provision                     | 23 |
| 7.0   | Identified Issues and Opportunities          | 25 |
| 7.1   | Issues One - Supply of Parking               | 25 |

|            |                                                                   |    |
|------------|-------------------------------------------------------------------|----|
| 7.1.1      | Issue                                                             | 25 |
| 7.1.2      | Opportunities                                                     | 25 |
| 7.2        | Issue Two - Management of on-street parking spaces                | 26 |
| 7.2.1      | Issue                                                             | 26 |
| 7.2.2      | Opportunities                                                     | 26 |
| 7.3        | Issue Three – Public Transport parking                            | 27 |
| 7.3.1      | Issue                                                             | 27 |
| 7.3.2      | Opportunities                                                     | 27 |
| 7.4        | Issue Four – Improved way-finding                                 | 27 |
| 7.4.1      | Issue                                                             | 27 |
| 7.4.2      | Opportunities                                                     | 28 |
| 7.5        | Issue Five – Managing future parking needs                        | 28 |
| 7.5.1      | Statutory Parking Requirements                                    | 28 |
| 7.5.2      | Reducing the impact of parking                                    | 30 |
| 7.5.3      | Sustainable transport                                             | 31 |
| 8.0        | Conclusions                                                       | 32 |
| 8.1        | Background                                                        | 32 |
| 8.2        | Sustainable transport options                                     | 32 |
| 8.3        | Parking surveys - key findings                                    | 32 |
| 8.4        | Future parking needs                                              | 32 |
| 8.5        | Issues and Opportunities                                          | 33 |
| Appendix A |                                                                   |    |
|            | Parking Restrictions                                              | A  |
| Appendix B |                                                                   |    |
|            | Map of weekday peak on-street parking occupancy (holiday season)  | B  |
| Appendix C |                                                                   |    |
|            | Map of weekend peak on-street parking occupancy (holiday season)  | C  |
| Appendix D |                                                                   |    |
|            | Map of weekday peak on-street parking occupancy (off-peak period) | D  |
| Appendix E |                                                                   |    |
|            | Map of weekend peak on-street parking occupancy (off-peak season) | E  |

## 1.0 Introduction

### 1.1 Background

The development of a car parking strategy for the commercial areas of Colac and Apollo Bay is seen by Colac Otway Shire as an important tool to direct commercial development and associated car parking requirements in the towns over a 20 year period.

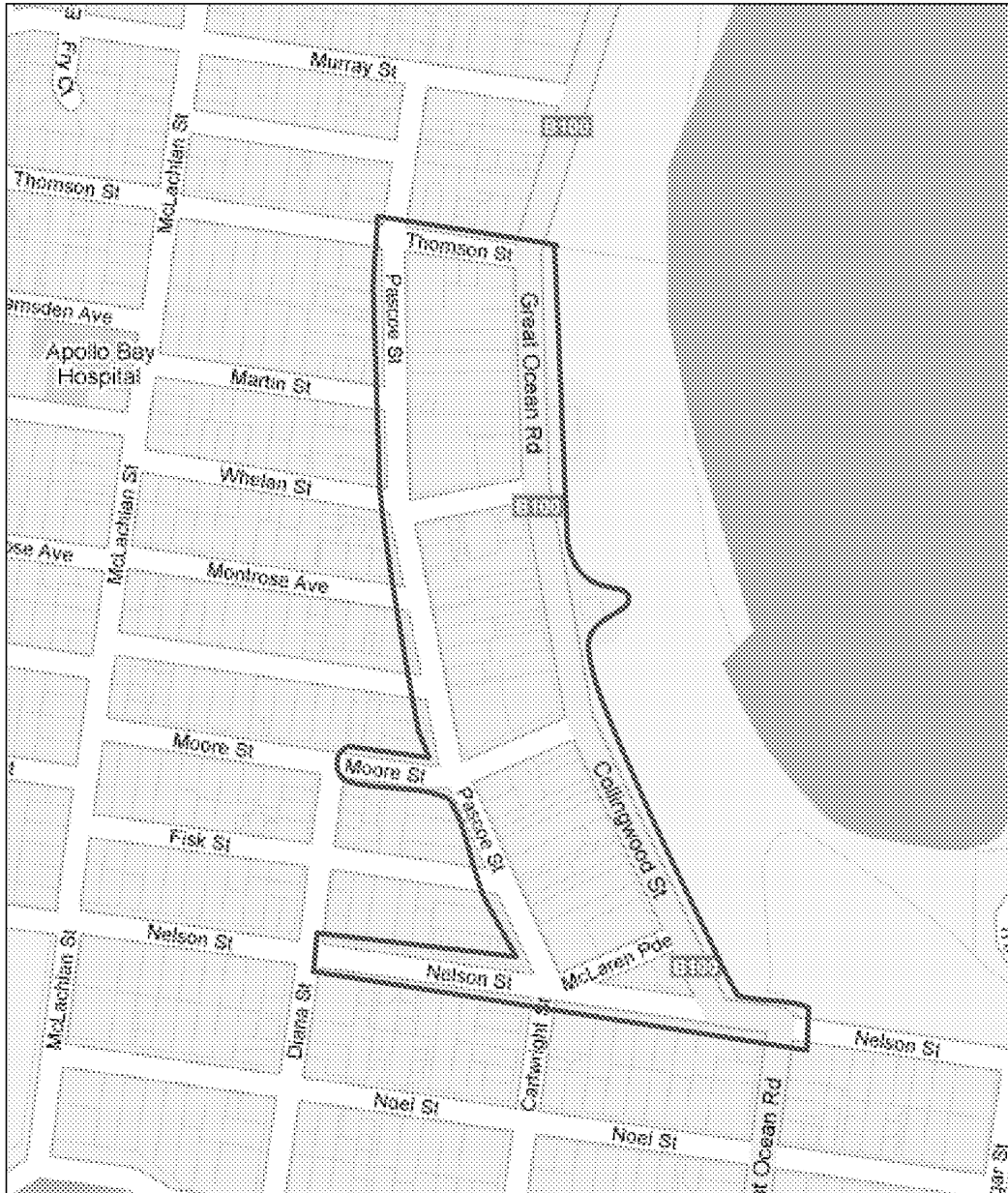
The supply and management of parking within both Colac and Apollo Bay has an important role to play in servicing the needs of residents whilst offering opportunities for employment and economic development. Parking can no longer be viewed as a stand-alone issue but needs to become a key aspect of both transport and land use planning in both settlements.

This report presents the key Issues and Opportunities relating to parking that have been identified during extensive surveying in Apollo Bay and from a review of existing Council practices (a similar study has been prepared for Colac under the cover of a separate document).

The intention of preparing this study is to present the findings of the survey work that will form the empirical baseline for the development of a Car Parking Study and Parking Precinct Plans covering both townships. This report will be open to Public Consultation, with the public encouraged to put forward comments and recommendations to aid the development of a car parking strategy for the two townships.

This parking study focuses on the central activity centre of Apollo Bay (refer to Figure 1.1) which is the main focal point for retail and hospitality land uses within the township and includes significant trip attractors such as the foreshore retail strip and the beachfront.

Figure 1.1: Apollo Bay Study Area (area bounded by red line)





## 2.0 Apollo Bay Profile

Apollo Bay is a township located in south-western Victoria approximately 190 kilometres south-west of Melbourne. Apollo Bay is the second largest urban centre in Colac Otway Shire, with a permanent population of approximately 1369 which can swell to in excess of 8000 during peak tourism periods.

Apollo Bay has been identified as a strategically located coastal settlement with the capacity for growth beyond its current boundaries. The Coastal Spaces Report identifies Apollo Bay as the only coastal town between Torquay and Warrnambool with growth potential beyond the boundaries of existing urban zoned land. This will see Apollo Bay develop as a preferred coastal township for residential and visitor accommodation growth and community services.

The resident population in Apollo Bay is anticipated to grow at a rate of 2.1% per annum. Population growth is associated with new residential developments in Apollo Bay-Marengo and the surrounding area, noting that Amendment C29 (Great Ocean Green) was not approved by the Minister. Although the Great Ocean Green development has not been approved, population growth is still likely to occur as opportunities for residential development are still available elsewhere in the township. This has been confirmed in the Apollo Bay Structure Plan 2007 which supports in-fill development, particularly around the town centre, and through recent rezoning of land to the north of Mariners Vue to Residential Zone 1. Further potential for residential development exists to the west of the town. It is noted though that over half of the private dwellings in the township are not occupied on a permanent basis.

Tourism is the dominant industry sector in Apollo Bay and a large proportion of the business in the town serves the tourist market. Approximately 620,000 visitors come to Apollo Bay annually with overnight visitors estimated at 92,800 annually. The daily average number of visitors to Apollo Bay ranges from approximately 1,350 in winter to approximately 2,500 in summer. Whilst visitation to the Great Ocean Road has been declining in recent years (along with domestic tourism activity), the Great Ocean Road has maintained about 14% share of all visits to Victoria

The commercial centre of Apollo Bay comprises retail as well as tourist related premises and more recently includes accommodation units above the commercial premises. A large proportion of the activity on the Great Ocean Road is tourism focused, with a mix of cafes/restaurants, accommodation, surf shops, real estate and gift shops. There are also two small supermarkets, one located in Hardy Street and the other on the Great Ocean Road.

A retail study undertaken on behalf of Council indicates that potential exists for an additional 2,600m<sup>2</sup> of new retail floor space to be established in Apollo Bay over the period 2009 to 2025. This includes:

- An additional 410m<sup>2</sup> of food and grocery provision
- An additional 610m<sup>2</sup> of food catering
- An additional 1,580m<sup>2</sup> of non food services

It is envisaged that the increase in retail floor space is likely to be primarily focussed on Pascoe Street with some intensification of retail activities along the Great Ocean Road.

### 3.0 Review of relevant documents

#### 3.1 Apollo Bay Structure Plan 2007

The Apollo Bay Structure Plan was developed to direct proposed changes to land use and transport access arrangements and provides strategic direction for Apollo Bay and the nearby settlements of Marengo and Skenes Creek.

The key recommendations / outcomes of the study included:

- Provide clear legible vehicular access to the harbour precinct for boat access for tourists/visitor, boat haulage, working port and commercial vehicles
- Provide adequate parking facilities for general tourist use, trailers, day to day users and harbour activities in a location and design that does not visually dominant the landscape setting
- Consider providing alternatives to onsite car parking (e.g. Shuttle Bus)
- Provide overflow parking facilities for peak tourist periods within the foreshore landscape (soft parking – lawn areas) to minimise sealed surface car parks
- Where possible, separate access facilities for visitor and tourist parking, from boating and longer term parking
- Provide direct and attractive pedestrian/cycle paths from the town centre to the port precinct
- Link the Port Precinct with a foreshore shared path that joins with a network of shared paths
- Develop a wide Harbour Promenade that is part of the public domain and accessible at all times
- Provide enhanced pedestrian access at the intersection of the promenade wharf and the low landing area
- Provide separate and safe pedestrian access along the low land and all roadways
- Strengthen the pedestrian and cyclist connections between Apollo Bay, Marengo and Skenes Creek
- Maximise the opportunity for pedestrians to move around the town centre safely and efficiently with convenient access to shops, community facilities and recreational venues
- Manage the flow of traffic effectively throughout the year particularly during peak seasonal periods. Ensure traffic flow is balanced with pedestrian movement and safety requirements

#### 3.2 Apollo Bay Parking Precinct Plan (2002)

The Apollo Bay Parking Precinct Plan was developed to provide a basis for objectives, policy and control measures relating to vehicle parking amenities within the Apollo Bay area. The document provides concept development for the provision of additional vehicle parking spaces in both the residential and business districts. In the case of business parking facilities the precinct plan advises on the funding options available to operators.

The key recommendations / outcomes of the study included:

- The owners and operators of all properties within the township of Apollo Bay would benefit from the provision of additional vehicle parking spaces.
- Vacant land to the rear of the shops (East of Pascoe Street) has been identified as a potential site for off-street parking with possible access to the site from Pascoe Street or connecting side streets.
- Improve management of on-street parking facilities. Introduce line marking on Pascoe Street between McLaren and Moore Street to better allocate car and bus parking spaces. Parking provisions access arrangements for buses on these streets requires further review.
- Improved management of off-street parking facilities particularly the council owned ground-level off-street car park in Pascoe Street between McLaren and Moore Streets.
- Seal, Line mark and provide additional directional signage at specified car parks.
- Adopt amended parking provision rates, as outlined in Table 3.1.

Table 3.1: Recommended Parking Rates as set out in Apollo Bay Parking Precinct Plan (2001)

| Land use (car park measure)                                  | 2001 Car Parking Provision | Proposed Car Parking Provision |
|--------------------------------------------------------------|----------------------------|--------------------------------|
| Shop (spaces per 100sqm floor area)                          | 8                          | 5                              |
| Restaurant (spaces per seat)                                 | 0.6                        | 0.4                            |
| Office (spaces per 100sqm floor area)                        | 3.5                        | 3                              |
| Hotel/Tavern (spaces per 100sqm floor area of public lounge) | Not specified              | 15                             |

### 3.3 Apollo Bay Carpark Study (1997)

The Apollo Bay Carpark Study, developed 12 years ago, predates the Apollo Bay Parking Precinct Plan. The study was developed to assess existing parking demand and ensure that equitable and adequate car parking is provided in Apollo Bay town centre to meet the needs of shoppers, traders, employees and beachgoers whilst maintaining residential amenity and supporting the economic viability of businesses in Apollo Bay.

The key recommendations / outcomes of the study included:

- Strengthen and reinforce pedestrian movements based on the north-south linear orientations
- Provide adequate car parking in convenient and accessible locations (existing car parking supply and demand indicated that Apollo Bay town centre has adequate parking but that it was incorrectly located)
- Consolidate the centre's retail role within the existing boundaries of the centre
- Rationalise and structure car parking for the beach/foreshore and shops
- Provide for coaches, trucks and bicycles
- Introduce and maintain a rigorous and extensive program of parking enforcement to ensure cars are parked only for the restricted times
- Maintain the cash-in-lieu fund and introduce a special rate scheme as a dedicated source of funding for all parking projects

### 3.4 Apollo Bay Foreshore Masterplan

The Apollo Bay Foreshore Masterplan was developed to address the future management of the Foreshore recreation zone and the need to provide for leisure and recreation use while ensuring unrestricted public access which is consistent with protecting natural resource systems.

The key recommendations / outcomes of the study included:

- Upgrade car parking facilities at the following existing car parking sites:
  - north of the Apollo Bay Surf Life Saving Club - this car park should provide sufficient defined parking areas to cope with general use patterns, which in combination with grassed overflow areas will cope with peak use patterns - this will assist in retaining the essentially natural character of this site.
  - adjacent to the Apollo Bay Golf Course
- Develop car parking areas to reduce visual impact during times of peak use and retain an essentially 'natural' character at other times

### 3.5 Apollo Bay Harbour Master Plan (2008)

The Apollo Bay Harbour Precinct Master Plan was developed over a two year process of research, stakeholder engagement and community consultation. The Master Plan outlines potential development and improvement opportunities for the Apollo Bay Harbour precinct, including integrating the harbour and the town with new shared pathways and improved access with increased parking.

The adopted master plan includes options for a health and well being centre, tourist accommodation, formalised public open space, boardwalks and enhanced commercial operations including redevelopment of the fisherman's co-op and the establishment of additional specialty retailers and cafes.

The key recommendations/outcomes of the study relevant to the provision and management of traffic and car parking included:

- Increased and formalised parking for cars and boat trailers by enhancing Mothers Beach Car Park, the Boat Ramp Car Park and Nelson Street.
- Existing boat ramp to be retained and enhanced along with formalisation of the existing car park to enable additional parking spaces.
- A new Fisherman's Co-op sales and interpretive centre, including seafood restaurant, public toilets and change rooms, to be located adjacent to the current building allowing the Mothers Beach car park to be formalised to enable more parking spaces.
- The existing Fisherman's Co-op building to be retained with modified access to separate vehicles from pedestrians.
- Nelson Street to be widened and enhanced to become the Harbour entry road, removing the need to create a new road through existing public open space.

Council is currently seeking funding from the State Government to cover the cost of public infrastructure associated with the proposed harbour redevelopment. A range of expert reports on issues such as cultural heritage, environmental impacts and traffic management would then need to be completed prior to formal implementation of the master plan via a Planning Scheme Amendment.

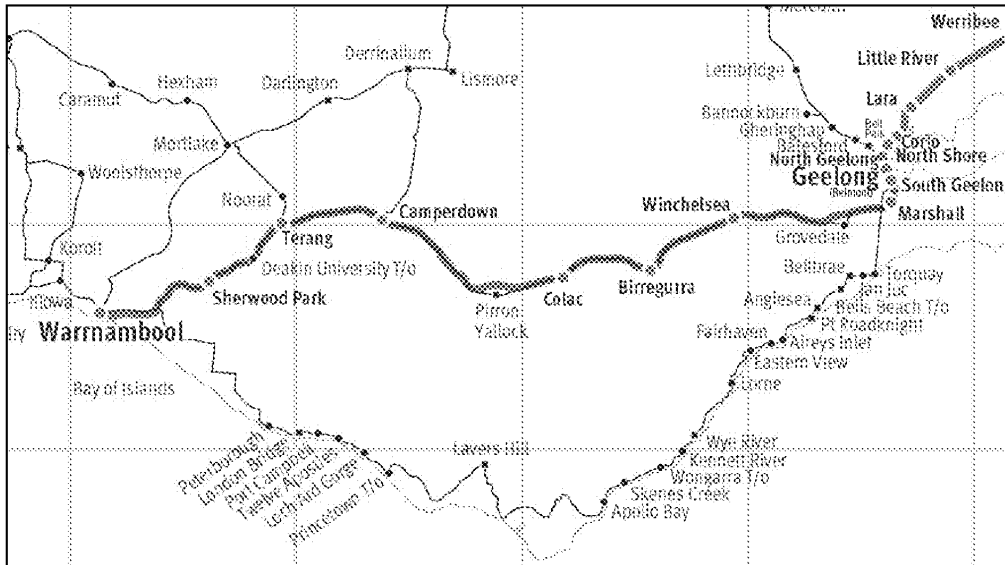
## 4.0 Sustainable transport options

### 4.1 Public transport

#### 4.1.1 Bus Services

Apollo Bay is served by a V/Line bus route which runs the length of the Great Ocean Road between Warrnambool and Geelong (refer to Figure 4.1 for route map). This service runs at a frequency of 3 buses per day on weekdays and 2 services per day on weekends.

Figure 4.1: VLINE Train and Bus Routes Servicing Apollo Bay and Colac



Tourist buses regularly stop in Apollo Bay, with designated bus parking bays provided on Moore Street and Pascoe Street. There are approximately 10 different tourist bus companies operating tours through Apollo Bay in the peak summer period. The majority of bus tours usually depart Melbourne early in the morning and arrive in Apollo Bay between 11.30am and 1.30pm. Bus passengers are usually allowed up to an hour in Apollo Bay for sightseeing and lunch before departing for the Twelve Apostles. It is noted from discussions with key stakeholders that the parking and waiting practices of large coaches, particularly on Moore Street, can cause disruption to other road traffic potentially causing localised safety and congestion problems.

#### 4.1.2 Taxi Services

Apollo Bay Taxi Services provides a door-to-door taxi service on demand, 24 hours a day, 7 days a week in the Apollo Bay area. There is currently only one vehicle in the taxi fleet. It is understood that this arrangement largely meets the current demand in Apollo Bay except during the peak periods such as Saturday nights during the summer. The Victorian Taxi Directorate regulates the taxi service.

#### **4.1.3 Future Improvements**

It is understood from previous studies that improved public transport linkages are sought by the community. Possible opportunities for increased public transport provision in Apollo Bay are being investigated as part of the Transport Connections project with a trial bus service over the summer months between Colac and Apollo Bay proposed in 2009/10.

### **4.2 Walking and cycling**

#### **4.2.1 Walking**

Pedestrian footpaths within the Study Area are provided on both sides of Great Ocean Road which provide access to the retail facilities and the beach front. Footpaths are also provided on the sections of Hardy Street, Moore Street and McLaren Parade between Great Ocean Road and Pascoe Street.

Outside these areas, pedestrians are required to walk along the carriageway or nature strips where these are provided. This situation is typical of coastal resorts like Apollo Bay, where the low number of slow moving vehicles and good visibility allow for the safe movement of pedestrians.

A pedestrian crossing is provided on Great Ocean Road to the south of Hardy Street connecting the retail strip to beach front area. Apart from this, no other crossing facilities are provided in the Study Area.

Site observations indicate that low vehicle speeds and good reciprocal visibility between road vehicles and pedestrians mean that generally pedestrians can safely and easily cross these roads without dedicated crossing facilities. However, during the peak summer season increased traffic volumes throughout the commercial precinct, particularly along Pascoe Street and Great Ocean Road, can make it difficult for pedestrians (especially elderly people, children and pedestrians with prams) to cross roads safely.

In fact, the increased traffic volumes during the peak summer season also lessens the value of the existing pedestrian crossing on Great Ocean Road. During the peak season there is a constant stream of tourists crossing the road, leaving very few gaps for traffic to flow through the crossing. Consequently during this time drivers have a tendency to ignore the flashing pedestrian lights and proceed through the crossing without giving way to pedestrians.

Previous planning and transport studies in Apollo Bay have recommended the increased provision of pedestrian facilities in the Study Area including the provision of continuous footpaths on Pascoe Street and Thomson Street.

#### **4.2.2 Cycling**

An on-street cycle path is provided on both sides of Great Ocean Road along the length of the study area.

No other cycle paths are provided within the Study Area. However the topography, alignment and wide nature of the roads within the Study Area is conducive to cycling.

### **4.3 Summary**

From a review of available information, it is clear that:

- There are a limited number of public transport services available to residents and visitors to Apollo Bay
- There is an established pedestrian and cycle network serving the popular locations within the Study Area, with proposals to provide further improvements to the pedestrian network

Based on the existing level of service and coverage, it is reasonable to conclude that public transport is unlikely to be a feasible alternative to car based travel for many trip types, and in particular, medium and longer distance trips including day visitors to Apollo Bay. Unless there are significant improvements to the level of service and coverage, there would be a very low propensity for public transport to reduce demand for car travel and therefore by inference the demand for parking within Apollo Bay.

For shorter distance trips, that is trips within the Study Area, walking and cycling are a likely to be a feasible alternative to car travel for many trip types.

## 5.0 Parking in Apollo Bay

### 5.1 General overview

The demand for parking within the Apollo Bay Study Area is generated on the most part by either land use servicing the tourism and hospitality industry or the beach front.

Significant parking demands are generated by both short and longer stay visitors (including residents and people who work in Apollo Bay) to beach front and retail outlets located on Great Ocean Road which creates localised areas of very high parking demand.

Given the seasonal nature of these main trip attractions, the demand for parking in Apollo Bay does vary depending on season. This adds an extra dimension to the provision of parking in Apollo Bay given the need to provide sufficient parking to cater for peak season demands whilst recognising that parking facilities are likely to be largely unoccupied for many months during the year.

There are also a number of residential dwellings and holiday homes located on the outskirts of the Study Area which contribute to the overall parking demand within Apollo Bay. Given the proximity of the residential areas to the central area of Apollo Bay, in some locations the parking demands created by the tourism and hospitality industries during peak periods can overspill into the residential areas thus potentially affecting local resident's amenity and reducing the parking opportunities for genuine visitors.

As noted in Section 2.0, Apollo Bay is expected to further develop both in terms of the number of residential dwellings (to the north and possibly the west of the Study Area) and the continued growth of the tourist and hospitality industry. This is likely to create an increased demand for parking in the future within the Study Area, although most likely during the peak tourist season.

A total of 667 parking spaces were surveyed as part of this study. This included 488 on-street parking spaces and 179 off-street parking spaces. It should be noted that the Study Area also includes a number of small private car parks servicing land uses that could not be surveyed due to access restrictions. These off-street car parks could account for an additional 100 - 150 spaces. Irrespective of this additional parking, it is clear that the majority of parking within the Study Area is provided on-street, with over twice as many spaces in comparison to off-street parking supply.

### 5.2 On-street Parking

#### 5.2.1 Overview

There are a total of 488 on-street parking spaces within the Study Area boundary.

These comprise of:

- 297 unrestricted parking spaces
- 183 short term parking spaces
  - 74 - 1 hour parking spaces
  - 105 - 2 hour parking spaces
  - 4 - 15 minute parking spaces
- 8 other spaces
  - 2 - Loading bays
  - 3 - Coach bays
  - 3 - Disabled bays

#### 5.2.2 Parking surveys

In order to better understand existing parking trends in the Study Area both during holiday and off-peak season, comprehensive on-street parking surveys were undertaken on behalf of Council on the following dates:

- Saturday 12 January 2008 (holiday season)
- Friday 9 January 2009 (holiday season)

- Thursday 26 February 2009 (off-peak season)
- Saturday 28 February 2009 (off-peak season)

It is worth noting that the holiday season parking surveys were undertaken on "typical" days, that is, on non-event days (such as the Apollo Bay Music Festival). It is recognised that the demand for parking on event days is likely to be higher than a typical (yet nonetheless peak) day during the holiday season.

The surveying exercise involved:

- An inventory of parking supply by restriction
- Half hourly occupancy surveys
- Turnover surveys
- General observations of parking practices and identification of any parking related issues

**5.2.3 Parking restrictions**

On-street parking restrictions have been mapped and are included in Appendix A. The operating hours of parking restrictions vary depending on location and season but generally are as follows:

- 8.30am to 5.30pm
- 8.30am to 7.00pm (November – April)
- Permit Zone 7.00am to 9.00am and 11.00am to 1.00pm – Saturday (November – April)

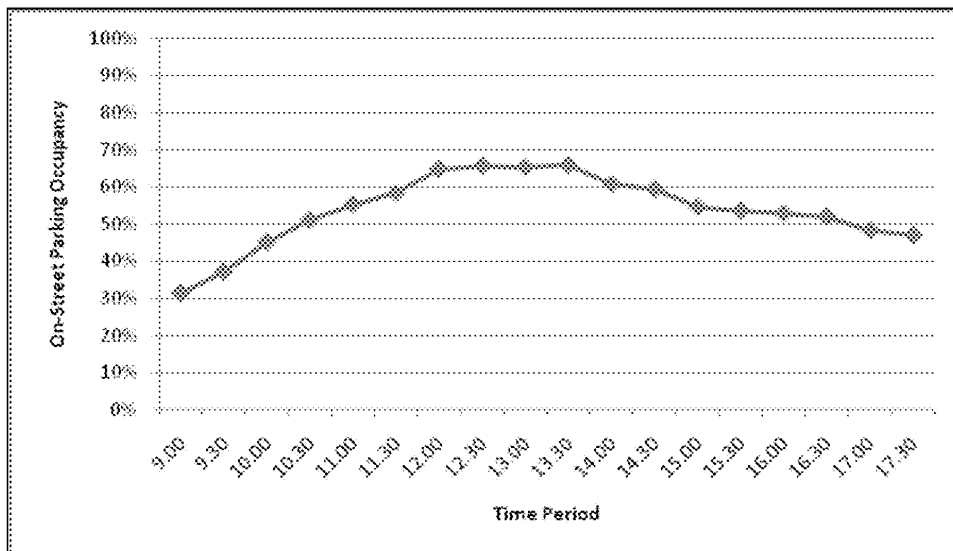
On-street parking is therefore generally unrestricted before 8.30am and after 5.30pm or 7.00pm.

**5.2.4 Daily profile of on-street parking occupancy**

**5.2.4.1 Holiday season**

Figure 5.1 provides a daily profile of weekday on-street parking demand in Apollo Bay during the holiday season.

Figure 5.1: Daily profile of weekday on-street parking occupancy (holiday season)



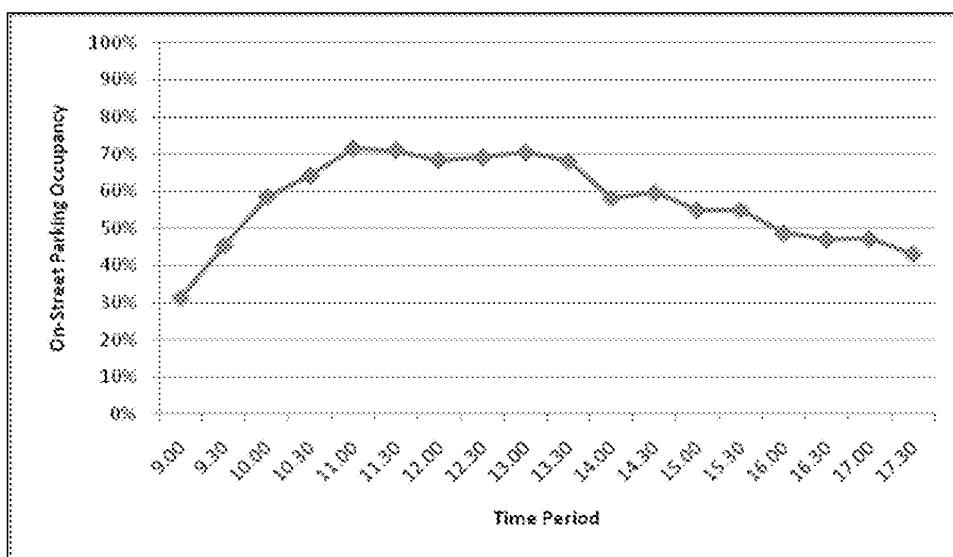


It can be noted from Figure 5.1 that:

- Over the entire Study Area, the demand of on-street parking is fairly modest with a peak parking occupancy of 66%.
- The peak period for weekday parking during the holiday season in Apollo Bay is 12.30pm.
- On-street parking occupancy effectively more than doubles between 9.00am and lunchtime and then gradually decreases after 1.30pm to parking occupancy of 47% by the end of the survey period.

Figure 5.2 provides a daily profile of weekend on-street parking demand in Apollo Bay during the holiday season.

Figure 5.2: Daily profile of weekend on-street parking occupancy (holiday season)



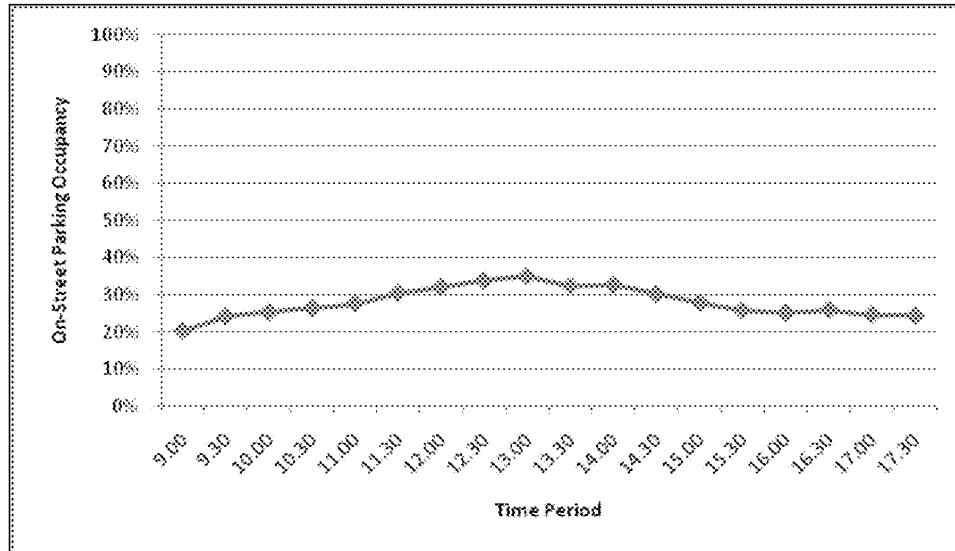
It can be noted from Figure 5.2 that:

- Over the entire Study Area, the demand of on-street parking is fairly modest with a peak parking occupancy of 72%.
- The peak period for weekday parking during the holiday season in Apollo Bay is 11.00am.
- On-street parking occupancy more than doubles between 9.00am and 11.00am and then gradually decreases after 1.00pm to parking occupancy of 43% by the end of the survey period.

5.2.4.2 Off-peak season

Figure 5.3 provides a daily profile of weekday on-street parking demand in Apollo Bay during the off-peak season.

Figure 5.3: Daily profile of weekday on-street parking occupancy (off-peak season)

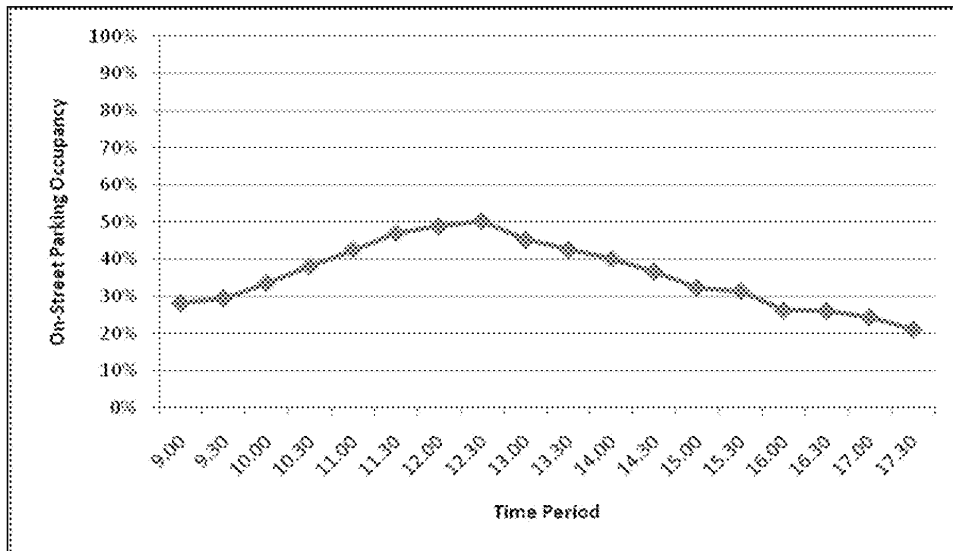


It can be noted from Figure 5.3 that:

- Over the entire Study Area, the demand of on-street parking is low with a peak parking occupancy of 35%.
- The peak period for weekday parking during the off-peak season in Apollo Bay is 1.00pm.
- The profile of parking occupancy is fairly flat with only a modest difference in parking occupancy between the peak and non-peak periods.

Figure 5.4 provides a daily profile of weekend on-street parking demand in Apollo Bay during the off-peak season.

Figure 5.4: Daily profile of weekend on-street parking occupancy (off-peak season)



It can be noted from Figure 5.4 that:

- Over the entire Study Area, the demand of on-street parking is fairly low with a peak parking occupancy of 50%.
- The peak period for weekend parking during the off-peak season in Apollo Bay is 1.00pm.
- On-street parking occupancy builds up between 9.00am and lunchtime and then gradually decreases after 1.00pm to parking occupancy of 21% by the end of the survey period.

**5.2.5 On-street parking analysis**

The following sections of this report provide a summary of observed parking trends during the holiday and off-peak seasons.

**5.2.5.1 Holiday season**

The results of the parking occupancy surveys for the critical peak period of the survey day have been mapped for the overall Study Area and are presented in Appendix B and Appendix C for the weekday and weekend surveys respectively. Different colours have been used to represent the varying levels of parking utilisation throughout the Study Area.

Table 5.1 provides a summary of the peak parking occupancy observed in the Study Area on a weekday and weekend day during the holiday season.

Table 5.1: Weekday and weekend peak parking occupancy (holiday season)

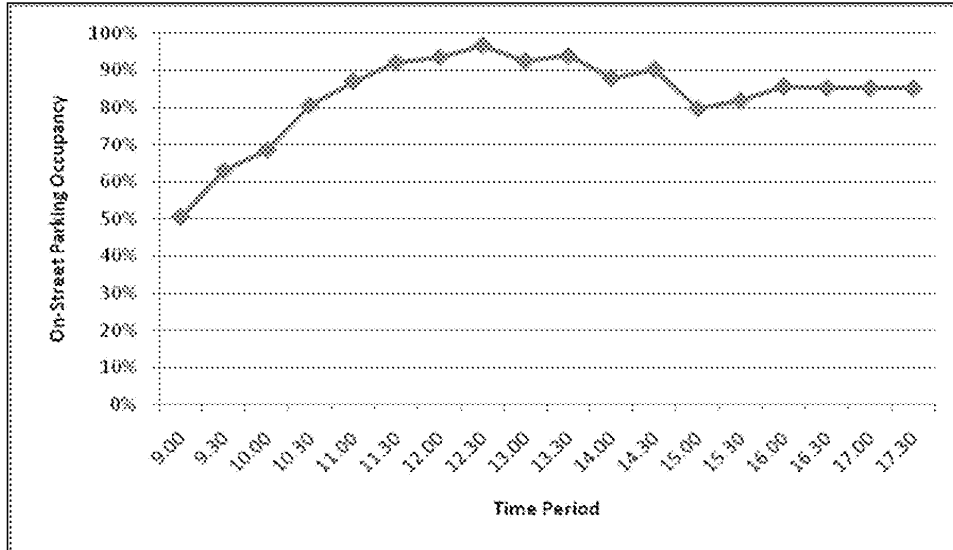
| Street           | Street Section               | Total Parking Spaces (2009) | Holiday Season                   |                                  |
|------------------|------------------------------|-----------------------------|----------------------------------|----------------------------------|
|                  |                              |                             | Weekday Peak Occupancy (12.30pm) | Weekend Peak Occupancy (11.30am) |
| Great Ocean Road | Thomson St – Hardy St        | 25                          | 36%                              | 68%                              |
|                  | Hardy St – Moore St          | 72                          | 99%                              | 99%                              |
|                  | Moore St – Nelson St         | 84                          | 95%                              | 89%                              |
| Hardy Street     | Great Ocean Road – Pascoe St | 14                          | 100%                             | 100%                             |
| McLaren Street   | Great Ocean Road – Pascoe St | 10                          | 100%                             | 100%                             |
| Moore Street     | Great Ocean Road – Pascoe St | 27                          | 93%                              | 100%                             |
|                  | Pascoe St – Diana St         | 17                          | 24%                              | 71%                              |
| Nelson Street    | Great Ocean Road – Pascoe St | 23                          | 74%                              | 65%                              |
|                  | Pascoe St – Diana St         | 37                          | 0%                               | 3%                               |
| Pascoe Street    | Thomson St – Hardy St        | 47                          | 32%                              | 43%                              |
|                  | Hardy St – Moore St          | 46                          | 76%                              | 98%                              |
|                  | Moore St – Nelson St         | 50                          | 75%                              | 76%                              |

It can be noted from Table 5.1 that during the busiest period of the day, on-street parking on a number of streets is at or close to capacity. This was observed to be the case on both the weekday and weekend surveys.

On street parking in the Study Area is most highly utilised along the sections of Great Ocean Road fronting the foreshore area and retail outlets with parking demand overspilling into the intersecting side streets within close proximity to these main attractions. On-site observations indicate that given the lack of unoccupied spaces that visitors to the central Apollo Bay area are willing to circulate around the busiest areas or indeed temporality wait on the carriageway for a space to become available.

Figure 5.5 shows the daily profile of weekday parking demand of the streets with the highest demand for parking (those shaded in Table 5.1).

Figure 5.5: Daily profile of weekday parking demand in streets with the highest demand (peak holiday period)



It can be noted from Figure 5.5 that the demand for parking in the most highly utilised streets is consistently high throughout the day meaning that it is often difficult to find unoccupied parking spaces in these streets.

Directly outside the busiest areas, the demand for parking is generally much lower with site observations indicating that at most locations there was always unoccupied spaces available for use. Indeed, throughout the Study Area, there was observed to be in the order of 105-135 available on-street parking spaces during the peak period. Many of these available spaces would be no more than a couple of minutes walk from the main attractions in Apollo Bay.

Table 5.2, Table 5.3 and Table 5.4 provide a comparison of the observed duration of stay in on-street parking spaces for both the weekday and weekend holiday season surveys for 1 hour, 2 hour and unrestricted time limit restrictions respectively.

Table 5.2: Observed duration of stay in 1 hour time limit parking spaces

| Duration of Stay  | Weekday Survey | Weekend Survey |
|-------------------|----------------|----------------|
| 0 to 0.5 hour     | 66%            | 59%            |
| 0.5 to 1 hour     | 17%            | 26%            |
| 1 to 1.5 hours    | 8%             | 11%            |
| 1.5 to 2 hours    | 5%             | 2%             |
| 2 hours and above | 4%             | 2%             |

**Table 5.3: Observed duration of stay in 2 hour time limit parking spaces**

| Duration of Stay  | Weekday Survey | Weekend Survey |
|-------------------|----------------|----------------|
| 0 to 0.5 hour     | 63%            | 19%            |
| 0.5 to 1 hour     | 23%            | 41%            |
| 1 to 1.5 hours    | 8%             | 14%            |
| 1.5 to 2 hours    | 3%             | 14%            |
| 2 to 2.5 hours    | 2%             | 5%             |
| 2.5 to 3 hours    | 0%             | 3%             |
| 3 hours and above | 0%             | 4%             |

**Table 5.4: Observed duration of stay in unrestricted parking spaces**

| Duration of Stay  | Weekday Survey | Weekend Survey |
|-------------------|----------------|----------------|
| 0 to 0.5 hour     | 44%            | 32%            |
| 0.5 to 1 hour     | 16%            | 25%            |
| 1 to 1.5 hours    | 14%            | 16%            |
| 1.5 to 2 hours    | 5%             | 7%             |
| 2 to 2.5 hours    | 8%             | 5%             |
| 2.5 to 3 hours    | 2%             | 3%             |
| 3 to 3.5 hours    | 3%             | 2%             |
| 3.5 to 4 hours    | 3%             | 2%             |
| 4 to 4.5 hours    | 0%             | 1%             |
| 4.5 to 5 hours    | 0%             | 2%             |
| 5 hours and above | 4%             | 5%             |

The above results indicate that:

- There is a significant demand for short term parking within the Apollo Bay study area with most visitor parking stays under 1 hour
- Compliance with 1 hour time limits is fairly poor with 17% of vehicles overstaying the designated time period
- Likewise, compliance with 2 hour time limits is also fairly poor with 12% of vehicles overstaying the designated time period

**5.2.5.2 Off-peak season**

The results of the parking occupancy surveys for the critical peak period within the survey day have been mapped for the overall Study Area and are presented in Appendix D and Appendix E for the weekday and weekend surveys respectively. Different colours have been used to represent the varying levels of parking utilisation throughout the Study Area.

Table 5.5 provides a summary of parking occupancy in the surveyed streets in the Study Area on a weekday and weekend day during the off-peak season.

**Table 5.5: Weekday and weekend peak parking occupancy (off-peak season)**

| Street           | Street Section               | Total Parking Spaces (2009) | Off-Peak Period        |                        |
|------------------|------------------------------|-----------------------------|------------------------|------------------------|
|                  |                              |                             | Weekday Peak Occupancy | Weekend Peak Occupancy |
| Great Ocean Road | Thomson St – Hardy St        | 25                          | 12%                    | 48%                    |
|                  | Hardy St – Moore St          | 72                          | 74%                    | 97%                    |
|                  | Moore St – Nelson St         | 84                          | 48%                    | 98%                    |
| Hardy Street     | Great Ocean Road – Pascoe St | 14                          | 70%                    | 100%                   |

| Street         | Street Section               | Total Parking Spaces (2009) | Off-Peak Period        |                        |
|----------------|------------------------------|-----------------------------|------------------------|------------------------|
|                |                              |                             | Weekday Peak Occupancy | Weekend Peak Occupancy |
| McLaren Street | Great Ocean Road – Pascoe St | 10                          | 40%                    | 80%                    |
| Moore Street   | Great Ocean Road – Pascoe St | 27                          | 67%                    | 93%                    |
|                | Pascoe St – Diana St         | 17                          | 41%                    | 88%                    |
| Nelson Street  | Great Ocean Road – Pascoe St | 23                          | 9%                     | 30%                    |
|                | Pascoe St – Diana St         | 37                          | 0%                     | 0%                     |
| Pascoe Street  | Thomson St – Hardy St        | 47                          | 26%                    | 22%                    |
|                | Hardy St – Moore St          | 46                          | 32%                    | 46%                    |
|                | Moore St – Nelson St         | 50                          | 35%                    | 27%                    |

It can be noted from Table 5.5 that the demand for weekday parking during the off-peak season is generally low on all the surveyed streets. Indeed, throughout the Study Area, there was observed to be in the order of 270 available on-street parking spaces during the peak period.

Table 5.5 indicates that high levels of parking utilisation was observed on some streets during the weekend day survey. Again, on-street parking in the Study Area is most highly utilised along the sections of Great Ocean Road fronting the foreshore area and retail outlets with parking demand overspilling into the intersecting side streets within close proximity to these main attractions.

Figure 5.6 shows the daily profile of weekday parking demand of the streets with the highest demand for parking (those shaded in Table 5.5).

Figure 5.6: Daily profile of weekend parking demand in streets with the highest demand (off peak season)



It can be noted from Figure 5.6 that the demand for parking in the most highly utilised streets is high during the lunchtime period but then rapidly decreases after 1.30pm to parking occupancy of 27% by the end of the survey period. It should be noted that despite the higher occupancy rates during the lunch time period, there was always unoccupied spaces in the most desired areas available for use.

Directly outside the busiest areas, the demand for parking is low. Throughout the Study Area, there was observed to be in the order of 175 available on-street parking spaces during the weekend peak period.

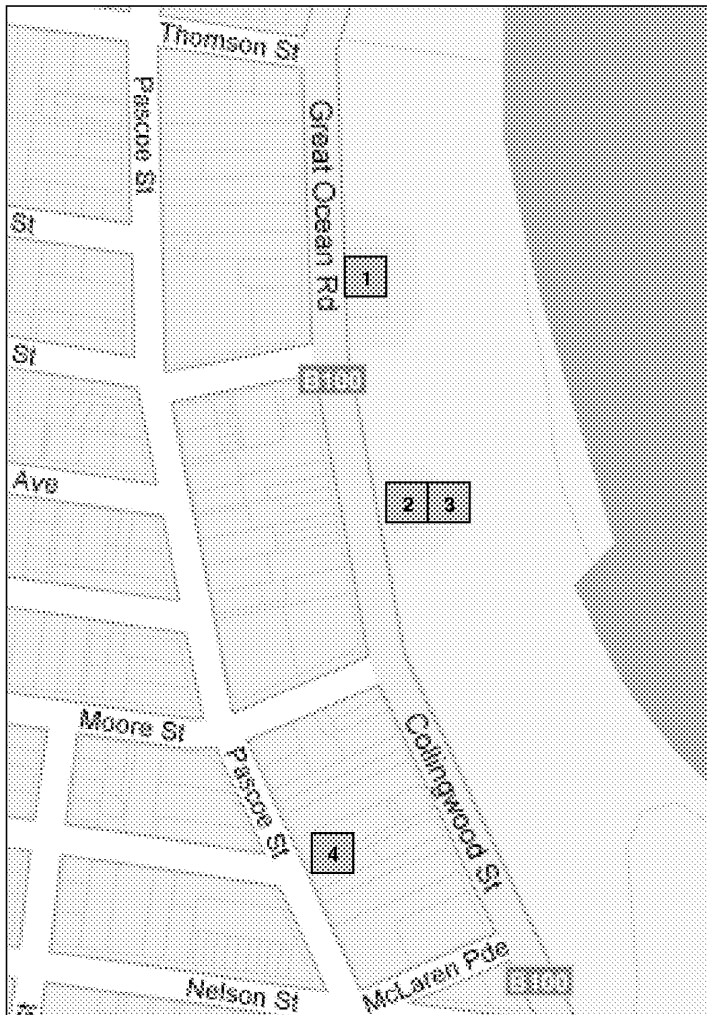
### 5.3 Off Street Parking

#### 5.3.1 Overview

There are four off-street parking facilities within the Study Area (refer to Figure 5.7 for location plan) containing in the order of 179 parking spaces. These spaces comprise of:

- 150 unrestricted parking spaces
- 20 x 2 hour parking spaces
- 4 x 30 minute parking spaces
- 3 x disabled parking bays
- 2 x permit holder parking spaces

Figure 5.7: Location of off-street parking facilities





**5.3.2 Off-street parking analysis**

**5.3.2.1 Holiday season**

The results of the off-street car park occupancy surveys for the critical peak period within the survey day are presented in Table 5.6 for both the weekday and weekend surveys.

**Table 5.6: Peak occupancy of off-street car parks in the Apollo Bay study area (holiday season)**

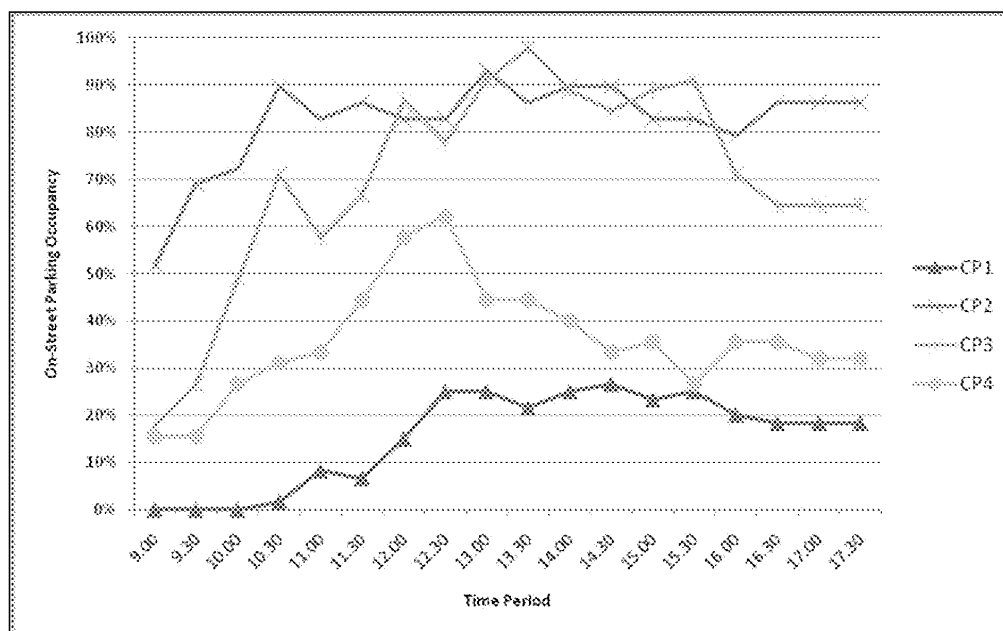
|   | Car park                                 | Total Parking Spaces (2009) | Holiday Peak Period             |                                  |
|---|------------------------------------------|-----------------------------|---------------------------------|----------------------------------|
|   |                                          |                             | Weekday Peak Occupancy (1.00pm) | Weekend Peak Occupancy (11.30am) |
| 1 | Great Ocean Road (grassed area)          | 60                          | 25%                             | 45%                              |
| 2 | Surf Club Car Park                       | 29                          | 93%                             | 83%                              |
| 3 | Foreshore Car Park (grassed area)        | 45                          | 91%                             | 91%                              |
| 4 | Pascoe Street (unsealed public car park) | 45                          | 44%                             | 76%                              |

It can be noted from Table 5.6 that during the busiest period of the day, weekday off-street parking is approaching capacity in the off-street parking facilities located close to the surf club. These car parks provide direct access to the beach and are within a short walking distance of the retail facilities on Great Ocean Road. In comparison, the demand for parking in the other two off-street car parks during the weekday peak period is relatively modest. Despite the lower occupancy rates, these car parks are also within a couple of minutes walk of the foreshore and main retail areas. During the weekday peak period, in the order of 77 off-street car parking spaces were available. This equates to approximately 43% of the total off-street parking stock in the Apollo Bay study area.

Table 5.6 shows that the demand for parking close to the surf club is also high on the weekends during the holiday season. Parking in the other two off-street car parks is higher in comparison to weekdays although there are still a number of available spaces. During the weekend peak period, in the order of 53 off-street car parking spaces were available. This equates to approximately 30% of the total off-street parking stock in the Apollo Bay study area.

Figure 5.8 provides a daily profile of weekday parking demand in off-street car parks in the Apollo Bay study area during the holiday season.

Figure 5.8: Daily profile of weekday off-street parking occupancy (holiday season)



It can be seen from Figure 5.8 that the demand for parking in the car parks close to the surf club (CP2 and CP3) builds up quickly in the morning and remains high for the rest of the day. In comparison, the demand for parking in car parks 1 and 4 remains relatively low throughout the day.

It should be note that weekend parking occupancy exhibits a similar daily profile to the weekday.

### 5.3.2.2 Off-peak season

The results of the off-street car park occupancy surveys for the critical peak period within the survey day are presented in Table 5.7 for both the weekday and weekend surveys.

Table 5.7: Peak occupancy of off-street car parks in the Apollo Bay study area (off-peak season)

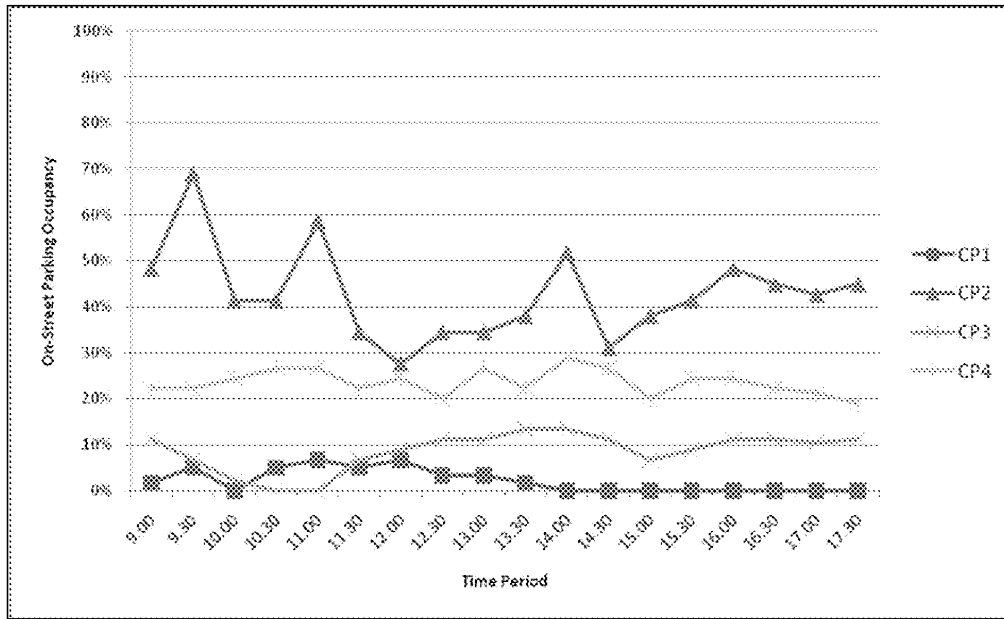
| Car park                                   | Total Parking Spaces (2009) | Off-Peak Period                 |                                  |
|--------------------------------------------|-----------------------------|---------------------------------|----------------------------------|
|                                            |                             | Weekday Peak Occupancy (9.30am) | Weekend Peak Occupancy (12.00pm) |
| 1 Great Ocean Road (grassed area)          | 60                          | 5%                              | 12%                              |
| 2 Surf Club Car Park                       | 29                          | 69%                             | 93%                              |
| 3 Foreshore Car Park (grassed area)        | 45                          | 7%                              | 84%                              |
| 4 Pascoe Street (unsealed public car park) | 45                          | 22%                             | 24%                              |

It can be noted from Table 5.7 that peak weekday parking occupancy outside of the holiday season is low in each of the surveyed off-street car parks. Indeed, during the weekday off-peak period, in the order of 142 off-street car parking spaces were available. This equates to approximately 80% of the total off-street parking stock in the Apollo Bay study area.

Table 5.7 shows that the demand for parking close to the surf club is also high on the weekends during the off-peak season. In comparison, the demand for parking in the other two off-street car parks during the weekday peak period is low. During the weekend peak period, in the order of 96 off-street car parking spaces were available. This equates to approximately 54% of the total off-street parking stock in the Apollo Bay study area.

Figure 5.9 provides a daily profile of weekday parking demand in off-street car parks in the Apollo Bay study area during the off-peak season.

Figure 5.9: Daily profile of weekday off-street parking occupancy (off-peak season)



It can be noted from Figure 5.9 that the demand for parking in each of the surveyed car parks remains low throughout the survey period.

**5.3.3 Additional off-street parking facilities**

There are two additional off-street car parks outside of the study area but within reasonably close proximity to the Apollo Bay commercial area. These are the Apollo Bay Golf Club Car Park and the Apollo Bay Harbour Car Park.

The Apollo Bay Golf Club car park is located at the intersection of Nelson Street and Sylvester Street and has a capacity of approximately 80 parking spaces. Site observations during the weekday holiday season survey indicated that this car park is used by tourists, golfers and beach goers and was at its busiest around 2.00pm with a number of people using the nearby picnic facilities. It was observed that in the order of 30 cars were parked in this car park during the busiest period of the day. No information is available regarding the weekend day occupancy of this car park during the peak holiday season. However, it is understood from discussions with local residents that this car park can become full during the busiest days of the summer.

The Apollo Bay Harbour Car Park has a capacity of approximately 30-40 cars. Whilst located relatively near to the commercial area it is highly likely that most visitors using this car park are visiting the harbour area.

## 6.0 Future Parking Needs

### 6.1 Parking Demand

The parking surveys have identified that the majority (up to 90%) of parking demand in Apollo Bay during the survey period was generated by beachgoers and retail land uses. The existing provision of each of these key land use types in the Apollo Bay study area is outlined in Table 6.1.

Table 6.1: Key land use provision in the Apollo Bay study area

| Land Use                   | Existing Provision (2009) |
|----------------------------|---------------------------|
| Supermarket (floor space)  | 1,580m <sup>2</sup>       |
| Restaurant (floor space)   | 3,760m <sup>2</sup>       |
| Other Retail (floor space) | 5,390m <sup>2</sup>       |

The number of on-street and off-street car parking spaces servicing these key land use types has been determined through an analysis of the parking survey data, on-site observations and informal discussions with visitors to Apollo Bay on the survey days.

The demand for parking for each land use category has been calculated by summing the total number of cars parked in the on and off street parking spaces servicing each land use at the busiest time of the survey day for that land use. For example, the survey results indicate that at the busiest time of the day for supermarket visits, the total number of cars parked in spaces servicing the IGA supermarket was 23 cars.

An empirical parking rate based on existing parking demand has been determined for each key land-use in the Apollo Bay study area. This has been calculated by dividing the existing demand by the provision of each land-use as shown in Table 6.1. Using the supermarket example, 23 cars (peak demand) / 790m<sup>2</sup> (supermarket floor space) = 3 spaces per 100m<sup>2</sup> floor space.

Table 6.2 provides an estimate of the existing parking demand and calculated demand based parking rates for each key land-use in the Apollo Bay study area.

Table 6.2: Existing demand and calculated demand based parking rates

| Land Use          | Existing Parking Demand | Demand Based Empirical Parking Rate          |
|-------------------|-------------------------|----------------------------------------------|
| Supermarket (IGA) | 23*                     | 3 spaces per 100m <sup>2</sup> floor space   |
| Restaurant        | 282                     | 0.3 spaces per seat                          |
| Other Retail      | 60                      | 1.2 spaces per 100m <sup>2</sup> floor space |
| Beach             | 94                      | N/A                                          |

\* Based on survey of visitors to IGA on Moore Street

### 6.2 Comparison with existing parking rates

Clause 52.06-5 of the Colac Otway Shire Planning Scheme outlines the Statutory Rates required for the provision of car parking for developments in Apollo Bay.

The Victorian Government are in the process of undertaking a state-wide review of planning scheme parking rates. This process included the release of a report by an Advisory Committee (appointed by the Minister for Planning) titled Review of Parking Provisions in the Victoria Planning Provisions, August 2007. This report aims to provide advice on car parking issues and to prepare a new Clause 52.06 suitable for inclusion in the Victoria Planning Provisions (VPP) and planning schemes.

At the time of writing, a report detailing the outcome of the Advisory Committee review recommendations is expected in late 2009. It is very likely that the lower Victorian Government rates will be adopted and will form the statutory guidance for parking provision in Victoria.

Table 6.3 provides a comparison between the current Planning Scheme Rates, those suggested by the Victorian Government Advisory Committee and the demand based parking rates for each key land use type in the Apollo Bay study area. The existing parking rates for residential dwellings has been included within Table 6.3 for reference purposes.

**Table 6.3: Comparison of parking rates**

| Land Use                                     | Planning Scheme Rates | Victorian Government Proposed Rate | Demand Based Empirical Parking Rate |
|----------------------------------------------|-----------------------|------------------------------------|-------------------------------------|
| Supermarket (spaces per 100m <sup>2</sup> )  | 8                     | 5                                  | 3                                   |
| Restaurant (spaces per seat)                 | 0.6                   | 0.4                                | 0.3                                 |
| Other Retail (spaces per 100m <sup>2</sup> ) | 8                     | 4                                  | 1.6                                 |
| Residential (per 1 or 2 bed dwelling)        | 2                     | 1                                  | N/A                                 |

Table 6.3 indicates that the demand based empirical parking rates for the supermarket and other retail uses is much lower than that specified in both the Planning Scheme Rates and the Victorian Government proposed parking rates. This suggests that applying these parking rates to new developments may result in an overprovision of car parking.

It can be noted from Table 6.3 that the demand based empirical parking rates for the restaurant land uses is broadly in line with those specified in both the Planning Scheme Rates and the Victorian Government proposed parking rates.

### **6.3 Future parking provision**

A retail-economic analysis undertaken on behalf of Council suggests that potential exists for an additional 2,600m<sup>2</sup> of new retail floor space to be developed in the Apollo Bay study area over the period 2009 and 2025.

Of this total amount:

- approximately 410m<sup>2</sup> is likely to be new food retail space potentially in the form of supermarket expansion
- approximately 610m<sup>2</sup> is likely to be food catering potentially in the form of new cafes and restaurants
- approximately 1,580m<sup>2</sup> is likely to be non food retail

An analysis of potential development sites indicates that the new retail facilities are likely to be located on Pascoe Street or as part of the redevelopment of the harbour.

It is also noted that in-fill residential development will also occur within the Apollo Bay study area including an increased number of shop top apartments. The full extent of in-fill residential development is not known at this time, however, it is likely that the majority of this development would be required to provide on-site parking.

Table 6.4 provides a comparison of the number of parking spaces required to support future retail development in the Apollo Bay study area based on proposed Victorian Government and demand based parking rates.

**Table 6.4: Future parking requirements**

| Land Use     | Parking Spaces Required using Victorian Government Proposed Rate | Parking Spaces Required using Demand Based Empirical Parking Rate |
|--------------|------------------------------------------------------------------|-------------------------------------------------------------------|
| Supermarket  | 21                                                               | 12                                                                |
| Restaurant   | 61                                                               | 46                                                                |
| Other Retail | 63                                                               | 19                                                                |
| TOTAL        | 145                                                              | 77                                                                |

It can be noted from Table 6.4 that up to 145 parking spaces could be required to support future retail development in the Apollo Bay study area. Ideally, given the high utilisation of on-street parking spaces in most areas in Apollo Bay, in the first instance there should be a preference that all new development parking is provided off-street. However, given the surplus of parking in some locations in Apollo Bay there may be opportunity to absorb part of the parking demand generated by future retail growth in existing facilities.

The parking requirements of any new retail developments would need to be assessed on a site by site basis and should take into consideration:

- Improved management of on-street parking spaces that directs medium to long term visitors to off-street facilities and on-street parking areas on streets behind Great Ocean Road where parking utilisation is lower

Issues and Opportunities Paper - Apollo Bay - Colac and Apollo Bay Parking Study

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- The impact of any new off-street public car parks providing additional parking capacity within Apollo Bay
- The extent to which new retail developments are going to draw new visitors to the central areas of Apollo Bay
- Many smaller shops and food catering outlets are unlikely to generate single purpose trips and be part of a multi purpose trip meaning that the parking demand is shared by a number of land uses

## 7.0 Identified Issues and Opportunities

The following section sets out the key issues and opportunities relating to parking that have been identified during the extensive surveying in Apollo Bay and from a review of existing Council policies and practices.

### 7.1 Issues One - Supply of Parking

#### 7.1.1 Issue

When considering the entire study area, it is clear that there is currently adequate parking to cater for the peak demand (during the peak holiday season) with the survey results indicating that there are 123 available on-street parking spaces and 53 available off-street parking spaces during the busiest time period of the year. All existing parking spaces within the commercial area are within a short walking distance of the key destinations within Apollo Bay.

Notwithstanding this, many of the available on-street spaces are located in the interface points between the commercial and more residential areas (although Pascoe Street was noted to have 50 spare parking spaces during the peak period of the January 2009 survey).

The peak demand for parking at the most popular locations in the township (i.e. Great Ocean Road and the Surf Club car parks) exceeds supply with visitors prepared to slow down and circulate in search of available parking spaces. The searching for parking spaces by visitors can contribute to congestion and negatively impact on the safety of other road users (it is noted that the lower vehicle speeds had the positive effect of providing more crossing opportunities for pedestrians).

Visitor numbers and the resident population of Apollo Bay significantly decreases during non-seasonal periods resulting in a much lower demand for parking. This was reflected in the February 2009 parking surveys which showed very modest utilisation of both on-street and off-street parking facilities even during the peak periods.

The low observed parking occupancy during non-seasonal periods supports the recommendations of previous studies which recognise that formalising or providing additional parking infrastructure would be an inefficient use of land.

#### 7.1.2 Opportunities

Whilst the provision of new car parks should be minimised, a number of opportunities exists to reduce the parking pressure experienced in the most popular locations of Apollo Bay during the peak holiday season. These include:

- Providing overflow parking facilities for peak tourist periods within the foreshore landscape (soft parking – lawn areas) to minimise sealed surface car parks
- Improved management of on-street parking spaces that directs medium to long term visitors to off-street car parking facilities and on-street parking areas on streets behind Great Ocean Road where parking utilisation is lower
- Reviewing layout and arrangement of existing parking spaces on Pascoe Street and side streets intersecting the Great Ocean Road with a view to providing additional angle parking if feasible
- Potentially providing a small off-street car park to accommodate medium to long term visitors. Council and landowners have identified a site at 14 Pascoe Street that is currently in the process of being developed along with adjoining private land at the rear of shops fronting Pascoe Street as a sealed surface, linemarked car park facility. This project will represent an increase in approximately 40 additional publicly available parking spaces and is being funded by Council using cash-in-lieu contributions, and by the effected land owners. As identified in the Apollo Bay Precinct Plan (2002), further opportunity exists for off-street parking on vacant land to the rear of the shops (East of Pascoe Street).

## **7.2 Issue Two - Management of on-street parking spaces**

### **7.2.1 Issue**

The parking surveys have identified that on-street parking in the most popular locations could work more efficiently, that is, throughout the day it is often fairly difficult to find a parking space in the most desirable locations.

On-street parking is vital to the competitiveness of small scale retail and business premises given the convenience associated with providing parking close to these destinations. Generally, retail and business opportunities are optimised by encouraging regular turnover of spaces, whilst maintaining a high occupancy of parking close to retail outlets. The parking spaces on Great Ocean Road that serve these small businesses effectively have a premium value in comparison to other parking spaces in the study area.

Parking on the Great Ocean Road is currently being occupied by a variety of users ranging from short term visitors such as residents wishing to make a quick stop to longer term visitors who will spend most of the day on the beach. Parking within Apollo Bay could be better managed to cater for different types of parking demand generated by short and longer stay visitors to Apollo Bay, with longer stay parking encouraged to park in off-street car parks or in more remote on-street parking facilities.

The turnover surveys revealed that compliance with short-term parking restrictions can be fairly poor with visitors prepared to outstay designated time limits for over half an hour. The overstaying of time limits reduces the opportunity for short term parking for other visitors which in turn can impact on the vitality and viability of businesses which rely on a turnover of customers.

In addition to this, it is considered that the management of on-street parking spaces could be finetuned to address some localised parking issues. This includes:

- Informal interview surveys identified that many visitors to the local IGA and Foodworks supermarkets are residents and were only visiting the commercial centre of Apollo Bay for a short period (<15 minutes) – during the peak periods, these residents often found it difficult to find parking close to the supermarkets
- Disabled parking bays were observed to be generally under-utilised during either survey thus suggesting that they are currently poorly located
- Likewise, loading zones were observed to be generally under-utilised during the surveys – it is understood that due to a lack of conveniently located loading facilities delivery trucks will often double park and unload from the Great Ocean Road potentially resulting in congestion and road safety issues

### **7.2.2 Opportunities**

Opportunity exists to improve the management of on-street parking spaces during the peak holiday season by encouraging medium to long term visitors to use off-street parking facilities.

This could be achieved through the provision of signage directing visitors to long term parking in off-street car parks or temporary signage directing visitors to overflow parking facilities within the foreshore landscape.

It is recognised that signage alone may not effectively encourage medium to long term visitors to park in off-street facilities. As such, consideration could be given to the introduction of further regulatory measures to improve the efficiency of the premium value parking spaces. This includes:

- Increasing the provision of 1 hour parking spaces on the east side of Great Ocean Road – a proportion of 2 hour parking spaces on the Great Ocean Road should be retained but located a further distance from the main trip attractors than the 1 hour spaces.
- Investigate the possible introduction of low-cost metered parking along the Great Ocean Road. It should be noted that a recent attempt by the Great Ocean Road Coastal Committee to introduce metered parking in Lorne, Torquay and Anglesea was met with significant community opposition. The changes were extremely unpopular with residents and business owners and intense lobbying ultimately resulted in the State Government pressuring the Coastal Committee for their removal. Given the identified surplus of parking in Apollo Bay it would most likely be preferable to introduce short term parking restrictions to better manage parking demand rather than resorting to the installation of metered parking.



A number of opportunities exist to address the localised parking issues identified above.

- Short term parking restrictions (15 or 30 minute) could be introduced on Moore Street to improve access to local supermarkets for residents
- In consultation with relevant stakeholders including disabled persons groups, disabled parking needs will be reviewed with the number and location of spaces modified as required
- Given the lack (or perceived lack) of conveniently located loading facilities, there is a need to review the location and number of loading zones – as part of the public consultation process, businesses in Apollo Bay are invited to provide feedback on the adequacy of existing loading areas and locations which could benefit from increased loading opportunities

### **7.3 Issue Three – Public Transport parking**

#### **7.3.1 Issue**

Given the central location, Moore Street is the most popular location for the pick-up and set-down of passengers by Coach operators. As mentioned in Section 4.1.1 there are approximately 10 different tour bus operators operating tours through Apollo Bay during the peak summer period.

Currently a single one hour coach parking space is provided on Moore Street which is insufficient should more than one coach arrive during a particular time period. The one hour time limit also restricts the potential turnover of the coach parking spaces thus reducing the opportunity for other coaches to use the parking facility.

It is noted that following the dropping-off of passengers, a number of coaches moved to the section of Moore Street to the west of Pascoe Street and was using this area as an informal longer term coach parking area.

It is understood that the inadequate supply of coach parking on Moore Street has lead to congestion and road safety problems on both Moore Street and the Great Ocean Road.

As discussed in Section 4.1.2 there is currently only one vehicle in the Apollo Bay Taxi Service fleet. The taxi service operator has indicated that this arrangement largely meets the current demand in Apollo Bay except at peak demand periods such as midnight on Saturday evenings. Given that there is only one vehicle in the fleet the installation of a Taxi Zone to assist in the pick-up and set-down of passengers is not warranted at this time. Furthermore the peak demand period for the taxi service does not coincide with the peak parking demand for commercial activity within the township.

#### **7.3.2 Opportunities**

Opportunity exists to reduce potential congestion and safety issues through the introduction of an additional bus parking bay directly to the west of the existing bus loading bay on Moore Street.

This would allow buses arriving concurrently sufficient space to safely unload passengers. These parking provisions should be regulated to act as a temporary drop off point to deliver passengers directly to the heart of Apollo Bay.

Suitable locations for the longer term storage of buses will be investigated as part of the Colac and Apollo Bay Parking Study.

Council will need to provide information on new coach parking arrangements would need to be conveyed to tourist coach operating companies and should be supported by adequate signage on Moore Street and Pascoe Street and regular enforcement.

### **7.4 Issue Four – Improved way-finding**

#### **7.4.1 Issue**

Generally, there is a general lack of information in the Apollo Bay study area guiding visitors to the type of parking facility that most appropriately addresses their parking needs. This lack of awareness can result in some car parks or time restricted areas being under-utilised and may have the additional consequence of car park patrons undertaking additional trips once time restricted parking has been exceeded.

As previously noted, it was observed on a number of occasions during the busiest periods visitors were prepared to slow down and circulate in search of available parking spaces. The searching for parking spaces by visitors can contribute to congestion and negatively impact on the safety of other road users (it is noted that the lower vehicle speeds had the positive effect of providing more crossing opportunities for pedestrians).

It has also been previously identified that there is a need for high quality visitor information to assist with the management of on-street parking spaces and in particular signage that directs medium to long term visitors to off-street car parking facilities.

#### **7.4.2 Opportunities**

Way-finding information guiding motorists to their intended destination has an important role to play in avoiding unnecessary circulation within the Apollo Bay study area and ensuring that existing parking facilities are utilised to their optimal potential.

Suitable way-finding for the Apollo Bay study area could include:

- Provision of directional signage to permanent off-street car parks
- Provision of temporary signage during the holiday peak season directing visitors to overflow parking facilities within the foreshore landscape
- Provision of pedestrian way-finding signage between car parks and popular land uses

### **7.5 Issue Five – Managing future parking needs**

#### **7.5.1 Statutory Parking Requirements**

##### **Issue**

As shown in Section 6.0, the existing parking rates set out in Clause 52.06 of the Colac Otway Shire Planning scheme are relatively onerous particularly when compared to existing demand for parking in the Apollo Bay study area. Application of these parking rates in the development planning process has in some cases not been considered reasonable or achievable within the confines of particular development sites and has therefore led to car parking requirements being waived or reduced.

In recent years, there have been several developments in Apollo Bay where an agreement has been reached for the developer to provide cash-in-lieu payments to Council to cover a shortfall in parking provision and therefore allow the developments to go ahead. In these particular cases, a shortfall in parking was considered to have too much of a negative impact on parking availability in Apollo Bay. The received cash-in-lieu payments have assisted Council in part-funding a car park being constructed at 14 Pascoe Street thereby addressing the shortfall in development parking and creating a public parking facility that benefits visitors (including residents) to the commercial area of Apollo Bay.

##### **Opportunities**

The parking requirements of any new development in Apollo Bay will continue to be assessed on a site by site basis. Under the current system, Council takes into consideration a number of different factors when determining development specific parking requirements such as parking credits gained from previous land use types, heritage considerations and availability of on-street parking spaces.

The adoption of revised statutory parking rates to be released by the Victorian Government into the Colac Otway Planning Scheme will provide Council with an improved tool to assess specific development applications.

The proposed Victorian Government parking rates are generally less onerous than the existing parking rates in Clause 52.06 of the Colac Otway Planning scheme and have been determined following extensive research of parking demand generated by particular land use types.

Once adopted, one option available to Council is that all new developments in Apollo Bay will be required to meet the revised Victorian Government rates. If this approach is adopted, it is considered reasonable that any new development that does not meet the parking requirements should provide the required payment in lieu contribution given that:

- the peak demand for parking in Apollo Bay is high and therefore it is less likely that new developments can rely on existing parking supply to cater for increases in parking demand without impacting on existing land uses, residents and visitors
- the Victorian Government rates represent a reduced parking requirement in comparison to the existing parking rates in Clause 52.06 of the Colac Otway Planning scheme
- there is an existing precedent, through the current cash-in-lieu scheme, for new developments in Apollo Bay to provide a financial contribution to Council commensurate to the level of parking not provided on site – the continuation of the cash-in-lieu scheme to account for a shortfall in parking provision is therefore seen as a fair and equitable requirement

Given the often unique circumstances associated with different new developments, it is not always the case that one parking rate fits all developments in all locations. As an alternative, Clause 52.06-6 enables Parking Precinct Plans to be prepared. These are locally prepared strategic plans that contain parking provisions for an area or 'precinct'. They allow all the parking issues arising in a precinct to be considered and a strategy to be implemented to address them.

Parking Precinct Plans measure the parking characteristics of their precinct and provide procedures for evaluating the number of car spaces required, based on those characteristics and the desired change. Within the precinct, they can:

- set out how car spaces can be provided
- regulate the demand for, and supply of, parking
- specify car parking rates derived from local research, where the rates specified in the Clause 52.06-5 Car parking table are found to be inapplicable
- specify car parking rates that incorporate efficiencies achievable with a precinct-wide approach (such as requiring shared provision)

Opportunity exists within forthcoming public consultation and the development of the Colac and Apollo Bay Parking Study to explore a range of alternative options regarding the provision of car parking in new developments. This includes:

#### **1) Adoption of demand based parking rates**

The demand based parking rates derived from the parking surveys suggest that the demand for parking by particular land use types in Apollo Bay (once grouped together) is lower than the existing rates and in some cases lower than the Victorian Government parking rates.

The Colac and Apollo Bay Parking Study will explore possible circumstances under which the adoption of demand based parking rates may be appropriate.

#### **2) Situations where no parking is required**

The undertaken parking surveys have identified that there is a surplus in parking in some locations in Apollo Bay, particularly in the off-peak season. Opportunity therefore exists for Council to explore possible circumstances under which parking requirements in new developments could be waived. This may include:

- A change in land use in an existing building which is unlikely to result in a significant increase in parking demand (e.g. change of a shop to a restaurant)
- An extension to an existing building, with or without a change in land use – this though will be dependant on the size of the extension and the type of development

The availability of on-street parking within the vicinity of the site shouldn't necessarily count towards justification for providing no parking at new developments, particularly as this available on-street parking could be reallocated to a better use such as the provision of cycle paths or other urban design measures.

#### **3) Adoption of a single parking rate covering similar land use types**

Opportunity exists within the Colac and Apollo Bay Parking Study to explore the feasibility of introducing a single parking rate that covers similar land use types. This may for example include a single parking rate for particular types of shops, restaurants and bars.

A single parking rate covering different land use types may only be feasible in certain circumstances and locations such as in the heart of the commercial centre. Careful consideration will need to be given to which land uses could be incorporated into a single parking rate given that particular shops can exhibit significantly different parking demands.

#### **4) Situations where parking is to be provided on site**

Taking into consideration the size and constraints of particular development sites, there are some land use types and locations where Council will generally expect that all parking should be provided on-site.

This will need to be considered in more detail in the development of the Car Parking Study but is likely to include inter alia:

- any new or extension to existing industrial land uses where staff and visitor car parking and loading requirements should be accommodated on-site
- new residential developments, whether standalone buildings or as part of non-residential development
- locations where the demand for parking is high, particularly within close proximity to the more popular areas on Great Ocean Road

It is recognised that there may be some cases where it is in the interest of the wider community and the development of the Apollo Bay commercial area that a new developments' parking requirement is provided off-site. This could include situations where the requirement to provide parking on-site will adversely impact on the quality of the new development and in such cases it may be beneficial that this parking is provided, at the developers expense, in another location. Other situations may include the need to protect the heritage and streetscape of Apollo Bay or where the space could alternatively used for community benefit such as improved pedestrian and cycle access.

#### **7.5.2 Reducing the impact of parking**

##### **Issue**

The economic viability of Apollo Bay depends on people visiting the township. Given the rural location of the township many visitors will continue to visit Apollo Bay by car.

Notwithstanding this, Apollo Bay does attract a significant number of overnight or longer stay visitors. As such, there is potential to encourage visitors to use other modes of transport during their stay.

Parking, and in particular surface car parks, is seen as an inefficient use of land, which could alternatively be used to create and promote a more pedestrian or cycle friendly town centre environment. Parking also tends to be visually unattractive and promotes a car dominated environment.

An abundance of parking can encourage shorter trips or multiple short trips to be undertaken by car. With the increasing importance of social and environmental factors such as increased petrol prices, there is a need to reduce unnecessary car trips and improve the infrastructure provision for alternative modes of transport to car travel.

It is also noted that tourist coaches regularly visit Apollo Bay and form an important mode of transport for day trip visitors. Visitors who travel to Apollo Bay by coach would benefit from improved provision for alternative modes of transport to car travel, in particular improved pedestrian facilities whilst in the township and improved coach connections to improve travel to and from the township.

##### **Opportunities**

A number of opportunities exist to help reduce the impact of parking. This includes inter alia:

- On-street parking should generally be allocated on the basis of functional priorities favouring pedestrian, cycling, public transport, disabled and servicing uses rather than general vehicle parking.
- It is understood from previous studies that improved public transport linkages are sought by the community. Possible opportunities for increased public transport provision in Apollo Bay are being investigated as part of the Transport Connections project.

- The Colac to Lorne Shuttle Bus service has been extended to include services to Apollo Bay. The existing route was trialled over the 08/09 summer period and provides a connection for tourists and residents five times a day.
- This bus shuttle should connect with VLINE bus and train services operating in both Colac and Apollo Bay.
- Encourage more innovative ways of accommodating vehicle parking to meet the developments' parking requirements – this could include car stackers or tandem parking.
- Encourage car sharing as an alternative to privately owning cars.
- Provide improved parking facilities for motorcycles and bicycles.

### **7.5.3 Sustainable transport**

#### **Issue**

This study recognises that non-car transport modes can provide a viable alternative to car travel particularly for shorter trips such as those trips that start and end within Apollo Bay.

To help encourage a move towards more sustainable travel, there needs to be a corresponding improvement in pedestrian and cyclist infrastructure as well improvements to public transport services.

#### **Opportunities**

A number of opportunities exist to help encourage more travel by non-car transport. This includes inter alia:

- Increased number of dedicated footpaths and improved connectivity of footpaths where deficiencies exist
- Improved priority for pedestrians in key commercial areas including supporting traffic calming infrastructure
- Introduce Park and Walk facilities for commuters
- Introduce additional pedestrian crossings facilities on Great Ocean Road and Pascoe Street
- Improved bicycle infrastructure potentially including dedicated bicycle lanes and bicycle parking facilities

## 8.0 Conclusions

### 8.1 Background

This report presents the key Issues and Opportunities relating to parking in the township of Apollo Bay that have been identified during extensive surveying and from a review of existing Council practices.

The findings presented in this report will form the empirical baseline for the development of a Car Parking Study and Parking Precinct Plans covering Colac and Apollo Bay (a similar study has been prepared for Colac under the cover of a separate document).

This report will be open to Public Consultation, with the public encouraged to put forward comments and recommendations to aid the development of a car parking strategy for the two townships.

### 8.2 Sustainable transport options

This study recognises that based on the existing level of service and coverage, public transport is unlikely to be a feasible alternative to car based travel for many trip types, and in particular, medium and longer distance trips. Unless there are significant improvements to the level of service and coverage, there would be a very low propensity for public transport to reduce demand for car travel and therefore by inference the demand for parking within Apollo Bay.

For shorter distance trips, that is trips within the township of Apollo Bay, walking and cycling are likely to be a feasible alternative to car travel for many trip types.

### 8.3 Parking surveys - key findings

Comprehensive on and off-street parking surveys were undertaken in the Apollo Bay Study Area on both a weekday and weekend day during the holiday season (January) and the off-peak season (February). A total of 667 parking spaces were surveyed as part of this study. This included 488 on-street parking spaces and 179 off-street parking spaces.

The holiday season surveys showed that over the entire Study Area, the demand of on-street parking is fairly modest with a peak parking occupancy of 72%. However, during the busiest period of the day, on-street parking on a number of streets is at or close to capacity. On street parking in the Study Area is most highly utilised along the sections of Great Ocean Road fronting the foreshore area and retail outlets with parking demand overspilling into the intersecting side streets within close proximity to these main attractions. Directly outside the busiest areas, the demand for parking is generally much lower with site observations indicating that at most locations there was always unoccupied spaces available for use. Indeed, throughout the Study Area, there was observed to be in the order of 105-135 available on-street parking spaces during the peak period. Many of these available spaces would be no more than a couple of minutes walk from the main attractions in Apollo Bay.

Similarly, off-street parks in the most desired locations are approaching capacity throughout the day during the holiday season. In comparison, two car parks located within a couple of minutes walk of the foreshore and main retail areas were shown to have relatively modest parking occupancy.

The demand for weekday parking during the off-peak season is generally low on all the surveyed streets and off-street car parks. High levels of parking utilisation were observed on some streets and off-street car parks during the weekend day survey. Again, parking in the Study Area is most highly utilised along the sections of Great Ocean Road fronting the foreshore area and retail outlets with parking demand overspilling into the intersecting side streets within close proximity to these main attractions.

### 8.4 Future parking needs

Demand based parking rates calculated from the parking surveys suggest that the demand for parking by particular land use types in Apollo Bay (once grouped together) is lower than the existing rates and in some cases lower than the proposed Victorian Government parking rates (there was however a number of localised examples where the parking demand generated by specific land uses would exceed the demand based empirical parking rate).

It is noted there may be adequate supply of parking spaces within the Apollo Bay study area to service some of the forecast parking demand, particularly when taking into account the upgraded public parking facility to the rear of 14 Pascoe Street. However, the forthcoming Colac & Apollo Bay Parking Study will need to consider and set out a range of policies to assess whether or how this parking could be used to manage parking demand.

## **8.5 Issues and Opportunities**

The key issues and opportunities relating to parking that have been identified during the extensive surveying in Apollo Bay and from a review of existing Council policies and practices are summarised in Table 8.1.

Possible options to assist with the funding and/or implementation of identified improvements include:

- 1) Continuation of the cash-in-lieu scheme to help fund additional parking infrastructure
- 2) Separate rate scheme for all land owners in retail centre to help fund additional parking infrastructure
- 3) Better management of current parking

Table 8.1: Issues and Opportunities

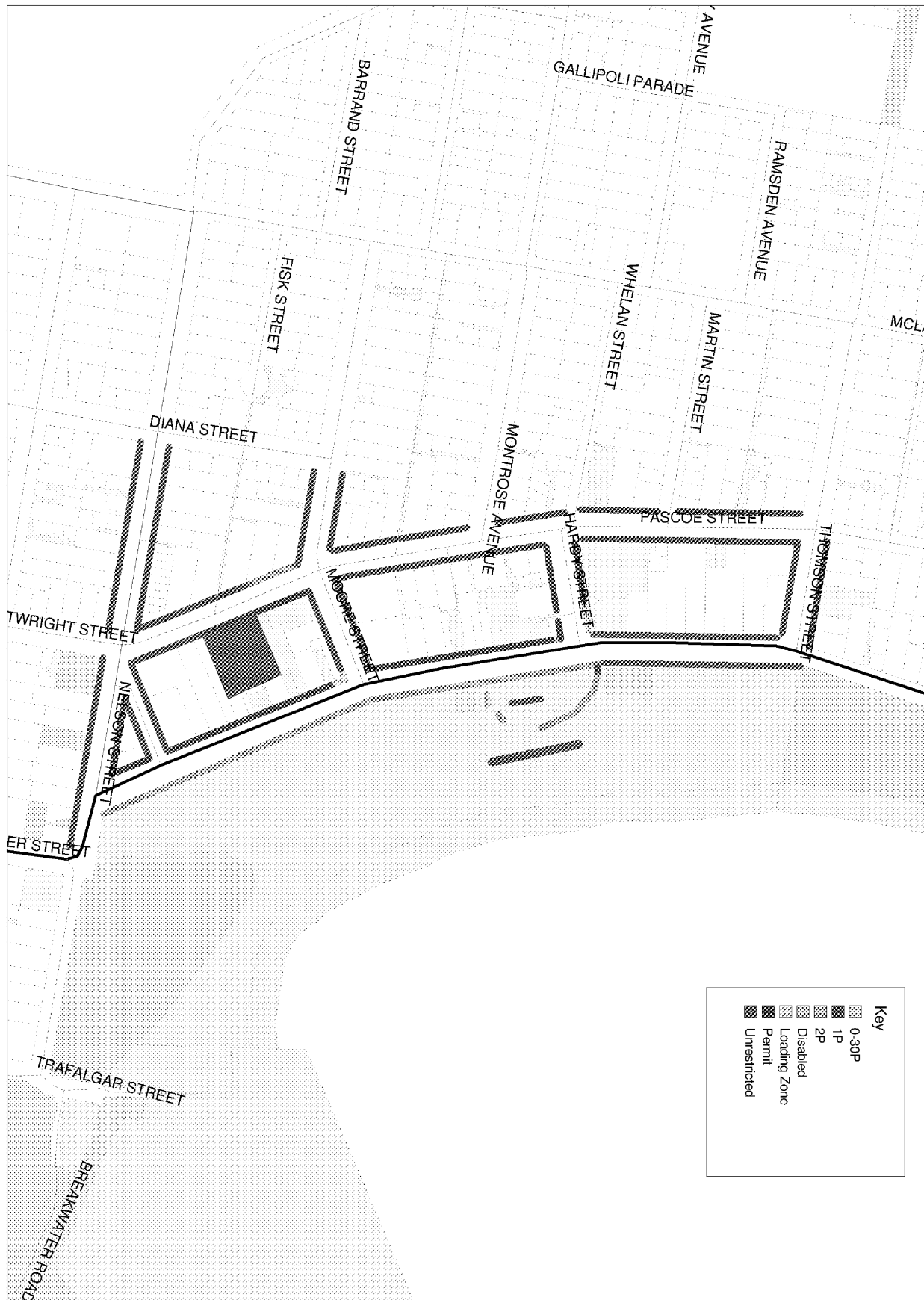
|                                        | Issues                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Opportunities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Supply of parking                      | <ul style="list-style-type: none"> <li>Peak demand for parking at the most popular locations in the township (i.e. Great Ocean Road and the Surf Club car parks) exceeds supply</li> <li>Searching for parking spaces by visitors can contribute to congestion and negatively impact on the safety of other road users</li> <li>Visitor numbers and the resident population of Apollo Bay significantly decreases during non-seasonal periods resulting in a much lower demand for parking</li> </ul> | <ul style="list-style-type: none"> <li>Providing overflow parking facilities for peak tourist periods within the foreshore landscape</li> <li>Improved management of on-street parking spaces that directs medium to long term visitors to off-street car parking facilities</li> <li>Possibly increase in angle parking on Pascoe Street and other intersecting side streets</li> <li>Possibly provide a small off-street car park to accommodate medium to long term visitors</li> </ul>                                                                                                                                                                                                         |
| Management of on-street parking spaces | <ul style="list-style-type: none"> <li>Parking within Apollo Bay could be better managed to cater for different types of parking demand generated by short and longer stay visitors to Apollo Bay</li> <li>Residents have difficulty in finding short term parking close to supermarkets</li> <li>Disabled parking bays are generally under-utilised</li> <li>There is generally a lack of loading facilities</li> </ul>                                                                              | <ul style="list-style-type: none"> <li>Provision of signage directing visitors to long term parking in off-street car parks or temporary signage directing visitors to overflow parking facilities within the foreshore landscape</li> <li>Increase the provision of 1 hour parking spaces on the east side of Great Ocean Road</li> <li>Introduce short term parking restrictions near supermarkets</li> <li>Disabled parking needs to be reviewed with the number and location of spaces modified as required</li> <li>Consult with local businesses to get feedback on the adequacy of existing loading areas and locations which could benefit from increased loading opportunities</li> </ul> |
| Public Transport parking               | <ul style="list-style-type: none"> <li>Inadequate supply of coach parking on Moore Street</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Introduction of an additional bus parking bay on Moore Street</li> <li>Longer term storage of buses could potentially be provided on Pascoe Street</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



|                               | Issues                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Opportunities                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Improved way-finding          | <ul style="list-style-type: none"> <li>Lack of way-finding guidance to and from short and longer term parking facilities in central Apollo Bay area</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>Provision of directional signage to permanent off-street car parks</li> <li>Provision of temporary signage during the holiday peak season directing visitors to overflow parking facilities within the foreshore landscape</li> <li>Provision of pedestrian way-finding signage between car parks and popular land uses</li> </ul>                                                                                              |
| Managing future parking needs | <ul style="list-style-type: none"> <li>A need to determine suitable parking rates for future development in Apollo Bay</li> <li>Parking, and in particular surface car parks, is seen as an inefficient use of land, which could alternatively be used to create and promote a more pedestrian or cycle friendly town centre environment</li> <li>An abundance of parking can encourage shorter trips or multiple short trips to be undertaken by car</li> <li>There is a need to provide more attractive non-car transport infrastructure and services to provide a viable alternative to car travel particularly for shorter trips such as those trips that start and end within Apollo Bay</li> </ul> | <ul style="list-style-type: none"> <li>Adopt suitable parking rates and associated set of parking policies relating to parking at new developments and developer contributions</li> <li>Encourage more innovative ways of accommodating vehicle parking, including car sharing</li> <li>Provide improved parking facilities for motorcycles and bicycles.</li> <li>Improve public transport services</li> <li>Improve pedestrian and cycling infrastructure</li> </ul> |

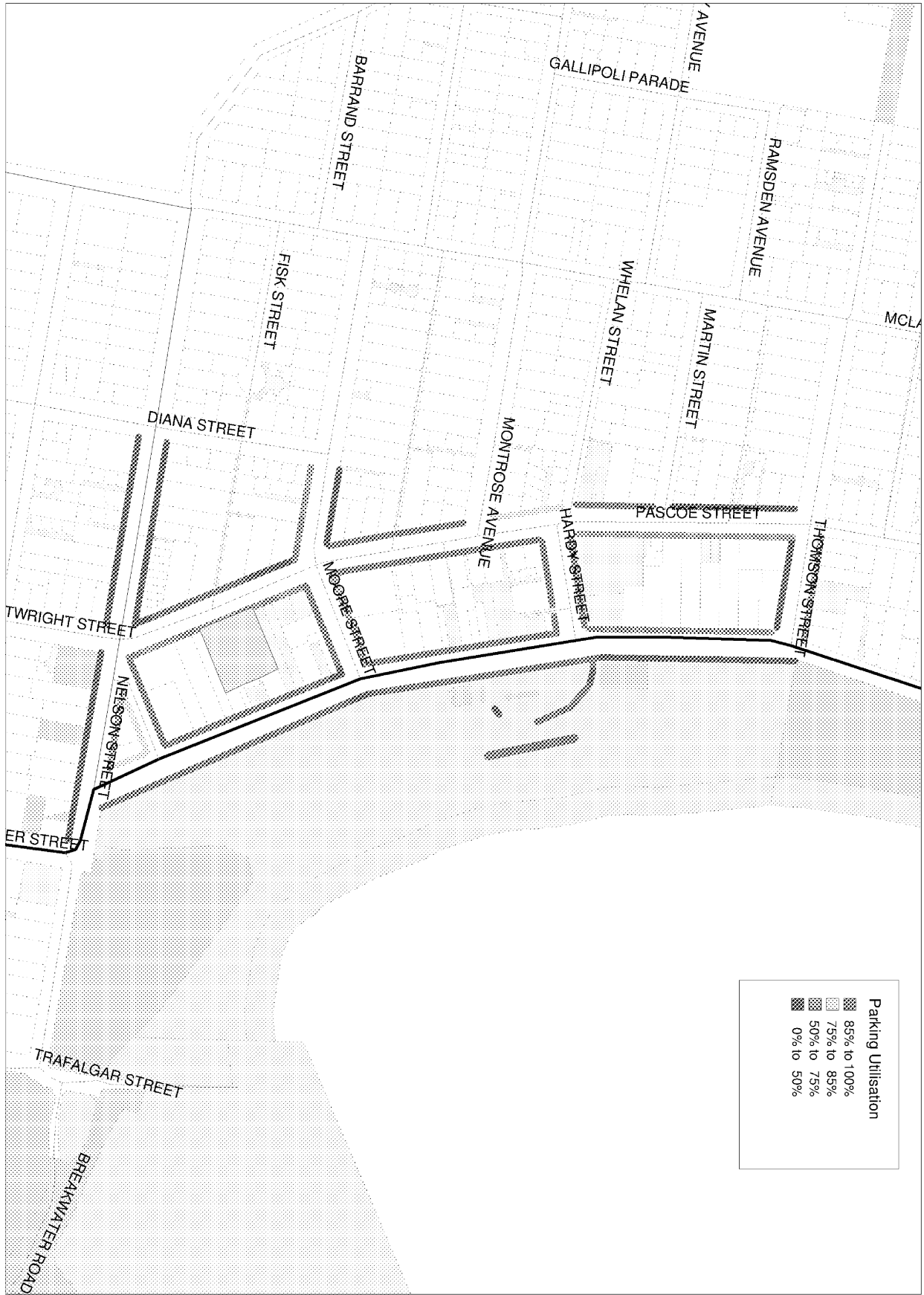
Appendix A

# Parking Restrictions



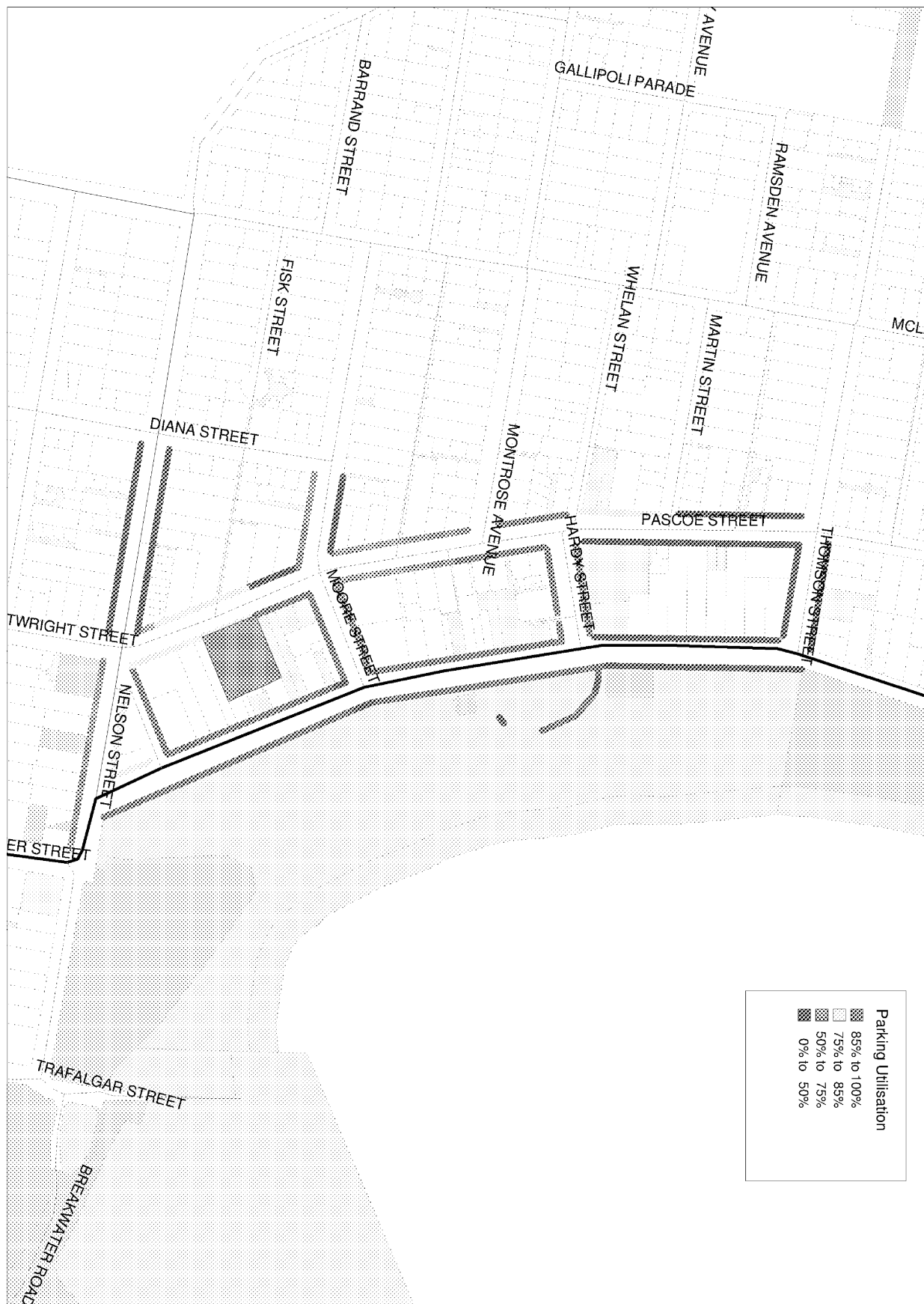
Appendix B

Map of weekday peak on-  
street parking occupancy  
(holiday season)



Appendix C

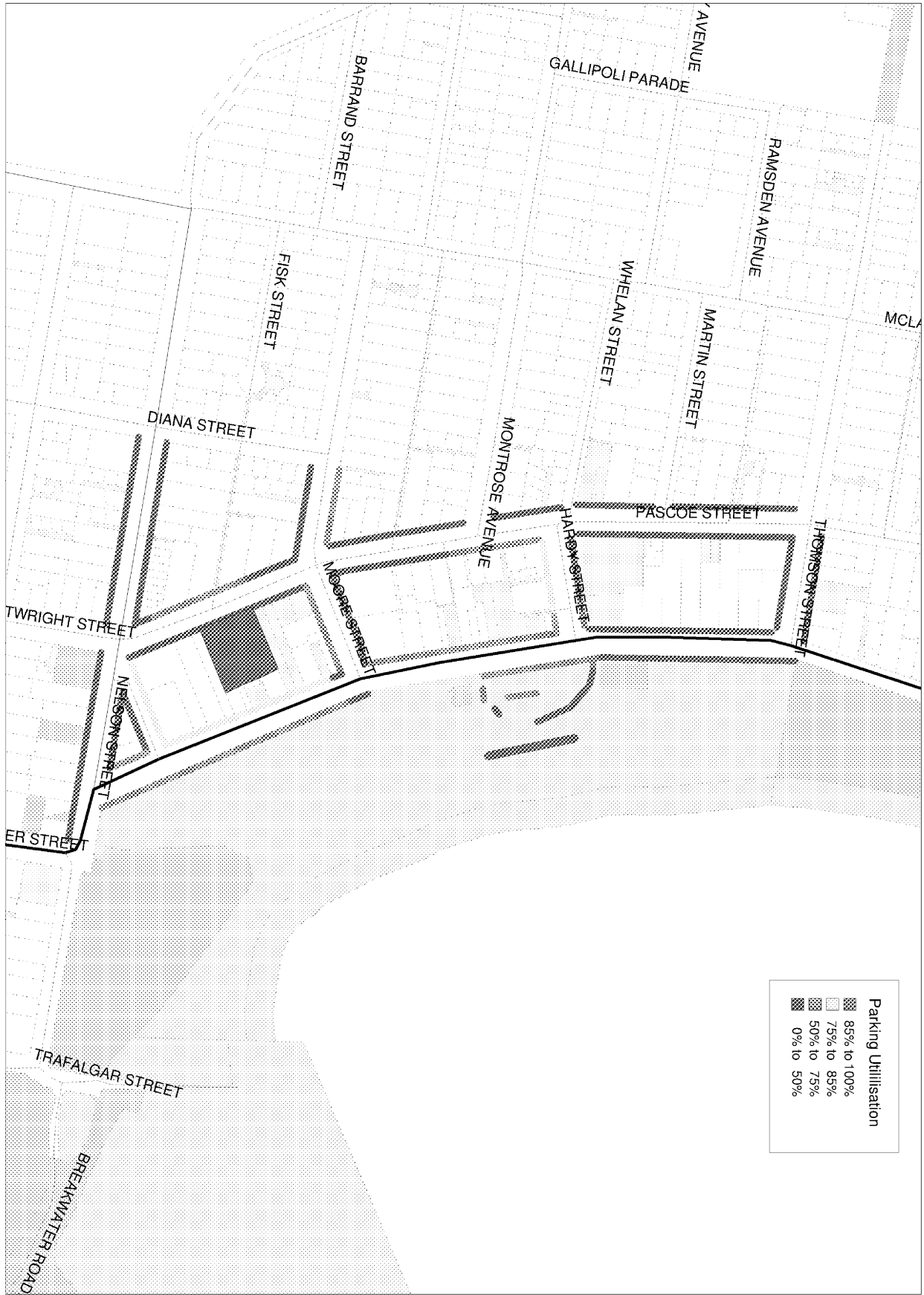
Map of weekend peak on-  
street parking occupancy  
(holiday season)



Appendix D

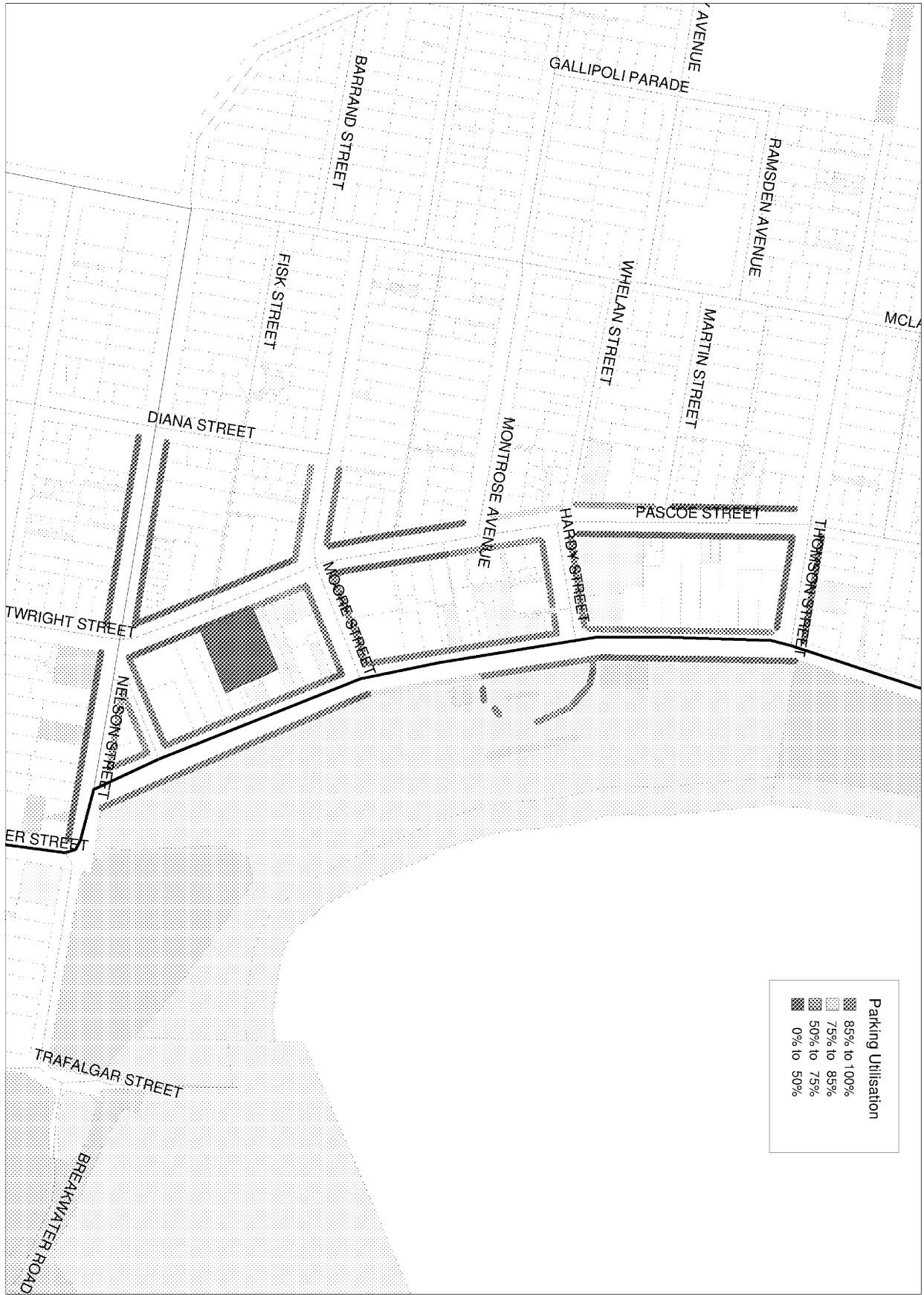
Map of weekday peak on-  
street parking occupancy  
(off-peak period)





Appendix E:

Map of weekend peak on-  
street parking occupancy  
(off-peak season)



Colac Otway Shire  
25 November 2009

# Issues and Opportunities Paper - Colac

## Colac and Apollo Bay Parking Study



Issues and Opportunities Paper - Colac

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## Issues and Opportunities Paper - Colac

Colac and Apollo Bay Parking Study

Prepared for  
Colac Otway Shire

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25 November 2009

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**Quality Information**

Document Issues and Opportunities Paper - Colac

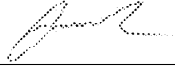
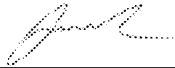
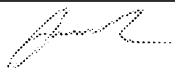
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Date 25 November 2009

Prepared by Danny Millican

Reviewed by Tony Frodsham

**Revision History**

| Revision | Revision Date | Details                             | Authorised                            |                                                                                       |
|----------|---------------|-------------------------------------|---------------------------------------|---------------------------------------------------------------------------------------|
|          |               |                                     | Name/Position                         | Signature                                                                             |
| 1        | 11/09/2009    | Draft Report                        | Garrath Cadness<br>Principal Engineer |   |
| 2        | 30/10/2009    | Draft Report incorporating comments | Garrath Cadness<br>Principal Engineer |  |
| 3        | 25-Nov-2009   | Draft Report incorporating comments | Garrath Cadness<br>Principal Engineer |  |

25 November 2009

## Table of Contents

|       |                                              |    |
|-------|----------------------------------------------|----|
| 1.0   | Introduction                                 | 1  |
| 1.1   | Background                                   | 1  |
| 2.0   | Colac Profile                                | 2  |
| 3.0   | Review of Relevant Documents                 | 3  |
| 3.1   | Colac Structure Plan 2007                    | 3  |
| 3.2   | Colac Business Area Traffic Study 1998       | 3  |
| 3.3   | Colac Otway Heritage Study 2003              | 4  |
| 4.0   | Sustainable Transport Options                | 5  |
| 4.1   | Broader Public Transport Connections         | 5  |
| 4.2   | Colac Bus Services                           | 5  |
| 4.3   | Walking and Cycling                          | 7  |
| 4.3.1 | Walking                                      | 7  |
| 4.3.2 | Cycling                                      | 7  |
| 4.4   | Summary                                      | 7  |
| 5.0   | Parking in Colac                             | 8  |
| 5.1   | General Overview                             | 8  |
| 5.2   | On-street Parking                            | 8  |
| 5.2.1 | Overview                                     | 8  |
| 5.2.2 | Parking Surveys                              | 8  |
| 5.2.3 | Parking Restrictions                         | 9  |
| 5.2.4 | Daily Profile of On-Street Parking Occupancy | 9  |
| 5.2.5 | On-Street Parking Occupancy Analysis         | 10 |
| 5.3   | Off Street Parking                           | 16 |
| 5.3.1 | Overview                                     | 16 |
| 5.3.2 | Parking Surveys                              | 17 |
| 5.3.3 | Off-street parking analysis                  | 17 |
| 6.0   | Future Parking Requirements                  | 19 |
| 6.1   | Parking demand by key land uses              | 19 |
| 6.2   | Comparison with existing parking rates       | 19 |
| 6.3   | Future parking provision                     | 20 |
| 7.0   | Identified Issues and Opportunities          | 22 |
| 7.1   | Issue One – Medium to long term parking      | 22 |
| 7.1.1 | Issue                                        | 22 |
| 7.1.2 | Opportunities                                | 22 |
| 7.2   | Issue Two – Residential parking              | 24 |
| 7.2.1 | Issue                                        | 24 |

Issues and Opportunities Paper - Colac

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|            |                                                      |    |
|------------|------------------------------------------------------|----|
| 7.2.2      | Opportunities                                        | 24 |
| 7.3        | Issue Three - Management of on-street parking spaces | 25 |
| 7.3.1      | Issue                                                | 25 |
| 7.3.2      | Opportunities                                        | 25 |
| 7.4        | Issue Four - Improved way-finding                    | 26 |
| 7.4.1      | Issue                                                | 26 |
| 7.4.2      | Opportunities                                        | 26 |
| 7.5        | Issue Five – Managing future parking needs           | 26 |
| 7.5.1      | Statutory Parking Requirements                       | 26 |
| 7.5.2      | Reducing the impact of parking                       | 28 |
| 7.5.3      | Sustainable transport                                | 29 |
| 8.0        | Conclusions                                          | 30 |
| 8.1        | Background                                           | 30 |
| 8.2        | Sustainable transport options                        | 30 |
| 8.3        | Parking surveys - key findings                       | 30 |
| 8.4        | Future parking needs                                 | 31 |
| 8.5        | Issues and Opportunities                             | 31 |
| Appendix A |                                                      |    |
|            | Parking Restrictions.....                            | A  |

25 November 2009





## 2.0 Colac Profile

Colac is a township located in western Victoria approximately 150 kilometres south-west of Melbourne. Colac is the key industrial, commercial and service centre for the Colac Otway Shire and surrounding region.

Colac (including nearby Elliminyt) has a resident population of approximately 12,000 people residing in approximately 4,483 households. There is anticipated to be an increase in population in the Colac and Elliminyt area of approximately 2,225 people which equates to an estimated 0.8% growth in population per annum between 2009 and 2031. Over 60% of the growth in population is expected to occur in Elliminyt with a corresponding expected increase of 26 new dwellings per annum. Outside of Elliminyt, population growth in other areas of the Colac area is expected to be fairly modest, with a corresponding low level of construction of new residential dwellings in the central, east and west areas of Colac.

Interestingly, the forecast age structure of Colac and Elliminyt residents in 2031 is likely to be similar to present day with persons between 25 and 49 being the dominant age group. It is anticipated that there will be also a significant increase in the number of lone person households in the period between 2009 and 2031, with the average number of persons per household falling from 2.43 to 2.35.

2006 Census data indicates that roughly 84% of people who live in Colac travel to work by car, whilst over 90% of people who work in Colac travel to work by car. The remaining 10%-15% of people who live or work in Colac tend to either walk or cycle to work, with only a few residents or workers (approximately 10 people) using public transport to travel to work.

The high level of car usage is reflective of Colac's role as a regional centre, the lack of effective public transport options and the relatively low levels of vehicle traffic and congestion. Colac is easily accessed by road from much of central south west Victoria, whilst, as shown in Section 4.0 of this report, public transport services within the Shire are limited.

In addition to the resident and working population of Colac, the township also attracts both regular visitors from central south west Victoria using the townships retail, education and health services and also a number of tourist visitors. A review of the annual visitors recorded at the Colac Visitor Information Centre indicates in the peak periods that over 4,000 people visit the centre in a month, with recent reports indicating that on 3 January 2009 that the centre attracted 664 visitors in one single day.

A retail-economic analysis undertaken on behalf of Council suggests that potential exists for an additional 14,710m<sup>2</sup> of new retail floor space to be developed in the wider Colac and Elliminyt area over the period 2009 and 2025.

Of this total amount:

- approximately 1,270m<sup>2</sup> is likely to be new food retail space potentially in the form of supermarket expansion
- approximately 13,440m<sup>2</sup> is likely to be other retail such as food catering, department store retailing and non-food specialities most of which will involve the redevelopment and expansion of existing sites

### 3.0 Review of Relevant Documents

#### 3.1 Colac Structure Plan 2007

The Colac Structure Plan was developed to assess the future potential for growth and development of the Colac and Elliminyt areas. The study drew on previous recommendations and identified a range of opportunities to develop commercial and residential developments within the study area whilst maintaining amenity and major transport routes.

The key recommendations of the study included:

- Adoption of parallel parking on Murray Street, west of Corangamite Street, in line with design principles relating to streetscape, resulting in the loss of car parking amenities in the order of 6-7 spaces per block.
- The removal of up to 6 car parking spaces within the CBD with the introduction of street trees, planters, medians, street furniture, etc. The streetscape improvements made to the CBD will result in improved amenity for CBD users. The study found that these losses can be absorbed within parking facilities provided on the perimeter of the CBD.
- Increased opportunity for recreational linkages between key activity areas.
- The need to investigate options for a heavy vehicle arterial bypass route to address increasing traffic congestion and heavy vehicle use along Murray Street and to provide linkage with Colac's future industrial needs.
- Improve the safety of pedestrians and smaller vehicles within Colac commercial centres.
- The introduction of improved streetscape amenity within the vicinity of Murray Street and Corangamite Street resulting in a reduction in the quantity of parking facilities in the order of 6-7 car spaces.

#### 3.2 Colac Business Area Traffic Study 1998

The Colac Business Area Traffic Study, developed 11 years ago, predates the Colac Structure Plan. The study was developed to aid in the planning and development of the commercial precinct of Colac and to develop a traffic engineering management strategy for the road network in the commercial precinct and adjoining areas of Colac.

The main conclusions arising from the study were:

- There are some safety issues in the Colac business area where there is high vehicle / pedestrian interaction
- There are no traffic issues in the Colac business area relating to congestion
- The supply of on-street parking in the Colac business area is considered to be inadequate

The key recommendations and actions of the study included:

- Alter the layout of streets in the Colac business area to reduce vehicle speeds, provide greater supply of on-street parking and improve the amenity and safe interaction of pedestrians and vehicles
- Roundabouts at key intersections to improve overall safety, traffic flow and amenity
- Promote the use of alternative routes to access the main parking areas of the Colac business area to reduce unnecessary traffic flow along Murray Street

With regard to parking, the study noted that there was a public perception regarding an inadequate level of parking in the central business area. The Colac Central Business Area Strategy Plan (1994) supported this perception and also indicated that Johnson's car park is the pivotal location of the central business area. Strategies, identified at that time, to facilitate improvements to the on-street parking in the Colac business area included:

- Design on-street car parking spaces in accordance with the most recent standards in order to maximise the supply of on-street parking in key locations
- Increase supply by increasing the angle for angle parking, which would also create a slower speed environment
- Integrate on-street car parking to compliment any traffic management strategies associated with this report

Following the completion of the study, some of the key actions were adopted and implemented by Council. In particular, it is noted that the Bromfield Street layout has incorporated the recommended typical street layout with considerable angle parking incorporated within the road reserve.

### **3.3 Colac Otway Heritage Study 2003**

The purpose of the Heritage Study was to identify, assess and document all post-contact places of cultural significance within the Colac Otway Shire and to make recommendations for their future conservation.

The Heritage Study notes that there are a number of buildings within central Colac, and in particular on Murray Street, that are of considerable local significance and should be included in the Heritage Overlay under the Colac Otway Shire Planning Scheme.

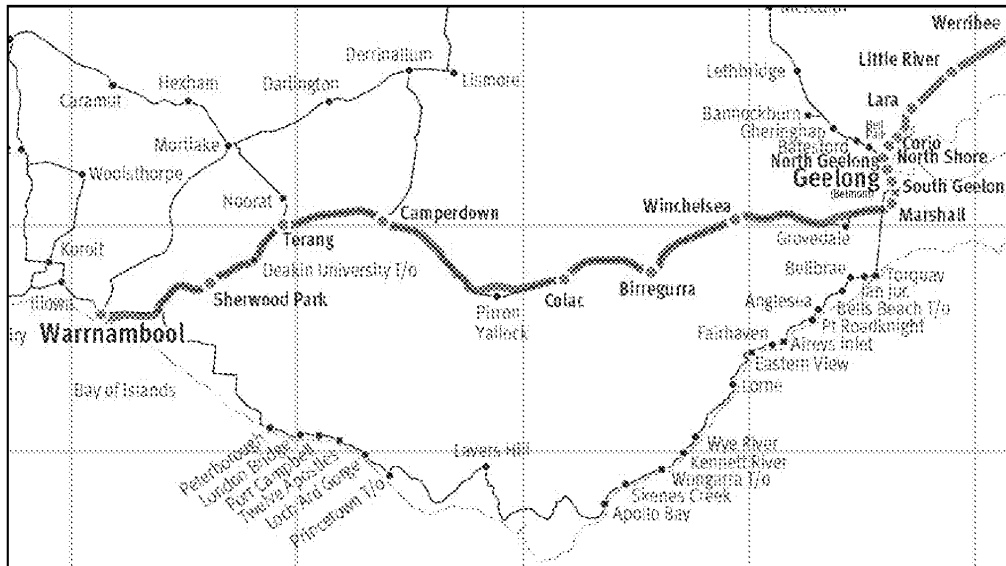
It will be necessary that any recommendations arising from the Colac and Apollo Bay Parking study recognise the status of these buildings and the role they play in the significance of the central Colac area. In 2008 a Heritage Overlay and local policy was applied to several individual properties in the central business area as well as larger precincts including Murray Street.

## 4.0 Sustainable Transport Options

### 4.1 Broader Public Transport Connections

Figure 4.1 shows the public transport services which provide a link between the township of Colac with other towns within the south west Victoria Region. The major train route operating from Melbourne to Warrnambool passes through Geelong and Colac. Train services in both directions (from Melbourne to Warrnambool and from Warrnambool to Melbourne) stop at Colac 3 times per day on weekdays and Saturday and stop 2 times per day on Sunday. Train services from Melbourne arrive in Colac approximately 2 hours after departure and stop only twice after leaving Geelong.

Figure 4.1: VLINE Train and Bus Routes Servicing Apollo Bay and Colac



### 4.2 Colac Bus Services

The township of Colac has 3 bus routes that cater for passengers travelling throughout the Study Area. The 3 bus service loops provide passengers access to a range of social and essential services within Colac such as healthcare amenities, shopping centres and sporting facilities.

A central bus interchange located on Gellibrand Street, within close proximity to the Main thoroughfare of Murray Street, provides passengers with easy access to the surrounding residential and commercial zones of greater Colac. The bus interchange is within close walking distance to Colac train station and allows for easy connection between the two modes.

Figure 4.2 shows the route taken by buses travelling on the Elliminyt, East and West routes and highlights the relative proximity of sustainable transport services within the township of Colac.

Figure 4.2: Bus Routes Servicing Colac

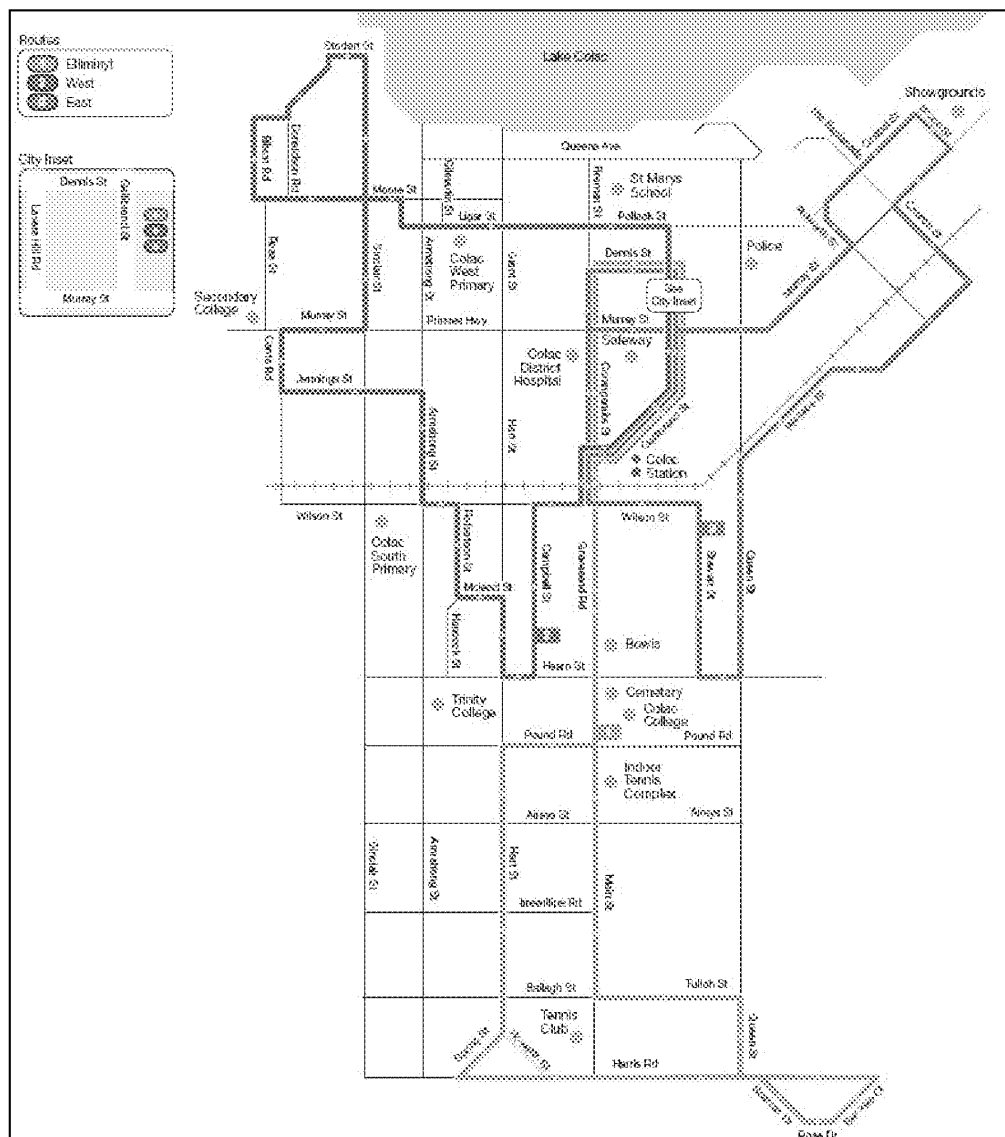


Table 4.1: Daily Bus Service in each direction

| Route Number                        | Route                               | Weekday |    | Saturday |    | Sunday |    |
|-------------------------------------|-------------------------------------|---------|----|----------|----|--------|----|
|                                     |                                     | AM      | PM | AM       | PM | AM     | PM |
| 1                                   | Colac South – Colac -<br>Eliminyt   | 3       | 4  | 3        | 0  | 0      | 0  |
| 2                                   | Colac West                          | 3       | 4  | 2        | 1  | 0      | 0  |
| 3                                   | Colac East – Colac -<br>Showgrounds | 2       | 5  | 2        | 1  | 0      | 0  |
| Total Daily Buses in Each Direction |                                     | 21      |    | 9        |    | 0      |    |

Table 4.1 outlines the total number of bus services, on each of the three lines, departing from the Colac Bus Interchange in the morning and in the afternoon (on weekdays, Saturdays and Sundays). Buses operate on each of the three lines at a frequency of 90 minutes, in the morning and afternoon, throughout the week. Bus services also operate at a frequency of 90 minutes on Saturdays, although they only operate in the morning (or very early afternoon). No bus services are provided on Sundays.

In addition to this local bus service, Colac Otway Shire has investigated a number of bus based public transport initiatives through the Transport Connections project. As part of this project, a bus service was provided between Colac and Lorne which ran 5 times a day over the 2008/2009 summer period. A trail bus service will also run between Colac and Apollo Bay over the peak holiday period in 2009/2010.

### **4.3 Walking and Cycling**

#### **4.3.1 Walking**

There is currently a well developed pedestrian network within Colac with connecting footpaths generally provided on both sides of the carriageway on each of the roads within the Study Area. Crossing facilities are provided on Murray Street in the form of:

- Drop kerbs in the centre median between Corangamite Street and Queen Street
- Pedestrian phases at the key signalised intersections

Generally, no pedestrian crossing facilities are provided outside this section of Murray Street. However, the lower number of vehicles and good reciprocal visibility between road vehicles and pedestrians on other roads within the Study Area mean that pedestrians can safely and easily cross these roads without dedicated crossing facilities.

#### **4.3.2 Cycling**

No cycle paths are provided within the Study Area. However the topography, alignment and wide nature of the roads within the Study Area is conducive to cycling.

### **4.4 Summary**

From a review of available information, it is clear that:

- There are a limited number of public transport services available to residents and visitors to Colac
- The available bus services serve a local catchment area with very limited public transport services serving the wider Colac Otway Shire area
- Residents and workers in Colac tend to travel by other modes of transport than public transport for their journey to work
- There is an established pedestrian network within Colac facilitating safe pedestrian travel

Based on the existing level of service and coverage, it is reasonable to conclude that public transport is unlikely to be a feasible alternative to car based travel for many trip types, and in particular, medium and longer distance trips. Unless there are significant improvements to the level of service and coverage, there would be a very low propensity for public transport to reduce demand for car travel and therefore by inference the demand for parking within Colac.

For shorter distance trips, that is trips within the Study Area, walking and cycling are likely to be a feasible alternative to car travel for many trip types. However, an abundance of parking within the Study Area could feasibly encourage shorter trips or multiple short trips to be undertaken by car.

## 5.0 Parking in Colac

### 5.1 General Overview

The demand for parking within the Colac Study Area are generated by a number of different land use types. Significant parking demands are generated by employees and visitors to retail outlets and the health, administration and professional services which are predominantly located in the central areas of Colac on and to the south of Murray Street. In some instances the parking demands created by the concentration of these different land uses overlap and create localised areas of very high parking demand.

The north and south-west areas of the Study Area are dominated by residential land uses where the demand for the majority of on-street parking spaces is generated by residents and their visitors who generally prefer free long stay parking. However, given the proximity of the residential areas to the central area of Colac, in some locations the parking demands created by the retail, industrial and service industries during peak periods can overspill into the residential areas thus potentially affecting local resident's amenity and reducing the parking opportunities for genuine visitors.

There are also a number of light industrial uses located within the Study Area which contribute to the overall parking demand within Colac.

A total of 2,825 parking spaces were surveyed as part of this study. This included 1,916 on-street parking spaces and 947 off-street parking spaces. It should be noted that the Study Area also includes a number of small private car parks servicing industrial and employment land uses that could not be surveyed due to access restrictions. These off-street car parks could account for an additional 150 - 250 spaces. Irrespective of this additional parking, it is clear that the majority of parking within the Study Area is provided on-street, with approximately twice the provision in comparison to off-street parking supply.

### 5.2 On-street Parking

#### 5.2.1 Overview

There are a total of 1,916 on-street parking spaces within the Study Area boundary. These comprise of:

- 1,067 unrestricted parking spaces
- 25 medium term parking spaces (3 hour time limits)
- 799 short term parking spaces
  - 562 - 1 hour parking spaces
  - 130 - 2 hour parking spaces
  - 105 - ½ hour parking spaces
  - 2 - ¼ hour parking spaces
- 45 other spaces
  - 25 - Disabled Bays
  - 11 - Bus Bays
  - 9 - Loading Bays

#### 5.2.2 Parking Surveys

In order to better understand existing parking trends in the Study Area, comprehensive on-street parking surveys were undertaken on Thursday 26 February 2009 and Saturday 28 February 2009. These particular dates were chosen as they are outside of the busy Christmas holiday period and the quiet off-season period, and hence reflect normal parking demand in the Study Area. The surveying exercise involved:

- An inventory of parking supply by restriction
- Half hourly occupancy surveys
- Turnover surveys
- General observations of parking practices and identification of any parking related issues



**5.2.3 Parking Restrictions**

On-street parking restrictions have been mapped and are included in Appendix A. Parking restrictions in Colac are in operation between:

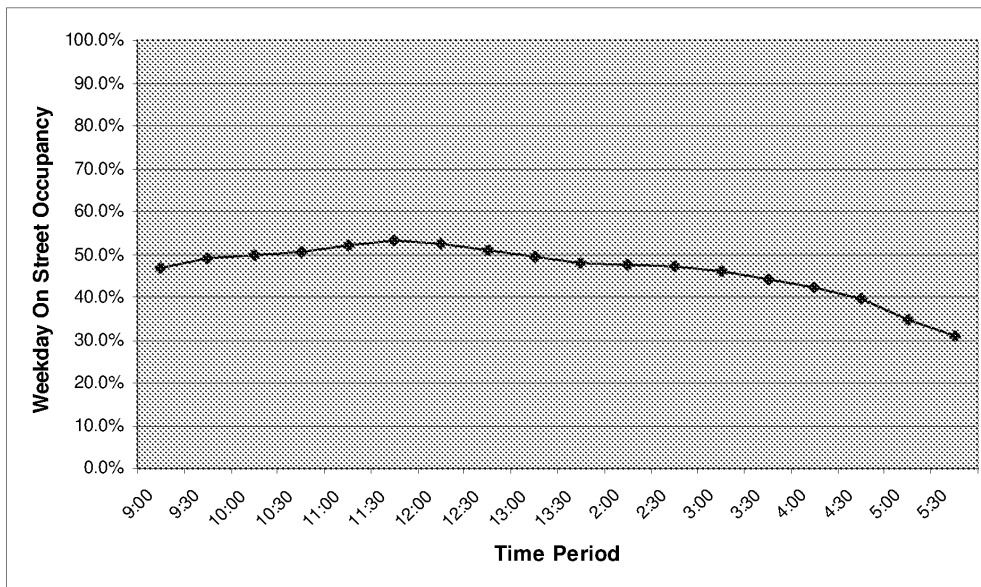
- 7.30am and 5.30pm on Weekdays
- 7.30am and 1.00pm on Saturdays

On-street parking is therefore unrestricted before 7.30am and after 1.30pm on Saturday and 5.30pm on weekdays.

**5.2.4 Daily Profile of On-Street Parking Occupancy**

Figure 5.1 provides a daily profile of weekday parking demand in the Colac Study Area.

Figure 5.1: Profile of Weekday Parking Occupancy

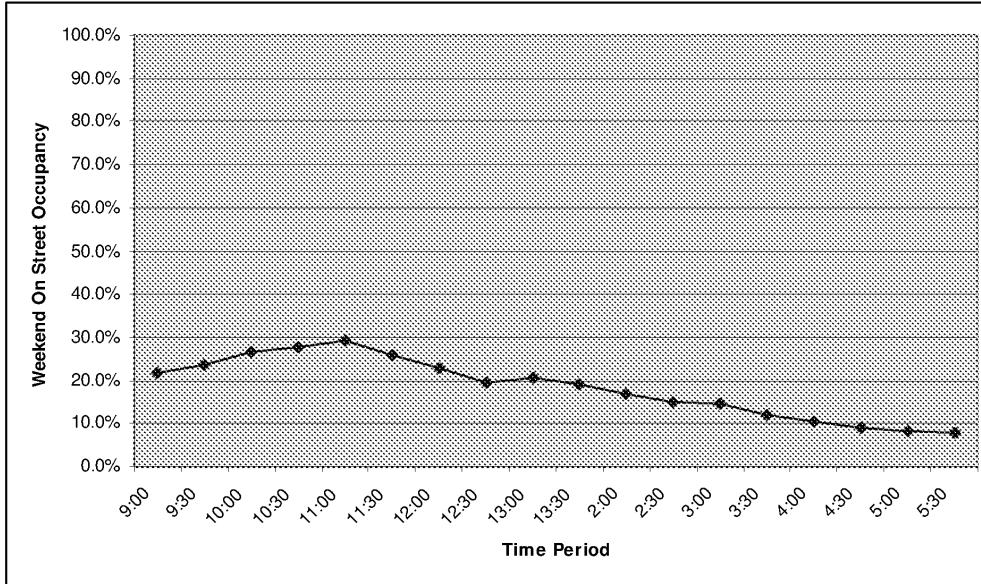


It can be noted from Figure 5.1 that:

- Over the entire Study Area, the demand of on-street parking is fairly modest with a peak parking occupancy of 52%.
- The peak period for weekday parking in Colac is 11.30am.
- On-street parking occupancy between 9.00am and 3.00pm is generally stable with a low level of variability in parking demand during this period.
- Parking occupancy levels generally decrease after 3.00pm with a sharp decline in parking demand after 4.30pm.

Figure 5.2 provides a daily profile of weekend parking demand in the Colac Study Area.

Figure 5.2: Profile of Weekend Day Parking Occupancy



It can be noted from Figure 5.2 that:

- Over the entire Study Area, the demand of on-street parking is low with a peak parking occupancy of 29%.
- The peak period for weekend parking in Colac is 11.00am.
- On-street parking occupancy rapidly rises between 9.00am and 11.00am and then decreases sharply in the 1 ½ hours after the 11.00am peak period to a parking occupancy rate lower than that recorded at 9.00am.
- Parking demand then continues to decrease after 1.00pm when many of the land uses within the Study Area close for the day.

### 5.2.5 On-Street Parking Occupancy Analysis

The following sections of this report provide a summary of observed parking trends for both the weekday and weekend survey days.

#### 5.2.5.1 Weekday Survey

The results of the weekday parking occupancy survey for the critical 11.30am peak period has been presented for the overall Study Area in Figure 5.3.

Different colours have been used to represent the varying levels of parking utilisation throughout the Study Area. To ease reporting, the Study Area for the weekday survey has been broken down into 3 smaller areas.

#### Area 1

On street parking in Area 1 is generally highly utilised on those streets in close proximity to:

- The main retail area on Murray Street
- The national retailers such as Safeway, Target and Coles

It should be noted that despite the higher occupancy rates, the frequent turnover of the many on-street parking spaces available in most streets in Area 1 meant that at most locations there was always unoccupied spaces available for use. This was confirmed through interviews with members of the public undertaken on the survey day in which respondents anecdotally noted that they rarely have difficulty in finding on-street parking spaces close to their destination.

The parking surveys also identified that the unrestricted on-street parking areas on Rae Street (between Corangamite Street and Gellibrand Street) and on Dennis Street (between Gellibrand Street and Hesse Street) has both high occupancy and low turnover rates throughout the survey period. This strongly suggests that this parking is being used as all-day commuter parking by staff working in the central Colac area.

It can be noted from Figure 5.3 that low parking occupancy rates were observed to the south east of Area 1 on Bromfield Street, Rae Street and on the section of Gellibrand Street to the south of Bromfield Street. These lower occupancy rates are likely to be due to:

- Lower traffic generating land uses abutting the road network at these locations
- Proximity of off-street public parking facilities on Bromfield Street.

### **Area 2**

On street parking in Area 2 is generally highly utilised on those streets in close proximity to:

- the hospital which can be accessed via Corangamite Street, Bromfield Street, and Hart Street
- the light industrial uses located on the northern side of Bromfield Street
- Murray Street

It is noted that the streets that experience high rates of on-street parking utilisation tend to have unrestricted on-street parking servicing the neighbouring residential areas. The demand for parking in the more residential areas was high throughout most of the survey day until around 4:00pm when the occupancy of on-street spaces was recorded as being in the order of 30-40% lower than the peak period.

On-site observations indicated that there was significant variation in the turnover of vehicles in the unrestricted parking areas, with a mix of short (less than 2 hours) medium (less than 3 hours) and longer (over 3 hours) stay parking.

Given that many of the residential dwellings in Area 2 have off-street parking facilities, it is reasonable to assume that a significant proportion of the parked vehicles would be by employees and visitors to the hospital, the light industrial uses and nearby land uses on Murray Street. On-site observations indicate that this high parking demand is likely to be a result of:

- Limited off-street facilities servicing the hospital and light industrial areas
- Short term parking restrictions on Murray Street
- Limited off-street parking facilities providing the public with medium to long stay parking

To the north of Murray Street, there are localised instances of high parking demand generated by the light industrial and plant hire uses which tend to have limited off-street facilities to cater for both employee and visitor parking demand. As is the case throughout the Study Area, on-site observations indicate that there were a number of unoccupied spaces both during the peak period and throughout the survey day.

### **Area 3**

On-street parking utilisation is generally very low in Area 3. These peripheral areas are typically either residential or industrial / commercial areas which tend to generate significantly less parking demand than the retail, health and administration services located in the centre of the Study Area. Parking demand generated by the residential, industrial / commercial land uses located towards the outskirts of the Study Area are generally catered for by private off-street parking facilities.

Also located in Area 3 is a retail park containing four large retail outlets of which the main trip attractor is likely to be ALDI. The off-street car park servicing the retail outlets is subject to 2 hour time limit parking restrictions. This restriction on parking is likely to contribute to the high utilisation of unrestricted on-street spaces within the vicinity of the retail park. It was observed during the parking surveys that the turnover of the nearby un-restricted parking spaces was infrequent thus suggesting that these spaces are effectively servicing the longer term parking needs of staff working at the retail outlets.



Figure 5.3: Weekday parking occupancy map (11:30am)

### **5.2.5.2 Weekend Survey**

The results of the weekend parking occupancy survey for the 11.00am peak period has been presented for the overall Study Area in Figure 5.4.

It can be noted from Figure 5.4 that, with the exception of a few streets located close to the central area of Murray Street, on-street parking occupancy during the peak period is very low. Indeed, low parking occupancies were observed throughout the study period which gave the visual impression of a streetscape dominated by wide roads with empty parking spaces.

Figure 5.4 indicates there were localised areas of high parking demand during the peak period. This high parking demand was generally focussed in close vicinity to the Safeway retail precinct and the national retail outlets located on Murray Street. Parking on these streets was generally high throughout the survey period reflecting the opening hours of the national retail outlets (most smaller retail outlets closed for business during the early afternoon).

Notwithstanding this, on-site observations indicate that there were a number of unoccupied spaces both during the peak period and throughout the survey day.

Similar to the weekday surveys, high demand for on-street parking throughout the survey day was observed on Rae Street (opposite the Colac Otways Performing Arts & Cultural Centre (COPACC)) and on Corangamite Street to the south of Rae Street. These streets provide longer term parking throughout the day and most likely service the longer term parking needs of Safeway employees.



Figure 5.4: Weekend parking occupancy map (11.00am)

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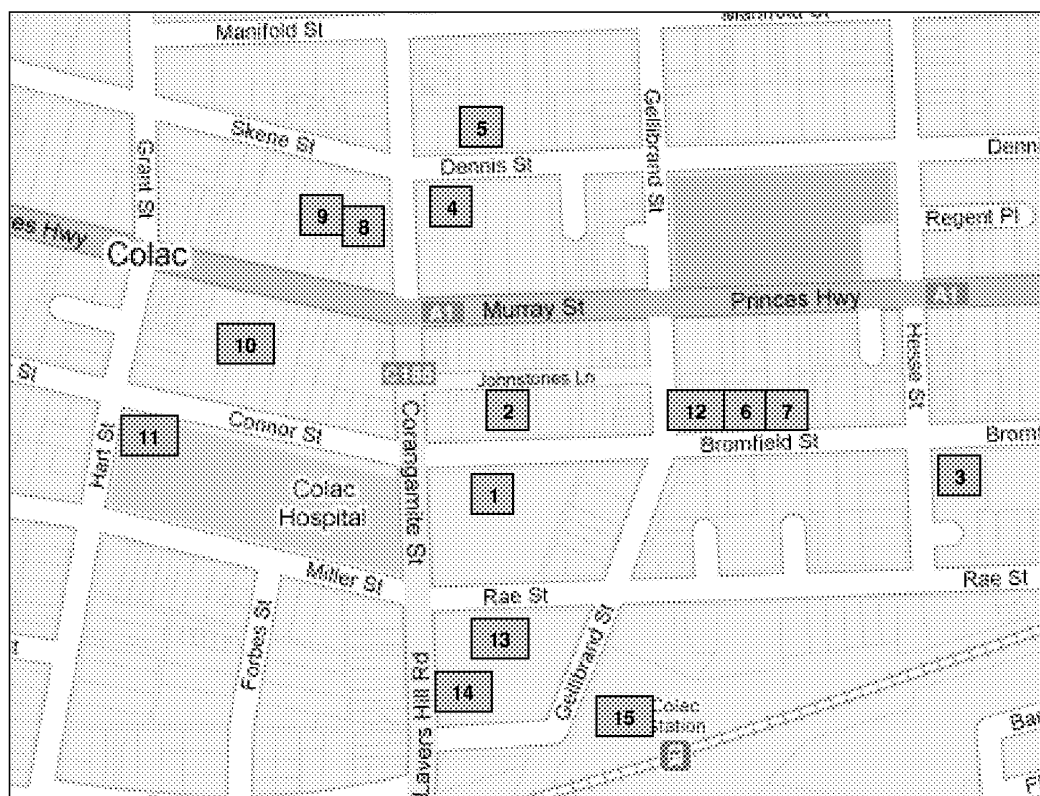
### 5.3 Off Street Parking

#### 5.3.1 Overview

A total of 947 off-street parking spaces were surveyed for this study. These parking spaces were located within the 14 off-street parking facilities shown in Figure 5.5 and comprise of:

- 725 x 2 hour time limit spaces
- 18 x 3 hour time limit spaces
- 179 unrestricted customer parking spaces
- 25 unrestricted commuter parking spaces

Figure 5.5: Location of surveyed off-street car parks in Study Area





### 5.3.2 Parking Surveys

In order to better understand existing parking trends in the Study Area, comprehensive off-street parking surveys were undertaken on Thursday 26 February 2009 and Saturday 28 February 2009.

### 5.3.3 Off-street parking analysis

#### 5.3.3.1 Weekday survey

The results of the off-street car park occupancy surveys for the critical peak period within the survey day are presented in Table 5.1

Table 5.1: Occupancy of off-street car parks in Study Area – weekday peak period

|    | Off Street Car Park                       | Capacity (Parking Spaces) | Parking Restriction | % Spaces Occupied (Peak Period) | Spare Spaces (Peak Period) |
|----|-------------------------------------------|---------------------------|---------------------|---------------------------------|----------------------------|
| 1  | Safeway Public Car Park*                  | 173                       | 2P                  | 68%                             | 55                         |
| 2  | Johnsons Public Car Park                  | 92                        | 2P                  | 75%                             | 23                         |
| 3  | ALDI Car Customer Park                    | 183                       | 2P                  | 31%                             | 126                        |
| 4  | Coles Customer Car Park                   | 165                       | 2P                  | 52%                             | 80                         |
| 5  | Target Customer Car Park                  | 27                        | 2P                  | 59%                             | 11                         |
| 6  | Public Car Park 1                         | 22                        | 2P                  | 86%                             | 3                          |
| 7  | Public Car Park 2                         | 63                        | 2P                  | 51%                             | 31                         |
| 8  | McDonalds Customer Car Park               | 27                        | Unrestricted        | 10%                             | 17                         |
| 9  | Mitre 10 Customer Car Park                | 6                         | Unrestricted        | 67%                             | 4                          |
| 10 | KFC Customer Car Park                     | 15                        | Unrestricted        | 40%                             | 9                          |
| 11 | Colac Area Health                         | 80                        | Unrestricted        | 94%                             | 5                          |
| 12 | Union Club Hotel Customer Car Park        | 13                        | Unrestricted        | 93%                             | 2                          |
| 13 | Council Staff Car Park for Fleet Vehicles | 18                        | 3P                  | 61%                             | 7                          |
| 14 | Council Offices Employee Car Park         | 38                        | Unrestricted        | 79%                             | 8                          |
| 15 | Colac Rail Station Car Park               | 25                        | Unrestricted        | 44%                             | 14                         |

It can be noted from Table 5.1 that:

- Overall, the demand of off-street parking in most of the surveyed car parks during the peak period is fairly modest
- The car parks servicing the health and administration services experienced the highest demand for parking
- During the weekday peak period, in the order of 395 off-street car parking spaces were available - this equates to approximately 41% of the total off-street parking stock in the central Colac study area

The surveying of the off-street car parks also revealed:

- On the most part, compliance with off-street parking restrictions was generally very good with only small percentage (<5%) of motorists observed to be overstaying the time limits
- The majority of motorists who overstayed the parking restrictions did so for less than 30 minutes
- A number of motorists were observed to continue to park in short-term parking areas but move their car to another space once the time limit has been reached
- The demand for car parks servicing the supermarkets remained relatively constant during most of the survey period with an uplift in parking demand of 10-20% at the end of the survey period
- It was observed that the majority of car park patrons only visited the land use(s) served by the car park
- For the majority of the survey period, the rail station car park was less than 25% full

**5.3.3.2 Weekend survey**

The results of the off-street car park occupancy surveys for the critical peak period within the survey day are presented in Table 5.2.

**Table 5.2: Occupancy of off-street car parks in Study Area – weekend peak period**

|    | <b>Off Street Car Park</b>                | <b>Capacity<br/>(Parking<br/>Spaces)</b> | <b>Parking<br/>Restriction</b> | <b>% Spaces<br/>Occupied<br/>(Peak Period)</b> | <b>Spare Spaces<br/>(Peak Period)</b> |
|----|-------------------------------------------|------------------------------------------|--------------------------------|------------------------------------------------|---------------------------------------|
| 1  | Safeway Public Car Park*                  | 173                                      | 2P                             | 65%                                            | 61                                    |
| 2  | Johnsons Public Car Park                  | 92                                       | 2P                             | 48%                                            | 48                                    |
| 3  | ALDI Car Customer Park                    | 183                                      | 2P                             | 31%                                            | 127                                   |
| 4  | Coles Customer Car Park                   | 165                                      | 2P                             | 57%                                            | 71                                    |
| 5  | Target Customer Car Park                  | 27                                       | 2P                             | 11%                                            | 24                                    |
| 6  | Public Car Park 1                         | 22                                       | 2P                             | 77%                                            | 5                                     |
| 7  | Public Car Park 2                         | 63                                       | 2P                             | 37%                                            | 40                                    |
| 8  | McDonalds Customer Car Park               | 27                                       | Unrestricted                   | 48%                                            | 14                                    |
| 9  | Mitre 10 Customer Car Park                | 6                                        | Unrestricted                   | 33%                                            | 4                                     |
| 10 | KFC Customer Car Park                     | 15                                       | Unrestricted                   | 27%                                            | 11                                    |
| 11 | Colac Area Health                         | 80                                       | Unrestricted                   | 14%                                            | 69                                    |
| 12 | Union Club Hotel Customer Car Park        | 13                                       | Unrestricted                   | 85%                                            | 2                                     |
| 13 | Council Staff Car Park for Fleet Vehicles | 18                                       | 3P                             | 28%                                            | 13                                    |
| 14 | Council Offices Employee Car Park         | 38                                       | Unrestricted                   | 13%                                            | 33                                    |

It can be noted from Table 5.2 that:

- Overall, the demand of off-street parking in most of the surveyed car parks during the peak period is fairly modest and indeed lower than the weekday peak demand
- During the weekend peak period, in the order of 522 off-street car parking spaces were available - this equates to approximately 56% of the total off-street parking stock in the central Colac study area

The surveying of the off-street car parks also revealed:

- With the exception of the car parks servicing the major retailers which had a relatively constant demand throughout the survey period, many of the other car parks were on the most part empty from 1.00pm onwards
- On the most part, compliance with off-street parking restrictions was generally good

## 6.0 Future Parking Requirements

### 6.1 Parking demand by key land uses

The parking surveys have identified that the majority (>85%) of parking demand in Colac during the survey period was generated by retail, light industrial and health land uses. The existing provision of each of these key land use types in central Colac is outlined in Table 6.1.

Table 6.1: Key land use provision in central Colac

| Land Use                                                          | Existing Provision (2009) |
|-------------------------------------------------------------------|---------------------------|
| Supermarket (floor space)                                         | 7,400m <sup>2</sup>       |
| Other Retail (floor space)                                        | 41,220m <sup>2</sup>      |
| Light Industry (floor space)                                      | 34,406m <sup>2</sup>      |
| Hospital (number of beds)                                         | 125                       |
| Other Medical Uses in Hospital Precinct (number of practitioners) | 16                        |

The number of on-street and off-street car parking spaces servicing these key land use types has been determined through an analysis of the parking survey data, on-site observations and informal discussions with visitors to Colac on the survey days.

The demand for parking for each land use category has been calculated by summing the total number of cars parked in the on and off street parking spaces servicing each land use at the busiest time of the survey day for that land use. For example, the survey results indicate that at the busiest time of the day for supermarket visits, the total number of cars parked in spaces servicing the 3 supermarkets was 280 cars.

An empirical parking rate based on existing parking demand has been determined for each key land-use in central Colac. This has been calculated by dividing the existing demand by the provision of each land-use as shown in Table 6.1. Using the supermarket example, 280 cars (peak demand) / 7,400m<sup>2</sup> (supermarket floor space) = 3.8 spaces per 100m<sup>2</sup> floor space.

Table 6.2 provides an estimate of the existing parking demand and the calculated demand based parking rates for each key land-use in the Colac study area.

Table 6.2: Existing demand and calculated demand based parking rates

| Land Use       | Existing Parking Demand | Demand Based Empirical Parking Rate          |
|----------------|-------------------------|----------------------------------------------|
| Supermarket    | 280                     | 3.8 spaces per 100m <sup>2</sup> floor space |
| Other Retail   | 660                     | 1.6 spaces per 100m <sup>2</sup> floor space |
| Light Industry | 630*                    | 2.1 spaces per 100m <sup>2</sup> floor space |
| Hospital       | 170                     | 1.4 spaces per bed                           |
| Medical        | 64                      | 4 spaces per practitioner                    |

\*The existing parking demand for light industrial uses has been estimated from the parking surveys and aerial photography on sites where access was restricted on the day of the survey

### 6.2 Comparison with existing parking rates

Clause 52.06-5 of the Colac Otway Shire Planning Scheme outlines the Statutory Rates required for the provision of car parking for developments in Colac.

The Victorian Government is in the process of undertaking a state-wide review of planning scheme parking rates. This process included the release of a report by an Advisory Committee (appointed by the Minister for Planning) titled Review of Parking Provisions in the Victoria Planning Provisions, August 2007. This report aims to provide advice on car parking issues and to prepare a new Clause 52.06 suitable for inclusion in the Victoria Planning Provisions (VPP) and planning schemes.

At the time of writing, a report detailing the outcome of the Victorian Government recommendations is expected in late 2009. It is very likely that the lower Victorian Government parking rates will be adopted and will form the statutory guidance for parking provision in Victoria.

Table 6.3 provides a comparison between the current Planning Scheme Rates, those suggested by the Victorian Government and the demand based parking rates for each key land use type in central Colac.

Table 6.3: Comparison of parking rates

| Land Use                                       | Planning Scheme Rates | Victorian Government Proposed Rate | Demand Based Empirical Parking Rate |
|------------------------------------------------|-----------------------|------------------------------------|-------------------------------------|
| Supermarket (spaces per 100m <sup>2</sup> )    | 8                     | 5                                  | 3.8                                 |
| Other Retail (spaces per 100m <sup>2</sup> )   | 8                     | 4                                  | 1.6                                 |
| Light Industry (spaces per 100m <sup>2</sup> ) | 2.9                   | 2.9                                | 2.1                                 |
| Hospital (spaces per bed)                      | 1.3                   | 1.3                                | 1.4                                 |
| Medical (spaces per practitioner)              | 5                     | 5                                  | 4                                   |

Table 6.3 indicates that the demand based empirical parking rates for the supermarket and other retail uses is much lower than that specified in both the Planning Scheme Rates and the Victorian Government proposed parking rates. This suggests that applying these parking rates to new developments may result in an overprovision of car parking.

It should be noted however that there are localised examples where the parking demand generated by specific land uses would exceed the demand based empirical parking rate. For example, it was noted during the surveys that a newsagent, a Tattsлото outlet and three local bakeries generated parking demand more in line with the parking rates set out for these land use types in the Victorian Government Advisory Committee review.

It can be noted from Table 6.3 that the demand based empirical parking rates for the light industrial, hospital and medical land uses is broadly in line with those specified in both the Planning Scheme Rates and the Victorian Government proposed parking rates.

### 6.3 Future parking provision

A retail-economic analysis undertaken on behalf of Council suggests that potential exists for an additional 14,710m<sup>2</sup> of new retail floor space to be developed in the wider Colac and Elliminyt area over the period 2009 and 2025.

Of this total amount:

- approximately 1,270m<sup>2</sup> is likely to be new food retail space potentially in the form of supermarket expansion
- approximately 13,440m<sup>2</sup> is likely to be other retail such as food catering, department store retailing and non-food specialities most of which will involve the redevelopment and expansion of existing sites

At this stage, the location of new retail floor space in the wider Colac area is unclear and will be dependent on a number of demand and market based factors. It is anticipated that retail growth may occur outside the CBD and study area. In particular, it is a possibility that new food retail floor space may be provided in Elliminyt to service the growing population. Likewise, any retailers specialising in the sale of bulky goods are most likely to open in West Colac.

Table 6.4 provides a comparison of the number of parking spaces required to support future retail development in the wider Colac area based on proposed Victorian Government and demand based parking rates (it should be noted that the demand based parking rates apply solely to the central Colac area and may not reflect parking demand in Elliminyt and West Colac - these parking rates also do not take into account any existing surplus in parking and the potential to better utilise existing parking).

Table 6.4: Future parking requirements

| Land Use     | Parking Spaces Required using Victorian Government Proposed Rate | Parking Spaces Required using Demand Based Empirical Parking Rate |
|--------------|------------------------------------------------------------------|-------------------------------------------------------------------|
| Supermarket  | 64                                                               | 48                                                                |
| Other retail | 538                                                              | 215                                                               |
| TOTAL        | 602                                                              | 263                                                               |

It can be noted from Table 6.4 that up to 602 parking spaces could be required to support future retail development in the wider Colac area. Given the uncertainty surrounding the location of future retail growth, it is not possible at this stage to apportion the level of required parking spaces to specific locations such as central Colac.

The parking requirements of any new retail developments would need to be assessed on a site by site basis. For any future retail growth that may occur in the central Colac study area, the following factors should also be taken into consideration:

- Many of the existing off-street car parks serving retail outlets have considerable spare capacity with over 350 spare spaces observed during the peak period of the survey day – as such there may be potential to provide consolidated parking in some of these car parks serving a number of land uses, therefore potentially absorbing some of the parking demand generated by future retail growth
- There are also a number of spare on-street parking spaces that service the retail areas with over 650 spare parking spaces observed during the peak periods
- The impact of any new off-street public car parks providing additional parking capacity within central Colac
- The extent to which new retail developments are going to draw new visitors to the central areas of Colac
- Many smaller shops and food catering outlets are unlikely to generate single purpose trips and be part of a multipurpose trip meaning that the parking demand is shared by a number of land uses

## **7.0 Identified Issues and Opportunities**

In general terms, the undertaken surveys identified that there is a more than adequate supply of parking spaces within the Colac study area to service both existing and future demand. It was found that even in many of the most desirable locations there were often available parking spaces during the peak periods. Indeed, many of the visitors and Colac residents spoken to during the survey days confirmed that they do not perceive there to be a parking problem in Colac, that is, they were easily able to find an unoccupied parking space close to their destination.

Notwithstanding this, the parking surveys have highlighted some parking related issues that should be addressed in order to better cater for the varying types of parking demand, reduce overspill of parking into residential areas and ensure the more efficient use of parking supply.

### **7.1 Issue One – Medium to long term parking**

#### **7.1.1 Issue**

A review of the prevailing parking environment in the Colac Study Area has revealed that there are limited dedicated medium to long term (i.e. over 2 hours) parking facilities servicing non-residential land uses in Colac.

The majority of both on-street and off-street parking space servicing the main trip attractors located in the centre of the Colac Study Area are subject to either 1 or 2 hour time limit restrictions. This has many benefits such as encouraging the turnover of parking spaces and increasing short term parking opportunities in the most desirable locations.

Longer term parking facilities are nonetheless still required within the Study Area to service the needs of:

- Car based commuters looking for all-day parking within a reasonable walking distance of their workplace
- Patients and visitors to the hospital who may have requirements to stay longer than a couple of hours
- Visitors to Colac in general who want to undertake a number of trips within a single visit such as shopping and having something to eat – this alone could easily take over a couple of hours

On-site observations indicate that the lack of clearly defined longer term parking facilities within a reasonable walking distance of the most desirable areas is encouraging those requiring long term parking to:

- Continue to park in short-term parking areas but move their car to another space once the time limit has been reached – this reduces the opportunities for short term parking for other visitors and also has a number of environmental disbenefits associated with running car engines for short periods
- Overstay parking limits - which again reduces the opportunities for short term parking for other visitors
- Use unrestricted on-street parking spaces servicing more residential areas thus potentially affecting local resident's amenity and reducing the parking opportunities for genuine visitors

#### **7.1.2 Opportunities**

In assessing possible opportunities to increase or more clearly define areas for longer term parking, the following have been considered:

- The need to retain short term parking restrictions for off-street parking spaces directly servicing the main trip attractors
- On-street parking is vital to the competitiveness of small scale retail and business premises given the convenience associated with providing parking close to these destinations. Generally, retail and business opportunities are optimised by encouraging regular turnover of spaces, whilst maintaining a high occupancy of parking close to retail outlets. As such, the provision of medium or long term parking in the vicinity of smaller scale retail outlets may impact these businesses by restricting the number of customers who can access the retail or business premises
- Long term parking needs to be attractive in order for people to use it, that is, it must be safe and within a reasonable walking distance of the most desirable areas

A review of existing provision and current parking practices in the Colac Study Area has identified that long term parking opportunities could be improved either through:

- The provision of new car parks
- Providing long term parking in existing off-street car parks
- Rationalisation of existing on-street parking spaces

More specifically:

#### **7.1.2.1 Provision of new car parks**

Opportunity may arise in the future to construct purpose built off-street car parks that could accommodate longer term parking.

Three potential sites have been identified for further consideration. These are:

- Former Swayne and McCabe site (northwest of Murray Street)
- Colac Railway Yard site (southern side of the railway line behind the station)
- Civic Hardware site

The cost of providing new car parks, including the purchase of land, construction and maintenance costs are often substantial and it may not be possible for Council to wholly undertake these costs.

On this basis, Council could investigate two different funding mechanisms that could assist with the funding of new car parks; these being a "special rates" scheme and a "payment in lieu" scheme.

Typically, a "special rates" scheme would require all existing non-residential developments to financially contribute to a fund that can be used to construct and maintain a new car park facility. Under this type of scheme, this fund would be required regardless of the extent to which they may have already satisfied their own statutory parking requirements. The undertaken parking surveys have identified that whilst some localised areas in the study area are subject to high levels of parking demand, the overall existing level of parking supply is able to cope with the parking demand and some spare parking capacity exists. In this context it is considered that, on the most part, there is not a significant parking problem that can be collectively attributed to existing developments. Irrespective of this, there is an identified need for an increased number of longer term parking spaces to ensure that the existing community and residential areas is not burdened by the impact of commuter parking generated by many developments within Colac. In this respect, a special rates scheme could be considered an equitable funding mechanism for addressing future parking matters.

Alternatively, Council could seek to put in place a payment in lieu scheme that requires new developments that are unable to satisfy their off-street parking requirements to make a financial contribution to Council as a condition of the planning permit to assist in funding initiatives to manage the impact of a shortfall in parking. The contribution is typically required from owners of new developments, extensions to existing buildings and when a change of use occurs to an existing building. When the land use remains the same, developers are not required to make any contribution.

Whilst this type of scheme is considered to be a fair and equitable funding mechanism, Colac is likely to experience a modest level of future development. As such, the extent to which payment in lieu contributions can assist with the funding of new car parks may be limited. It may also be difficult to justify a planning scheme amendment that seeks to introduce a payment in lieu scheme given the good supply of parking currently available in central Colac (however opportunity exists to potentially use any oversupply in existing parking for other uses such as improved pedestrian and cycle infrastructure).

Payment-in-lieu contributions are generally determined based on the cost to Council to construct the parking facility on behalf of the developer. This is normally specified as the cost to construct one parking space, which is then multiplied by the number of parking spaces not provided on-site to calculate the required financial contribution. The required contribution usually includes a land component cost (based on average land values or individual sites), construction costs (including drainage and landscaping), administration charges and in some cases a financial contribution towards future maintenance.

Council recognises that due to the current economic climate many developers are tending to be a little more conservative in their investment decisions at this time. As such, the requirement to make payment-in-lieu contributions coupled with the current economic conditions could make specific developments commercially less attractive and therefore potentially impact on economic development in Colac.

One possible solution could be to set a payment-in-lieu contribution where the full costs are not passed onto the developer and therefore any longer term parking facilities would require subsidy from public funds. Whilst this solution may make development in Colac more attractive, Council recognises that:

- the required contribution needs to be set at an appropriate level so that not to encourage developers to take this option rather than provide the car parking on site
- any concessions granted may set an undesirable precedent for development in the future when there may be an improved economic climate

#### **7.1.2.2 Providing long term parking in existing off-street car parks**

It is noted from the parking surveys that the car park servicing the retail park on Hesse Street (Car Park 3 on Figure 5.5) is generally under-utilised throughout the most of the day.

In consultation with relevant stakeholders, opportunity exists for Council to explore the processes involved in providing longer term parking in this car park whether it is:

The whole or just certain parts of the car park

During certain times of the day that reflect usage patterns

#### **7.1.2.3 Rationalisation of existing on-street parking spaces**

The parking surveys have identified some locations within the study area where on-street parking could accommodate longer term parking demand that can be used by commuters.

Generally, longer term parking for use by commuters will only be provided in non-residential streets and only where land uses fronting these streets would not necessarily require to be serviced by short term on-street parking restrictions.

Possible locations where longer term parking could be accommodated on-street include parts of Rae Street and Bromfield Street.

## **7.2 Issue Two – Residential parking**

### **7.2.1 Issue**

The results of the parking surveys have identified parking generated by non-residential uses in the Study Area is using the unrestricted on-street parking servicing the neighbouring residential areas.

Whilst the extent of this parking "overspill" into residential areas is not necessarily significant, that is, in most locations there are always available spaces for residents to use, this additional parking in the residential areas can result in a number of amenity problems for residents.

### **7.2.2 Opportunities**

The occurrence of overspill parking is anticipated to be alleviated to some degree by an increased provision of longer term parking as described in Issue One.

However, in conjunction with increasing parking options, it will be important to make parking in the residential streets less attractive, particularly to competing non-residential land uses.

As shown in many residential areas throughout Victoria, the most effective way of managing the intrusion of non-residential parking in residential areas is through the introduction of resident exempted short term (1 to 2 hour) parking restrictions.



In consultation with key stakeholders, there are a number of issues Council will need to explore in developing a resident priority parking scheme in Colac including:

- Provision of free parking for residents
- Duration of time limit restrictions and hours of operation
- Type of system to be implemented to facilitate the short and long term parking requirements of genuine visitors to residential areas (i.e. family, friends and service providers such as home help, medical services, meals on wheels and tradespeople)
- How to administer the scheme within Council

### **7.3 Issue Three - Management of on-street parking spaces**

#### **7.3.1 Issue**

The parking surveys have identified that on-street parking in the most popular locations is working efficiently, that is, on-street parking is close to fully utilised but drivers can still find a space that is convenient to their needs.

The undertaken surveying exercises has also identified that on the most part existing on-street parking restrictions suitably cater for the type of demand generated by land uses serviced by these parking spaces. For example:

- The most desirable areas are generally serviced by short-term parking restrictions
- Unrestricted on-street parking is provided in residential areas
- Land uses that require medium term parking such as COPACC are serviced by 3 hour parking restrictions
- Consultation with the local taxi service in Colac, Active Taxis Colac, has confirmed that there are 8 vehicles serving the Colac area and that there have been no reports from drivers experiencing difficulties finding parking spaces for the pick-up and set-down of passengers.

Notwithstanding this, it is considered that the management of on-street parking spaces could be fine tuned to address some localised parking issues. This includes:

- An over supply of on-street parking on some streets within central Colac which, particularly on weekends, gives the visual impression of a streetscape dominated by wide roads with empty parking spaces
- Protection of residential areas from overspill parking
- On-street parking on Rae Street and Dennis Street is being used by commuters thus reducing short term parking opportunities in these popular areas (long term parking on Rae Street is known to have a negative impact on event days at COPACC with visitors struggling to find parking close to the venue)
- There is significant demand for short term parking around the medical offices located near the intersection of Miller Street and Hart Street
- Disabled parking bays were observed to be generally under-utilised during either survey thus suggesting that they are currently poorly located – with an ageing population the need for disabled spaces into the future is likely to increase
- Likewise, loading zones and bus zones were observed to be generally under-utilised during either survey

#### **7.3.2 Opportunities**

A number of opportunities exist to address the localised parking issues identified above.

- On streets which are shown to have a continued low utilisation of on-street parking, there is potential to reallocate road space from parking to other uses such as cycle paths, wider footpaths or other urban design features
- Residential areas could be protected from overspill parking by the proposed measures set out in Issue Two
- Short term parking restrictions could be introduced on the highly utilised areas of Rae Street (within the vicinity of COPACC), Dennis Street and Miller Street to provide more short term parking opportunities – however this may need to be supported by an increased provision of longer term parking as described in Issue One
- In consultation with relevant stakeholders including disabled persons groups, disabled parking needs to be reviewed with the number and location of spaces modified as required

- Given the observed low utilisation, there is a need to review the operation of loading zones with the potential to convert loading zones to short term 15 minute parking spaces – as part of the public consultation process, businesses in Colac are invited to provide feedback on the adequacy of existing loading areas and locations which could benefit from increased loading opportunities

## **7.4 Issue Four - Improved way-finding**

### **7.4.1 Issue**

In many urban centres, additional delay and congestion is caused by motorists searching for car parking spaces. This lack of awareness can result in some car parks or time restricted areas being under-utilised and may have the additional consequence of car park patrons undertaking additional trips once time restricted parking has been exceeded.

The need for parking information and guidance within central Colac will become increasingly important should Council introduce medium to longer term parking facilities within central Colac.

### **7.4.2 Opportunities**

Way-finding information guiding motorists to their intended destination has an important role to play in avoiding unnecessary circulation within the Colac Study Area and ensuring that existing parking facilities are utilised to their optimal potential. Way-finding information also has the potential to encourage active transport connection; directional and distance signage are widely used throughout Victoria to encourage walking and cycling. The introduction of way finding information within central Colac would improve connectivity between key locations throughout the centre.

Suitable way-finding for the Colac Study Area could include:

- Provision of directional signage to longer-term car park facilities
- Provision of pedestrian way-finding signage between car parks and popular land uses

## **7.5 Issue Five – Managing future parking needs**

### **7.5.1 Statutory Parking Requirements**

#### **Issue**

As shown in Section 6.0, the existing parking rates set out in Clause 52.06 of the Colac Otway Shire Planning Scheme are relatively onerous particularly when compared to existing demand for parking in central Colac. Application of these parking rates in the development planning process has in some cases not been considered reasonable or achievable within the confines of particular development sites and has therefore led to car parking requirements being regularly waived or reduced.

The parking surveys have identified that there is currently a good supply of parking in central Colac. As such there may be potential to better utilise existing parking supply in central Colac to service some of the future demand for parking (although existing parking could alternatively be used for other purposes such as improved bicycle infrastructure). The approach to managing the parking requirements of new developments in central Colac is therefore very important, particularly in areas where there is currently an over-supply of parking. However, in locations in central Colac where there is a localised high demand for parking, there is likely to be an expectation within the community that any new development will not cause significant parking problems, particularly if the developer has been allowed a reduction in parking requirement.

#### **Opportunities**

The parking requirements of any new development in Colac will continue to be assessed on a site by site basis. Under the current system, Council takes into consideration a number of different factors when determining development specific parking requirements such as parking credits gained from previous land use types, heritage considerations and availability of on-street parking spaces.

The adoption of revised statutory parking rates to be released by the Victorian Government into the Colac Otway Planning Scheme will provide Council with an improved tool to assess specific development applications.

Once adopted, one option available to Council is that all new developments in central Colac will be required to meet the revised Victorian Government rates. If this approach is adopted, new developments which do not meet the parking requirements on-site may be subject to payment-in-lieu contributions particularly where it can be demonstrated that the development will have an adverse impact on existing parking availability or the amenity of existing land uses.

Given the often unique circumstances associated with different new developments, it is not always the case that one parking rate fits all developments in all locations. As an alternative, Clause 52.06-6 of the Colac Otway Shire Planning Scheme enables Parking Precinct Plans to be prepared. These are locally prepared strategic plans that contain parking provisions for an area or 'precinct'. They allow all the parking issues arising in a precinct to be considered and a strategy to be implemented to address them.

Parking Precinct Plans measure the parking characteristics of their precinct and provide procedures for evaluating the number of car spaces required, based on those characteristics and the desired change. Within the precinct, they can:

- set out how car spaces can be provided
- regulate the demand for, and supply of, parking
- specify car parking rates derived from local research, where the rates specified in the Clause 52.06-5 Car parking table are found to be inapplicable
- specify car parking rates that incorporate efficiencies achievable with a precinct-wide approach (such as requiring shared provision)

Opportunity exists within forthcoming public consultation and the development of the Colac and Apollo Bay Parking Study to explore a range of alternative options regarding the provision of car parking in new developments. This includes inter alia:

**1) Adoption of demand based parking rates**

The demand based parking rates derived from the parking surveys suggest that the demand for parking by particular land use types in Colac (once grouped together) is lower than the existing rates (as is evident by the surplus of parking in central Colac) and in some cases lower than the proposed Victorian Government parking rates.

As part of the Colac and Apollo Bay Parking Study, Council will explore possible circumstances under which the adoption of demand based parking rates may be appropriate. In doing this, the Parking Study will need to take into consideration that there are localised examples where the parking demand generated by specific land uses would exceed the demand based empirical parking rate. For example, it was noted during the surveys that a newsagent, a Tattslotto outlet and three local bakeries generated parking demand more in line with the revised Victorian Government parking rates set out for these land use types.

**2) Situations where no parking is required**

The undertaken parking surveys have identified that there is a surplus in parking in many locations in Colac. Opportunity therefore exists for Council to explore possible circumstances under which parking requirements in new developments could be waived. This may include:

- A change in land use in an existing building which is unlikely to result in an increase in parking demand (e.g. a shop being used as a café / restaurant)
- An extension to an existing building, with or without a change in land use – this though will be dependent on the size of the extension and the type of development

The availability of on-street parking within the vicinity of the site shouldn't necessarily count towards justification for providing no parking at new developments, particularly as this available on-street parking could be reallocated to a better use such as the provision of cycle paths or other urban design measures.

**3) Adoption of a single parking rate covering similar land use types**

Opportunity exists within the Colac and Apollo Bay Parking Study to explore the feasibility of introducing a single parking rate that covers similar land use types. This may for example include a single parking rate for particular types of shops, restaurants and bars.

A single parking rate covering different land use types may only be feasible in certain circumstances and locations such as in the heart of the commercial centre. Careful consideration will need to be given to which land uses could be incorporated into a single parking rate given that particular shops can exhibit significantly different parking demands.

#### **4) Situations where parking is to be provided on site**

Taking into consideration the size and constraints of particular development sites, there are some land use types and locations where Council will generally expect that all parking should be provided on-site.

This will need to be considered in more detail in the development of the Car Parking Study but is likely to include inter alia:

- any new or extension to existing industrial land uses where staff and visitor car parking and loading requirements should be accommodated on-site
- new residential developments, whether standalone buildings or as part of non-residential development
- locations where the demand for parking is high, particularly within close proximity to Murray Street and the major trip generating developments.

It is recognised that there may be some cases where it is in the interest of the wider community and the development of the Colac commercial area that a new developments' parking requirement is provided off-site. This could include situations where the requirement to provide parking on-site will adversely impact on the quality of the new development and in such cases it may be beneficial that this parking is provided, at the developers expense, in another location. Other situations may include the need to protect the heritage and streetscape of Colac or where the space could be alternatively used for community benefit such as improved pedestrian and cycle access.

### **7.5.2 Reducing the impact of parking**

#### **Issue**

The economic viability of Colac depends on people visiting the township. Given the rural location of the township and lack of feasible alternative travel options, the majority of visitors will continue to be car-based visitor trips.

Parking, and in particular surface car parks, is seen as an inefficient use of land, which could alternatively be used to create and promote a more pedestrian or cycle friendly town centre environment. Parking also tends to be visually unattractive and promotes a car dominated environment.

An abundance of parking can encourage shorter trips or multiple short trips to be undertaken by car. With the increasing importance of social and environmental factors such as increased petrol prices, there is a need to reduce unnecessary car trips and improve the infrastructure provision for alternative modes of transport to car travel.

#### **Opportunities**

A number of opportunities exist to help reduce the impact of parking. This includes inter alia:

- On-street parking should generally be allocated on the basis of functional priorities favouring pedestrian, cycling, public transport, disabled and servicing uses rather than general vehicle parking.
- Given the excess of on-street car parking supply in many areas within central Colac, opportunity exists to improve the streetscape through the reallocation of parking to tree planting or other urban design improvements.
- Encourage more innovative ways of accommodating vehicle parking to meet the developments' parking requirements – this could include car stackers or tandem parking.
- Encourage car sharing as an alternative to privately owning cars.
- Provide improved parking facilities for motorcycles and bicycles.

### **7.5.3 Sustainable transport**

#### **Issue**

This study recognises that non-car transport modes can provide a viable alternative to car travel particularly for shorter trips such as those trips that start and end within the wider Colac area.

To help encourage a move towards more sustainable travel, there needs to be a corresponding improvement in pedestrian and cyclist infrastructure as well improvements to public transport services.

#### **Opportunities**

A number of opportunities exist to help encourage more travel by non-car transport. This includes inter alia:

- Reviewing the timing of bus services to better link with journey times to work and tourism journeys
- Increased number of dedicated footpaths and improved connectivity of footpaths where deficiencies exist
- Improved priority for pedestrians in key commercial areas including supporting traffic calming infrastructure
- Introduce Park and Walk facilities for commuters
- Introduce pedestrian crossings at the western end of Murray Street
- Improved bicycle infrastructure potentially including dedicated bicycle lanes and bicycle parking facilities

## 8.0 Conclusions

### 8.1 Background

This report presents the key Issues and Opportunities relating to parking in the township of Colac that have been identified during extensive surveying and from a review of existing Council practices.

The findings presented in this report will form the empirical baseline for the development of a Car Parking Study and Parking Precinct Plans covering Colac and Apollo Bay (a similar study has been prepared for Apollo Bay under the cover of a separate document).

This report will be open to Public Consultation, with the public encouraged to put forward comments and recommendations to aid the development of a car parking strategy for the two townships.

### 8.2 Sustainable transport options

This study recognises that based on the existing level of service and coverage, public transport is unlikely to be a feasible alternative to car based travel for many trip types, and in particular, medium and longer distance trips. Unless there are significant improvements to the level of service and coverage, there would be a very low propensity for public transport to reduce demand for car travel and therefore by inference the demand for parking within Colac.

For shorter distance trips, that is trips within the Study Area, walking and cycling are likely to be a feasible alternative to car travel for many trip types. However, an abundance of parking within the Study Area could feasibly encourage shorter trips or multiple short trips to be undertaken by car.

### 8.3 Parking surveys - key findings

Comprehensive on and off-street parking surveys were undertaken in the Colac Study Area on Thursday 26 February 2009 and Saturday 28 February 2009. A total of 2,825 parking spaces were surveyed as part of this study. This included 1,916 on-street parking spaces and 947 off-street parking spaces.

The weekday survey showed that over the entire Study Area, the demand of on-street parking is fairly modest with a peak parking occupancy of 52%. However, there were observed to be localised instances of high parking demand on those streets in close proximity to:

- The main retail area on Murray Street
- The national retailers such as Safeway, Target and Coles
- The hospital
- The light industrial uses located on Bromfield Street

Despite the higher occupancy rates, the frequent turnover of the many on-street parking spaces available in most streets in Colac meant that at most locations there was always unoccupied spaces available for use. This was confirmed through interviews with members of the public undertaken on the survey day in which respondents anecdotally noted that they rarely have difficulty in finding on-street parking spaces close to their destination.

However the weekday parking surveys also identified that in some locations the longer term parking demands created by the retail, industrial and service industries during peak periods can overspill into the residential areas thus potentially affecting local resident's amenity and reducing the parking opportunities for genuine visitors.

The weekend survey identified that, with the exception of a few streets located close to the central area of Murray Street, on-street parking occupancy during the peak period is very low. Indeed, low parking occupancies were observed throughout the study period which gave the visual impression of a streetscape dominated by wide roads with empty parking spaces.

## **8.4 Future parking needs**

Demand based parking rates calculated from the parking surveys suggest that the demand for parking by particular land use types in Colac (once grouped together) is lower than the existing rates (as is evident by the surplus of parking in central Colac) and in some cases lower than the proposed Victorian Government parking rates (there was however a number of localised examples where the parking demand generated by specific land uses would exceed the demand based empirical parking rate).

It is noted that there is currently a good supply of parking in central Colac. As such there may be potential to better utilise existing parking supply in central Colac to service some of the future demand for parking (although existing parking could alternatively be used for other purposes such as improved bicycle infrastructure). The approach to managing the parking requirements of new developments in central Colac is therefore very important.

The forthcoming Colac & Apollo Bay Parking Study will need to consider and set out a range of policies to assess how to best accommodate future parking needs.

## **8.5 Issues and Opportunities**

The undertaken surveys identified that there is a more than adequate supply of parking spaces within the Colac study area to service both existing and future demand. It was found that even in many of the most desirable locations there were often available parking spaces during the peak periods.

Notwithstanding this, the parking surveys have highlighted some parking related issues that should be addressed in order to better cater for the varying types of parking demand, reduce overspill of parking into residential areas and ensure the more efficient use of parking supply.

These parking related issues are summarised in Table 8.1.

Possible options to assist with the funding and/or implementation of identified improvements include:

- 1) Introduction of a the cash-in-lieu scheme to help Council fund a long term parking facility, although this may be difficult to justify given the current surplus of parking
- 2) Separate rate scheme for all land owners in retail centre to help fund a new car park
- 3) Better management of current parking

Table 8.1: Issues and Opportunities

|                                        | Issues                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Opportunities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Medium to long term parking            | <ul style="list-style-type: none"> <li>Lack of clearly defined longer term parking facilities within a reasonable walking distance of the most desirable areas. This results in:                             <ul style="list-style-type: none"> <li>- Parking in residential areas</li> <li>- The existing parking demand for light industrial uses has been estimated from the parking surveys and aerial photography on sites where access was restricted on the day of the survey. Misuse of existing short term parking</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>Long term parking opportunities could be improved either through:                             <ul style="list-style-type: none"> <li>- The provision of new car parks (depending on costs and how these facilities could be funded)</li> <li>- Providing long term parking in existing off-street car parks</li> <li>- Rationalisation of existing on-street parking spaces</li> </ul> </li> </ul>                                                                                                                                                                                                                                     |
| Residential parking                    | <ul style="list-style-type: none"> <li>Evidence of parking "overspill" (albeit relatively minor) from health, industrial and retail uses into residential areas. This can nonetheless result in a number of amenity problems for residents.</li> </ul>                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>Consider the introduction of a resident priority parking scheme in impacted residential streets supported by short term parking restrictions.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Management of on-street parking spaces | <ul style="list-style-type: none"> <li>Over supply of on-street parking spaces in some locations in Colac                             <ul style="list-style-type: none"> <li>• Protection of residential areas from overspill parking</li> <li>• Commuter parking reducing short term parking opportunities</li> <li>• Demand for short term parking near medical offices</li> <li>• Disabled bays, loading zones and bus zones generally underutilised.</li> </ul> </li> </ul>                                                                    | <ul style="list-style-type: none"> <li>Potential to reallocate road space from parking to other uses such as cycle paths, wider footpaths or other urban design measures                             <ul style="list-style-type: none"> <li>• Introduce short term parking restrictions in highly utilised areas on Rae Street, Dennis Street and Miller Street</li> <li>• Disabled parking needs to be reviewed with the number and location of spaces modified as required</li> <li>• Consult with local businesses to get feedback on the adequacy of existing loading areas and locations which could benefit from increased loading opportunities</li> </ul> </li> </ul> |
| Improved way-finding                   | <ul style="list-style-type: none"> <li>Lack of way-finding guidance to and from parking facilities in central Colac area.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>Provision of directional signage to longer-term car park facilities                             <ul style="list-style-type: none"> <li>• Provision of pedestrian way-finding signage between car parks and popular land uses</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                    |



|                               | Issues                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Opportunities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Managing future parking needs | <ul style="list-style-type: none"> <li>A need to determine suitable parking rates for future development in Colac</li> <li>Parking, and in particular surface car parks, is seen as an inefficient use of land, which could alternatively be used to create and promote a more pedestrian or cycle friendly town centre environment</li> <li>An abundance of parking can encourage shorter trips or multiple short trips to be undertaken by car</li> <li>There is a need to provide more attractive non-car transport infrastructure and services to provide a viable alternative to car travel particularly for shorter trips such as those trips that start and end within the wider Colac area</li> </ul> | <ul style="list-style-type: none"> <li>Adopt suitable parking rates and associated set of parking policies relating to parking at new developments and establish circumstances where it may be partially waived</li> <li>Accept cash-in-lieu contributions for some developments to help fund new parking</li> <li>Improve streetscape through the reallocation of parking to tree planting or other urban design improvements</li> <li>Encourage more innovative ways of accommodating vehicle parking, including car sharing</li> <li>Provide improved parking facilities for motorcycles and bicycles.</li> <li>Improve bus services</li> <li>Improve pedestrian and cycling infrastructure</li> </ul> |

Appendix A

# Parking Restrictions



CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | D | W |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>GENERAL BUSINESS</u></b></p> <p><b><u>OM091612-12</u></b>    <b><u>ITEM FOR SIGNING &amp; SEALING - SECTION 173 AGREEMENT, 310 MORRISSEYS ROAD, BEEAC</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Sandra Brimson covenanting Certificate of Title Volume 04343 Folio 539 (Lots CA21E &amp; CA21G) and Volume 00771 Folio (Lot CA21D) that only one dwelling is permitted on the whole of the land.</i></p> |   |   |
| <p><b><u>OM091612-13</u></b>    <b><u>ITEM FOR SIGNING &amp; SEALING, INSTRUMENT OF AGREEMENT, CONTRACT 0909 BIRREGURRA &amp; FORREST STRUCTURE PLANS</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council sign and seal the Instrument of Agreement between the Colac Otway Shire and CPG Australia Pty Ltd for Contract 0909 – Birregurra and Forrest Structure Plans.</i></p>                                                                                                                   |   |   |
| <p><b><u>OM091612-14</u></b>    <b><u>ITEM FOR SIGNING &amp; SEALING, INSTRUMENT OF AGREEMENT, CONTRACT 0911 RURAL LIVING STRATEGY</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council sign and seal the Instrument of Agreement between the Colac Otway Shire and CPG Australia Pty Ltd for Contract 0911 – Rural Living Strategy.</i></p>                                                                                                                                                       |   |   |

**OM091612-15      ITEMS FOR SIGNING AND SEALING -  
SECTION 173 AGREEMENT - 18  
PASCOE STREET, APOLLO BAY  
P02/052**

Department: General Business

**Recommendation(s)**

***That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Owners Corporation Plan No. PS513348X Certificate of Title Volume 10814 Folio 443 that:***

- 1. The land is developed and used at least as to part for the purposes of car parking and access ways or is required to be so developed and use pursuant to planning permit requirements authorising the construction of building on lots created by the registration of Plan of Subdivision PS513348X.***
- 2. The Council seeks to encourage the Owner and the Owner's of proximate land, to proceed with a form of development on their land which sees development of buildings on both the Great Ocean Rd frontage and the Pascoe Street frontage with the centrally located part of the land being developed as a car park, each such car park being contiguous, with a car park on adjacent land. This is to facilitate vehicular access from a Council owned car park at 14 Pascoe Street, Apollo Bay and the creation of a centrally located car park extending over several lots. Such centrally located car park is depicted in the Apollo Bay Parking Precinct Plan ("The Parking Precinct Plan") prepared for the Council to guide development of the land bounded by Great Ocean Road, Pascoe Street, Moore Street and Hardy Street.***
- 3. The parties, by the Agreement, intended to burden that part of the Land with the obligation that car parking including access ways on the Land shall always remain available to serve as part of the central car park depicted in the Parking Precinct Plan.***
- 4. This Agreement is entered into pursuant to the provisions of Section 173 of the Act to secure the use of common property car parking area part of the land to be used in accordance with the Parking Precinct Plan as relevant land is similarly developed.***

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

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**OM091612-12      ITEM FOR SIGNING & SEALING - SECTION 173  
AGREEMENT, 310 MORRISSEYS ROAD, BEEAC**

|             |               |           |                             |
|-------------|---------------|-----------|-----------------------------|
| AUTHOR:     | Rhonda Deigan | ENDORSED: | Rob Small                   |
| DEPARTMENT: | Executive     | FILE REF: | 310 Morrisseys Rd,<br>Beeac |

Attached are 3 copies of a Section 173 Agreement to be signed by Council for the property at 310 Morrisseys Road, Beeac. The applicant agreed to enter into a Section 173 Agreement in order to receive and extension to Planning Permit PP296/2007 which expires 25 February 2010. The Permit allows for the construction of a dwelling with the Farming Zone. The Agreement is required as the greater property consists of three (3) separate allotments with a total area of 20.4 hectares.

The agreement ensures no more dwellings will be constructed on the allotments and states:

*Only one dwelling is permitted on the whole of the land which is comprised of Title Volume 04343 Folio 539 (Lots CA21E & CA21G) and Volume 00771 Folio (Lot CA21D).*

**Attachments**

1. Section 173 Agreement, 310 Morrisseys Road, Beeac

**Recommendation(s)**

***That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Sandra Brimson covenanting Certificate of Title Volume 04343 Folio 539 (Lots CA21E & CA21G) and Volume 00771 Folio (Lot CA21D) that only one dwelling is permitted on the whole of the land.***

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SECTION 173 PLANNING AGREEMENT

Parties

Sandra Brimson (“the Owner”)

and

COLAC OTWAY SHIRE

2

THIS AGREEMENT is made the _____ day of _____ pursuant to Section 173 of the *Planning and Environment Act 1987* ("**the Act**").

PARTIES:

1. **COLAC OTWAY SHIRE** of 2-6 Rae Street, Colac 3250 ("**the Responsible Authority**"); and
2. **Sandra Brimson** of 32 Main Street, Beeac ("**the Owner**")

RECITALS:

- A. The Responsible Authority is responsible for the administration and enforcement of the Colac Otway Planning Scheme ("**the Planning Scheme**") pursuant to the provisions of the Act.
- B. The Owner is the registered proprietor of the land known as 310 Morrisseys Road, Beeac and described in Certificate of Title Volume 04343 Folio 539 (Lots CA21E & CA 21G) and Volume 00771 Folio 081 (Lot CA 21D)
- C. The Owner and the Responsible Authority agree that the dwelling shall be made generally in accordance with Planning Permit PP296/2007 in the Colac Otway Planning Scheme.
- D. The Owner and the Responsible Authority record their agreement on the terms set out in this Deed.

IT IS AGREED THAT:

1. Without limiting the operation or effect which this Agreement otherwise has, the parties acknowledge that this Agreement is made pursuant to the provisions of Section 173 of the *Planning and Environment Act 1987* ("**the Act**").
2. This Agreement shall come into force immediately upon execution by the parties and shall run with the Title to the Land.

Interpretation

3. The parties agree that in the interpretation of this Agreement:
 - 3.1 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;
 - 3.2 "**Subject Land**" means the land referred to in Recital B.
4. The parties agree that in the interpretation of this Agreement:
 - 4.1 The singular includes the plural and the plural includes the singular.
 - 4.2 A reference to a gender includes a reference to each other gender.
 - 4.3 A reference to a person includes a reference to a firm, corporation or other corporate body and their successors in law.

- 4.4 If a party consists of more than one person this agreement binds them jointly and each of them severally.
- 4.5 A reference to a statute shall include any statutes amending, consolidating or replacing same and any regulations made under such statutes.
- 4.6 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.
- 4.7 The recitals to this agreement are and will be deemed to form part of this Agreement including any terms defined within the Recitals.
- 4.8 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;
- 4.9 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.

Jurisdiction

5. For the purposes of this Agreement, the parties acknowledge that they are subject to the jurisdiction of the Act and the Victorian Courts for the enforcement of this Agreement.

Severability

6. Notwithstanding clause 1, and in the event that this Agreement is held not to be an agreement validly entered into or enforceable under the Act, it will nevertheless remain a contract between the parties and be enforceable as a contract in a Court of competent jurisdiction in the State of Victoria.
7. 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 shall be severed and the other provisions of this Agreement shall remain operative.

Undertakings of the Parties

8. The Owner agrees:
 - (a) Only one dwelling is permitted on the whole of the land which is comprised of Title Volume 04343 Folio 539 (Lots CA21E & CA 21G) and Volume 00771 Folio 081 (Lot CA 21D).

Disputes

9. In the event of any dispute between the parties concerning the interpretation or implementation of this Agreement, such a dispute shall be referred to the Victorian Civil and Administrative Tribunal ("the Tribunal") for resolution to the extent permitted by the Act. In the event of a dispute concerning any matter which is not referable to the Tribunal pursuant to the Act, such matters shall be and is hereby referred to arbitration for an Arbitrator agreed upon in writing by

the parties or, in the absence of such agreement the Chairman of the Victorian Chapter of the Institute of Arbitrators, Australia or his nominate, for arbitration.

10. Provision is made in this Agreement that any matter be done to the satisfaction of the Responsible Authority or any of its officers and a dispute arises in relation thereto, such disputes shall be referred to the Tribunal in accordance with Section 149 (1) (b) of the Act.
11. The parties shall be entitled to legal representation for the purposes of any arbitration or referral referred to in clauses 10 and 11 and, unless the Arbitrator, Chairman, nominee or the Tribunal shall otherwise direct, each party must bear its own costs.

Owner's Covenants

12. The Owner warrants and covenants that:
 - (a) The owner is both the registered proprietor and the beneficial owner of the land on the proposed Plan;
 - (b) 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;
 - (c) the Subject Land or any part of it is not subject to any rights obtained by adverse possession or subject to any easements, rights or encumbrances mentioned in Section 42 of the *Transfer of Land Act 1958*.

Registration of Agreement

14. The Responsible Authority and the Owner shall do all things necessary (including signing any further agreement, acknowledgment or document) to enable the Responsible Authority to enter a memorandum of this Agreement on the Certificate of Title to the Land in accordance with Section 181 of the Act.
15. Without limiting the operation or effect which this Agreement has, the Owner must ensure that until such time as a Memorandum of this Agreement is registered on the Title to the Land, successors in title shall be required to:
 - 15.1 Give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
 - 15.2 Execute under seal a deed agreeing to be bound by the terms of this Agreement and upon such execution this Agreement shall continue as if executed by such successors as well as by the parties to this Agreement as if the successor's name appeared in each clause in which the name of the Owner appears and in addition to the name of the Owner.

Notification to Successors in Title

16. 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.
17. 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.
18. 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.

Owner May Apply for Planning Permission

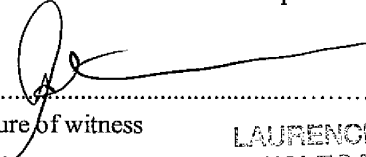
19. The parties acknowledge and agree that this Agreement will not and is not intended to prejudice the rights of the Owner to make any application under the Planning Scheme for permission to use and develop the Land or prevent or constrain the Responsible Authority from considering and determining any such application in accordance with the requirements of the Planning Scheme and the Act.

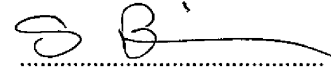
Service

20. A notice or other communication required or permitted to be served by a party on another party shall be in writing and may be served:
 - 20.1 *by delivering it personally to that party;*
 - 20.2 *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*
 - 20.3 *by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.*
21. A notice or other communication is deemed served:
 - 21.1 *if delivered, on the next following business day;*
 - 21.2 *if posted, on the expiration of two business days after the date of posting;*
or
 - 21.3 *if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.*

IN CONFIRMATION of their agreement the parties have executed this Agreement on the date set out at the commencement of the Agreement.

SIGNED SEALED AND in the presence of:)



) 

Signature of witness

LAURENCE P. FOSTER
F. INST LEGAL EXECUTIVES:
61-65 GELLIBRAND ST
COLAC VIC. 3250

Name of witness (please print)

THE COMMON SEAL of the)
COLAC OTWAY SHIRE)
was affixed by authority of the Council)
on the day of 200.,)
in the presence of:)

.....
Councillor

.....
Chief Executive Officer

OM091612-13 ITEM FOR SIGNING & SEALING, INSTRUMENT OF AGREEMENT, CONTRACT 0909 BIRREGURRA & FORREST STRUCTURE PLANS

| | | | |
|-------------|---------------|-----------|--------------------------------------|
| AUTHOR: | Rhonda Deigan | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive | FILE REF: | Birregurra & Forrest Structure Plans |

***Instrument of Agreement -
Contract 0909 – Birregurra and Forrest Structure Plans***

The Chief Executive Officer by delegated authority of Council awarded *Contract 0909 – Birregurra and Forrest Structure Plans* to CPG Australia Pty Ltd. The contract sum is \$50,719 (excluding GST).

This contract is for the provision of consultancy services to prepare a strategy for existing and future development in Birregurra and Forrest and the surrounding areas of these towns.

An *Instrument of Agreement* is now required to be signed and sealed.

Attachments

1. Instrument of Agreement, Contract 0909

Recommendation(s)

That Council sign and seal the Instrument of Agreement between the Colac Otway Shire and CPG Australia Pty Ltd for Contract 0909 – Birregurra and Forrest Structure Plans.

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19

Colac Otway Shire – Contract No. 0909

**Instrument of Agreement**

This INSTRUMENT OF AGREEMENT was made the ..... day  
of....., 2009.

between **Colac Otway Shire** (ABN 32 430 819 755)  
**2-6 Rae Street Colac Vic 3250** (the Council)

and **CPG Australia Pty Ltd** (ABN 55050029635)  
**10 Moorabool Street, Geelong, Vic 3220** (the Contractor)

Whereas the Council intends to cause to be carried out or provided the following services  
namely:

**BIRREGURRA AND FORREST STRUCTURE PLANS**  
**Contract No 0909**

for the sum of **Fifty Thousand Seven Hundred & Nineteen Dollars (excluding GST).**

It is AGREED that the annexed documents marked as follows form part of this  
AGREEMENT;

- (a) The Formal Instrument of Agreement
- (b) Letter of Award of Contract
- (c) Form of Tender and tender submission
- (d) Post Tender and Pre Award Correspondence
- (e) Schedules
- (f) Contract Brief
- (h) General Conditions of Contract

and shall together comprise the Contract between the parties.

IN WITNESS whereof the parties hereto have hereunder set their hands the day and year  
first above written;

**THE COMMON SEAL of the COLAC  
OTWAY SHIRE COUNCIL was hereto affixed**

..... Chief Executive Officer

**EXECUTED IN ACCORDANCE WITH SECTION 127(1) OF THE  
CORPORATIONS ACT 2001**

(Company Name) **CPG Australia Pty Ltd**

..... Director  
..... Company

Secretary

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**OM091612-14      ITEM FOR SIGNING & SEALING, INSTRUMENT OF AGREEMENT, CONTRACT 0911 RURAL LIVING STRATEGY**

|             |               |           |                       |
|-------------|---------------|-----------|-----------------------|
| AUTHOR:     | Rhonda Deigan | ENDORSED: | Rob Small             |
| DEPARTMENT: | Executive     | FILE REF: | Rural Living Strategy |

***Instrument of Agreement -  
Contract 0911 – Rural Living Strategy***

The Chief Executive Officer by delegated authority of Council awarded *Contract 0911 – Rural Living Strategy* to CPG Australia Pty Ltd. The contract sum is \$77,943.75 (excluding GST).

This contract is for the provision of consultancy services to develop an integrated land use framework to guide current and future rural residential development within the Colac Otway Shire and review boundaries and zones in small towns throughout the Shire.

An *Instrument of Agreement* is now required to be signed and sealed.

**Attachments**

1. Instrument of Agreement, Contract 0911

**Recommendation(s)**

***That Council sign and seal the Instrument of Agreement between the Colac Otway Shire and CPG Australia Pty Ltd for Contract 0911 – Rural Living Strategy.***

~~~~~) ~~~~~

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18

Colac Otway Shire – Contract No. 0911

Instrument of Agreement

This INSTRUMENT OF AGREEMENT was made the day

of....., 2009.

between **Colac Otway Shire** (ABN 32 430 819 755)
2-6 Rae Street Colac Vic 3250 (the Council)

and **CPG Australia Pty Ltd** (ABN 55050029635)
10 Moorabool Street, Geelong, Vic 3220 (the Contractor)

Whereas the Council intends to cause to be carried out or provided the following services namely:

**RURAL LIVING STRATEGY
Contract No 0911**

for the sum of **Seventy Seven Thousand Nine Hundred & Forty Three Dollars and 75 cents (excluding GST)**.

It is AGREED that the annexed documents marked as follows form part of this AGREEMENT;

- (a) The Formal Instrument of Agreement
- (b) Letter of Award of Contract
- (c) Form of Tender and tender submission
- (d) Post Tender and Pre Award Correspondence
- (e) Schedules
- (f) Contract Brief
- (h) General Conditions of Contract

and shall together comprise the Contract between the parties.

IN WITNESS whereof the parties hereto have hereunder set their hands the day and year first above written;

**THE COMMON SEAL of the COLAC
OTWAY SHIRE COUNCIL was hereto affixed**

..... Chief Executive Officer

**EXECUTED IN ACCORDANCE WITH SECTION 127(1) OF THE
CORPORATIONS ACT 2001**

(Company Name) **CPG Australia Pty Ltd**

.....
[Signature] Director

.....
[Signature] Company

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**OM091612-15 ITEMS FOR SIGNING AND SEALING - SECTION 173
AGREEMENT - 18 PASCOE STREET, APOLLO BAY
P02/052**

| | | | |
|-------------|---------------|-----------|--------------------------------|
| AUTHOR: | Rhonda Deigan | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive | FILE REF: | 18 Pascoe Street
Apollo Bay |

The applicant agreed to enter into a Section 173 Agreement as per condition 1 of planning permit P02/052 that allowed for the use and development of the land for three (3) offices, two apartments and a six (6) lot subdivision including common property.

Condition 1 of P02/052 reads:

Prior to the commencement of buildings or works, the applicant must submit legal agreements prepared by a Solicitor advising that:

- a. The owner/s of the adjoining property to the south of the subject site (Crown Allotment 3, Section 7, Parish of Krambruk, 77 Great Ocean Road, Apollo Bay) will allow permanent and unrestricted access to the road (Pascoe Street end) of their property to allow for vehicular parking for a minimum of three (3) vehicles as well as turning and driveway areas onto Pascoe Street for the use by owners, occupiers and patrons of the buildings hereby approved.

The Agreement must be accompanied by a plan clearly depicting the area affected by this agreement and shall be to the satisfaction of the Responsible Authority.

The Agreement shall remain in force until such time as alternative permanent access and parking is provided to the satisfaction of the Responsible Authority. The Agreement must include a declaration that it is binding on any subsequent owner of the affected land and that any subsequent owner will be advised of this agreement.

- b. The applicant will allow permanent and unrestricted vehicular access to the parking areas and common property to the rear of the buildings hereby permitted and to the adjoining property to the south of the subject site via the driveway along the northern boundary of the property as identified on the endorsed plan as per Lot 6.

The Agreement shall remain in force until such time as alternative permanent access is provided to the satisfaction of the Responsible Authority.

The Agreement must include a declaration that the agreement is binding on any subsequent owner of the affected land and that any subsequent owner will be advised of this agreement.

Attachments

Nil

Recommendation(s)

That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Owners Corporation Plan No. PS513348X Certificate of Title Volume 10814 Folio 443 that:

- 1. The land is developed and used at least as to part for the purposes of car parking and access ways or is required to be so developed and use pursuant to planning permit requirements authorising the construction of building on lots created by the registration of Plan of Subdivision PS513348X.**
- 2. The Council seeks to encourage the Owner and the Owner’s of proximate land, to proceed with a form of development on their land which sees development of buildings on both the Great Ocean Rd frontage and the Pascoe Street frontage with the centrally located part of the land being developed as a car park, each such car park being contiguous, with a car park on adjacent land. This is to facilitate vehicular access from a Council owned car park at 14 Pascoe Street, Apollo Bay and the creation of a centrally located car park extending over several lots. Such centrally located car park is depicted in the Apollo Bay Parking Precinct Plan (“The Parking Precinct Plan”) prepared for the Council to guide development of the land bounded by Great Ocean Road, Pascoe Street, Moore Street and Hardy Street.**
- 3. The parties, by the Agreement, intended to burden that part of the Land with the obligation that car parking including access ways on the Land shall always remain available to serve as part of the central car park depicted in the Parking Precinct Plan.**
- 4. This Agreement is entered into pursuant to the provisions of Section 173 of the Act to secure the use of common property car parking area part of the land to be used in accordance with the Parking Precinct Plan as relevant land is similarly developed.**

~~~~~\ ~~~~~

**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                        | D | W |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>NOTICES OF MOTION</u></b></p> <p><b><u>OM091612-16 CONFIDENTIALITY WORKSHOP FOR COUNCILLORS</u></b></p> <p>Department: Notices of Motion</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council consider the contents of this Notice of Motion.</i></b></p> |   |   |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

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**OM091612-16      CONFIDENTIALITY WORKSHOP FOR COUNCILLORS (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 16 December 2009:

Council notes that, in relation to the investigation of the Chief Executive Officer Recruitment process, someone may have breached confidentiality by revealing information, some of it incorrect, which was subsequently repeated in Parliament. Councillors are concerned that confidentiality issues need to be reinforced and all Councillors reminded of their obligations.

The Chief Executive Officer is to arrange an information session to remind Councillors of their responsibilities under the Local Government Act and any other relevant legislation in relation to confidentiality. Council suggests that the Chief Executive Officer investigate using the MAV, VLGA or Ombudsman office to provide this information session.

The Chief Executive Officer is to take all reasonable steps to complete this information session by 16 March 2010.

**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:

| SUBJECT | REASON | SECTION OF ACT |
|--|---|---------------------------------------|
| <i>Australia Day Awards 2010</i> | <i>this matter may prejudice the Council or any person</i> | <i>Section 89 (2) (h)</i> |
| <i>Report from Delegates to Other Bodies</i> | <i>this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person</i> | <i>Section 89 (2) (a) (d) (h)</i> |
| <i>Review of Costs Associated with Road Discontinuance - 1075 Corangamite Lake Road, Alvie</i> | <i>this matter may cause personal hardship of any resident or ratepayer; AND this matter deals with contractual matters; AND this matter deals with legal advice; AND this matter may prejudice the Council or any person</i> | <i>Section 89 (2) (b) (d) (f) (h)</i> |
| <i>Confidential Items for Consideration</i> | <i>this matter deals with legal advice</i> | <i>Section 89 (2) (f)</i> |