



Colac Otway
SHIRE

AGENDA

ORDINARY COUNCIL MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

23 JUNE 2010

at 3:00 PM

COPACC

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

23 JUNE 2010

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NOTICE is hereby given that the next *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in COPACC on 23 June 2010 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.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

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

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Thank you, now question time. 30 minutes is allowed for question time. I remind you that you must ask a question, if you do not have a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time)
2. Questions from the floor

5. QUESTION TIME

6. DECLARATION OF INTEREST

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 26/05/10.**

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Chief Executive Officer

OM102306-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

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OM102306-14 REVIEW OF PROCUREMENT POLICY

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OM102306-17 DECLARATION OF ROAD AS UNUSED – ROAD SOUTH OF 25 MT SABINE ROAD, BEECH FOREST

Sustainable Planning and Development

- OM102306-18 ADOPTION OF AMENDMENT C12 TO THE COLAC OTWAY PLANNING SCHEME
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- OM102306-20 2010 - 11 SMALL TOWN IMPROVEMENT PROGRAM ALLOCATIONS
- OM102306-21 NEIGHBOURHOOD SAFER PLACES

General Business

- OM102306-22 MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL MEETING

Rob Small
Chief Executive Officer

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
<u>CHIEF EXECUTIVE OFFICER</u>		
<u>OM102306-1</u> <u>CEO'S PROGRESS REPORT TO COUNCIL</u>		
Department: Executive		
<u>Recommendation(s)</u>		
<i>That Council note the CEO's Progress Report to Council.</i>		

Recommendation

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

MOVED

SECONDED

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OM102306-1

CEO'S PROGRESS REPORT TO COUNCIL

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

EXECUTIVE**Regional Management Forum**

The CEO attended a Regional Management Forum Barwon South West meeting on 27 May 2010. Agenda items included:

- Regional Road Safety Group
- Towards Liveable Communities (TLC3)
- State Budget – Impacts on the Barwon South West
- Regional Strategic Planning (RSP) Initiative

MAV State Council Meeting

Cr Stephen Hart and the CEO attended the MAV State Council Meeting on 28 May 2010. A report on this meeting has been prepared and included as a General Business item in this agenda.

The Colac Otway Shire received the following awards in Chartered Accountants/MAV Local Government Annual Report Awards 2010:

- **Best Financial Overview (Low Resource)** – joint winner with the Moyne Shire Council.
- **Best Reporting on Corporate Governance (Low Resource)** – joint winner with the Moyne Shire Council.

The Colac Otway Shire also received honourable mentions in the “Best Reporting on Performance” and “Best Annual Report 2008/09” categories.

Congratulations to all staff involved in this fantastic effort.

Great South Coast Municipalities Group**Great South Coast Regional Strategic Plan (GSCRSP)**

The CEO, management and staff are continuing to assist in the development of a Regional Strategic Plan for the Great South Coast region. This plan developed at the request of the State Government, will seek to provide an effective and relevant framework for a vibrant and sustainable future for our region.

This has provided the Colac Otway Shire with the opportunity to highlight a number of key regional and local projects, drawing attention to the specific needs of the shire and seeking to maximise on alternative funding streams.

A discussion paper was released for public comment for a four week period in May. With submissions now closed, the GSCRSP Project Control Group, will further refine the document prior to its release in July 2010.

It is the intention to consider the adoption of the plan at the July Council meeting. A copy of the final draft plan will be produced following analysis of the feedback in early July. A briefing on the plan will be held in mid July.

Great South Coast Municipalities Group Meeting

This meeting, held in Port Fairy on 14 May 2010, was attended by the Mayor and CEO and included discussion on:

- Australian Wide Rural Lobby Group
- Development of the Victorian Tertiary Education Plan
- Western Region Sustainable Water Strategy
- Great South Coast Regional Strategic Plan
- Essential Services Commission – Local Government Performance Framework.

Great South Coast Municipalities Group CEOs' Meeting

The CEO met with other Great South Coast Council CEOs in Warrnambool on the 18 June to progress the development of the GSCRSP. Also discussed was the draft paper on Great South Coast Settlements and Urban Developments prepared by Planisphere for input into the Regional Strategic Plan.

G21 Regional Alliance

Colac Otway Shire's involvement with G21 over the past month has included attendance at Health and Wellbeing, Environment, Economic Development and Transport Pillar meetings. Staff have also been involved in the selection of the manager for the regional land use planning project.

G21 Board Meeting

Attended by the Mayor and General Manager for Sustainable Planning & Development, the agenda for this meeting held on 4 June 2010 included:

- G21 Budget for 2010-11
- Council MOU's
- Board Strategy Meeting in September
- Updated Priority Projects
- Barwon South West Regional Development Australia Update

Meeting with G21 CEO

The Mayor and CEO met with the new CEO of G21, Elaine Carbines, on 10 June 2010. The meeting included discussion on Colac Otway Shire's regional priority projects, in particular G21's support for Colac's Trade Training Centre funding application to the Australian Government. The meeting also considered ways in which G21 could further assist the Colac Otway Shire in attracting government and private investment within this region.

Health & Wellbeing Pillar Meeting

As members of this pillar, the Mayor and CEO attended this meeting on 11 June in Geelong. The agenda included a presentation on "Problem Gambling – Project Partnership".

Meeting with Barwon South West Regional Development Australia (RDA) Committee

The Barwon South West RDA held its committee meeting in Colac on 10 June 2010. As part of this meeting, the Mayor and CEO were invited to lunch with the committee to discuss the issues and opportunities facing Colac and the Barwon South West region and the role that the committee can play in advancing the interests of the region with the Victorian and Australian governments.

National General Assembly of Local Government 14 – 17 June

The annual National General Assembly of Local Government was held in Canberra from the 14 – 17 June 2010. Representing the Shire at this event, the Mayor and CEO, together with

other G21 Councils met with several key government Ministers, or their representatives, to discuss a range of issues including:

- Telecommunications in the Otways
- Broadband rollout scope and timetable
- Trade Training Centre funding application
- Grants Commission funding
- Regional & Local Community Infrastructure Program
- Infrastructure for coastal Councils with high tourism demands/impacts
- National Approach to climate change
- Future of Heritage Grants
- Geothermal Energy development
- Local tourism development grants

Colac High School site

The CEO continues to lobby for a community driven master plan to be developed for the site with interest from several community groups.

Additional Rail Services: Colac to Geelong

The CEO met with representatives of VicTrack on this issue and has written to Minister Pallas and Senior Officers in the Department of Transport seeking to have the Weerite passing link constructed and a supplementary bus service put in place in the meantime.

CORPORATE & COMMUNITY SERVICES

Community Services

Planning sessions have been held with stakeholders during June on Council's draft *Access, Equity and Inclusion Plan* and the *Municipal Early Years Plan*. These sessions have been enormously helpful in finalising these draft documents prior to presentation to the July meeting of Council.

Aged and Disability Services

Recruitment

With the current redevelopment of The Meeting Place, aimed at expanding respite and increasing community focused opportunities, there will be a number of changes taking place over the next few months. Ongoing conversations with users, parents and carers will provide ideas for The Meeting Place program and direction. A more detailed report will be provided to Council when the change process is further developed.

Seniors Week October 3 to 9 October 2010

Nominations for the 2010 Victorian Senior of the Year Awards are now open. The period runs from 17 May to 23 July 2010. Anyone (individual, group or an organisation) can nominate someone for this award. Nominees need to be over 60 years of age and be considered worthy for recognition.

Eight people who have been nominated for their service to the community through volunteer work or other worthy activities will have the opportunity to visit Government House, Victoria for morning tea.

Partnerships

The Memorandum of Understanding between Colac Otway Shire Aged & Disability Services Unit and Colac Area Health's Community Nursing is near completion. The partnership will

enhance the already high quality of services for clients who receive personal care and medication in the home.

The partnership will also have a strong on-going training emphasis to ensure quality services by community care workers who perform personal care and medication duties.

Interagency Medication Assistance and Protocols Guidelines and Training Package

The Interagency, Colac Otway Shire, City of Greater Geelong, Surfcoast Shire, the Borough of Queenscliff and Corangamite Shire Council Medication Assistance and Protocols Guidelines and Training Package are now in the final draft.

Events

Joint Use Library Event Opening and Volunteer Project

The Events team is currently working on the Joint Use Library Opening Event. Meetings have been held with major stakeholders and user groups to gain their ideas on their involvement with the Library and ideas for the open day. Plans continue to progress in relation to this event.

The volunteer recruitment process for the opening event has commenced with posters and DL flyers created and distributed, asking for support from volunteers. The four Beechy Precinct partners (Library, Blue Water Fitness Centre, Colac Secondary College and Central Reserve) have been approached to actively take part in sourcing volunteers. The objective is to involve the four areas in retaining the broadly trained volunteers for continuous support of the Beechy Precinct after the opening event.

FReeZA

The FReeZA committee (Lac & Co Productions) assisted another youth group SYCIC (Social Youth Connectedness in Colac) on 18 June with their 'Open Mike' competition. Twelve acts performed from acoustic to dance to entertain a large crowd of young people. FReeZA assisted with their knowledge of running events and setting up of the venue.

Expression of Interest process to host Australia Day Celebrations

Council adopted the Expression of Interest process to decide on the township to host 2011 Australia Day celebrations. The Expression of Interest document was advertised through the media and directly to progress association groups, chambers of commerce as well as being available on the Colac Otway Shire website and customer service centres.

Event Organisers Workshop

The results of a survey sent to 40 Colac Otway Shire event organisers (seeking their preference on a range of topics) indicated the majority wish to participate in an 'introduction to effective marketing' workshop.

Wayne Marketing (Geelong) has been engaged to develop and conduct a workshop for event organisers in late June.

6 Hour Mountain Bike Race

The cream of Victoria's mountain bike riding talent converged on the Otways hamlet of Forrest on 6 June. Nearly 350 riders including 20 from the host Forrest Mountain Bike Club competed in the second annual Forrest six hour event in showery and cool weather conditions. The course was altered from last year's inaugural event to create an eight-kilometre fast-flowing and technical course.

Otway Soup Festival

The 5th annual Homemade Soup Competition was once again the main attraction of this Winter Festival Day held on June 13 of the Queen's Birthday holiday weekend. Attractions

this year included 'Snake Busters', 'Picco the Clown', whip cracking and a free jumping castle that entertained the children, other activities included market/information stalls featuring the Otways and Otways produce. A shuttle bus was provided to explore Forrest, walk the Tiger Train Rail Trail, West Barwon Fern Walk and to visit the historic Yaugher Cemetery.

Fire Midwinter Festival

A large crowd attended this family oriented midwinter/fire celebration on Saturday June 19 in Forrest which incorporated children's activities, a lantern parade, fire performance and sculpture, educational activities and a food and indoor market. Otway Creative Theatre also presented "The Forest Dragon" pantomime and fire performance.

World Refugee Day

The Sudanese Community in Colac again shared their culture and stories on June 19 at COPACC to celebrate World Refugee Day. This celebration enabled the community to express their gratitude to the people who have helped and accepted them into their new home by cooking and serving traditional food and performing dance routines.

Upcoming Events

Events which will be held throughout the Colac Otway Shire in July will be a DJ Dance Party event run by FReeZA on July 30 at COPACC.

Recreation

Eastern Reserve Netball Court Redevelopments

Contractors will attend to minor imperfections on court 3 (located in the south eastern corner) resulting from issues with the foundation of the court. The court was built on an old tip site which has contributed to the problem of compacting the surface evenly. Council continues to work through the issues with the contractor. Two shelters have been ordered and are anticipated to be installed by end of June. Installation of netball seating will be provided as in-kind works by both Netball Associations at a date yet to be determined.

Old Beechy Rail Trail Licence Agreements and Signage

Following an audit of existing signs along the trail, a series of new directional signs will be introduced and installed in areas that have been identified as requiring further directional information for trail users. A range of new interpretive signs is also planned for development, identifying significant points of interest along the trail to enhance the experience of the walker/cyclist.

Playground maintenance

Based on information contained in the most recent playground audits which are conducted on a bi-annual basis, minor maintenance repairs will be carried out at playgrounds located at Memorial Square, Robertson Street and the Botanic gardens.

Birregurra Skatepark

Installation of concreting for seating areas has been completed and two seats and one bench will be installed mid June. An additional component of concreting has been installed from the footpath area to the skatepark surface. This will alleviate users transporting dirt on to the skatepark, particularly during wet conditions.

The final invoice and reporting form will be prepared and submitted to Sport and Recreation Victoria in June 2010.

Forrest Netball Facility Redevelopment

The Forrest Netball facilities at the Forrest Recreation Reserve are currently under redevelopment. Court resurfacing, line marking, shelters and fencing is complete. Purchase of lamps and light poles have been ordered and installation of training lights will be undertaken mid June to early July 2010 which will complete the project.

Country Football Netball Program

Council's application for this program was unsuccessful. Council will work with the Club and the Department of Planning and Community Development and consider a re-submission of this project. Council did not commit any funding towards this project.

COPACC

World Environment Day celebrations were a popular success with schools and the community. COPACC has received good publicity and positive feedback from schools, teachers, students and parents. More than 450 children attended 55 environmental workshops on Friday, June, 4. More than 30 people attended the opening of the Harbingers of Change Citizens & Sustainability black and white photography exhibition which continues as a free exhibition in the COPACC foyer until June 21. An audience of 160 attended the final World Environment Day event Rod Quantock's comedy show "Bugger the Polar Bears, This is Serious."

Organised by COPACC, World Environment Day was made possible with the support of Colac Otway Shire's Environment Department, Barwon Water, Corangamite Catchment Management Authority, Upper Barwon Landcare and the Department of Planning and Community Development.

COPACC's Outreach Programme presented Russian folk singer Zulya and her band the Children of the Underground at the Mechanics Hall in Apollo Bay in late May, in a partnership with Apollo Bay Arts Inc. The event was a success.

Blue Water Fitness Centre

Over the past month Hampden Specialist School (15 students/week) and Colac Specialist School (8 students/week) have continued their Aquatic Education Programs. These will continue through to the end of the term

The change room works are taking shape and are almost complete with only the painting and installation of the lockers to be completed.

Youth Council

It has been confirmed that TRAG (Teenagers Road Accident Group) will visit the shire on Wednesday July 28 to make a presentation to year 11 & 12 students in Colac. Lavers Hill and Apollo Bay students will also be invited to the presentation along with service groups within the shire.

Youth Council are currently discussing the idea of a Community/Family Day to be held later in the year promoting healthy lifestyles, road safe and safety in the home.

INFRASTRUCTURE & SERVICES**CAPITAL WORKS**

The Unit has been busy in finalising capital works projects prior to the end of the financial year, and getting prepared for next year's works programmes.

Special Charge Scheme Update

- **Sinclair Street South, Elliminyt**

Road Construction

First notices were issued to property owners, with the designated issue date being 4 June 2010. Property owners have 30 days to lodge objections or submission to VCAT, with the close of the submission period being 5 July 2010.

Capital Works

- **Culvert on Speedway Road**

The project involved the installation of additional culverts to address low flow issues in relation to general drainage along the Tirrengower Drainage system. All works associated with this project have been completed.

- **Binns Road Resheet**

Gravel resheeting works were undertaken south from the Aire River Bridge for a distance of approximately 5.5kms. These works were carried out by Council's construction staff and are now completed.

- **Old Beechy Rail Trail**

A new section of the Old Beechy Rail Trail has been constructed between the Beech Forest Information Centre and Ditchley Park Reserve. The works involved construction of a 2 metre wide gravel path, fencing and other minor works.

- **Morley Avenue Kerb & Channel**

As part of the Coastal Towns Stormwater Projects, construction of kerb and channel was required to address stormwater problems and erosion of the existing drain and surrounding land. The works consisted of approximately 170m of kerb and channel and associated underground drainage, which were completed in early June.

Environmental Management / Planning Update

- **Roadside Vegetation Management**

In October 2009, Council entered into an Agreement with the Department of Sustainability and Environment for the management of roadside vegetation. This Agreement provided exemptions under the Planning Scheme that allowed for some of Council's routine activities to be undertaken without the need for a planning permit.

The Agreement is required to be reviewed annually, and as such Council has commenced background investigations prior to engaging with DSE for the review to occur.

As part of the background investigations, Council has begun engaging the Super 11 Councils to determine their current process for managing roadside vegetation and issues they have encountered. A full report detailing the issues, opportunities and recommended action plan for this review will be presented to Council for consideration.

- **Cressy Shelford Road Rehabilitation**

Biosis Research Pty Ltd was the successful contractor for the development of the Cressy-Shelford Road Grassland Rehabilitation and Management Plan. An initial meeting with Biosis is being planned for late June for the development of the plan, in line with the Cressy-Shelford Road Steering Committee meeting.

The development and implementation of the Cressy Shelford Road Grassland Rehabilitation and Management Plan is required within Council's action plan developed as part of the Enforceable Undertaking and Memorandum of Understanding with Department of Environment, Water, Heritage and the Arts (DEWHA) and DSE respectively.

SUSTAINABLE ASSETS UNIT

Asset Management Strategy

The first draft of the Asset Management Strategy has been completed and will be presented to the Executive Management Team for comment in late June.

Building Maintenance and Renewal

<i>Swan Marsh Hall</i>	Internal painting has commenced and is expected to be completed by the end of June 2010.
<i>Colac Lawn Tennis Club</i>	All planned works are now complete with internal painting and hand rails to the recently installed access ramp being finalised. Some savings have been made during the course of the works. The Mallet Sports Club and Colac Lawn Tennis Club are presently considering possible options for expending the savings before the end of this financial year. Council officers have suggested installation of split systems air conditioning to the building as an option.
<i>Lavers Hill Hall</i>	Internal painting has commenced and is expected to be completed by the end of June.
<i>Rae Street Office</i>	Works to repair cracking to the south wall of the Rae Street Office have been completed. This cracking is a result of ground movement. Three large trees surrounding the area were also removed to minimise the possibility of reoccurrence in the future.
<i>Apollo Bay VIC</i>	An issue with the slippery nature of the boardwalk to the entrance to the Apollo Bay VIC has been identified. Rubbing matting has been ordered and will be installed on those areas which are most problematic. This will compliment other matting which was installed approximately three (3) years ago and is still performing well.
<i>Beeac Cemetery Fencing</i>	A new treated pine post and rail fence has been constructed to the main entrance to the Beeac Cemetery. This replaces the existing fence which was in poor condition.

Routine Road and Footpath Inspections

The following is a summary of the routine road and footpath network inspections completed for the month of May 2010:

<i>Rural Collector Roads (Shire wide)</i>	A number of signs and guideposts were found to be either damaged or missing. Potholes and corrugations were commonly identified in the gravel roads incorporating this inspection area. It was recommended that isolated areas of potholes were spotted up rather than completing grading. All identified maintenance works have been programmed to be completed by Cosworks' works crews in the near future.
<i>Urban Collector Roads (Colac and Apollo Bay)</i>	Missing and damaged signs were the most significant issues noted during this inspection of Council's Urban Collector road network.
<i>Rural Roads in the Forrest area</i>	A number of signs and guideposts were found to be either damaged or missing. All identified maintenance works have been programmed to be completed by Cosworks' works crews in the near future.
<i>Cape Horn/Wongarra Rural Roads</i>	Potholes and minor corrugations were identified in the gravel roads in this area. Potholes were spotted up rather than run the grader over the entire road. A number of fallen tree limbs were also identified as requiring clean up/removal.

Sealed Road Condition Survey

Contractors have been engaged to undertake a condition audit of sections of Council's sealed road network located in the urban areas of both Colac and Elliminyt. Field data capture is now nearing completion. Desktop rating of this data will commence shortly.

Footpath Replacement Program 2009/10

Contractors are presently working on finalising the 2009/10 Footpath Replacement Program. The following provides a status update as to the progress of work:

<i>Ross Street</i>	Replacement of sections of footpath extending along the east side of Ross Street from Murray Street to Moore Street - <u>Complete</u>
<i>Whelan Street</i>	Majority of length of footpath extending from Pascoe Street to McLachlan Street – <u>In progress</u>
<i>Bromfield Street</i>	Sections of footpath along south side of Bromfield Street between Gellibrand Street and Hesse Street – <u>to be completed by the end of this financial year.</u>
<i>Hardy Street</i>	Small area of footpath neat the intersection of Great Ocean Road – <u>To be completed by the end of this financial year.</u>

This contract was awarded following an open and competitive quotation process. All works are required to be completed prior to 30 June 2010.

Asphalt Patching Program

Contractors were recently engaged to complete sections of asphalt patching to areas of failed pavement identified along a number of streets within Colac. Location of works

included; Bromfield Street, Connor Street, Dennis Street, Forrest Street, and Pound Road. Works commenced during the week beginning 31 May 2010 and have now been completed.

Height Safety Audit

Contractors were engaged to complete an audit of Council sites which have an ongoing need for access to roofs and for working heights. These buildings included the Colac VIC, the Apollo Bay Works Depot and Office, the Pound Road Depot, Colac SES shed, etc.

The purpose of these audits is to:

- Assess each nominated building for compliance with all relevant governing Occupational Health and Safety legislation, Compliance Codes, and applicable Australian Standards;
- Identify and categorise all risks and nominate appropriate control measures, including cost estimates; and
- Develop a prioritised improvement program to implement all recommended control measures.

Final reporting has now been received. Council officers are now reviewing the outcomes of this audit with a view to establishing a works program to address the recommendations made.

MAV STEP Asset Management Regional Program

At the inaugural meeting of the Australian Council of Local Government in May 2007, the Prime Minister, the Hon Kevin Rudd MP, gave particular emphasis to the need for councils to develop nationally consistent asset management and financial management plans.

The Local Government and Planning Ministers' Council (LGPMC) has recently agreed to accelerate the implementation of enhanced frameworks for asset management and financial planning. State and Territory Governments have committed to implementing these new frameworks in consultation with local government with a target date of 31 December 2010. These frameworks relate to:

- Criteria for assessing financial sustainability;
- Asset Planning and Management; and
- Financial Planning and Reporting.

The ultimate aim of these Frameworks is to improve the financial sustainability of the Local Government sector nationwide. This has been the overall approach of the Municipal Association of Victoria (MAV) since the inception of the STEP Asset Management Program in 2002.

With the establishment of these national frameworks the delivery of the MAV STEP Program in 2010/11 will see some significant changes, particularly for rural Councils. Through funding received from the Commonwealth Government's Local Government Reform Fund (LGRF), the MAV has recently commenced a process to establish a regional asset management service as a means of assisting Councils. The aims of this revised program are to:

1. Raise the standard of Asset Management practices within each region through a process mentoring, coordination, support and collaboration;
2. Improve the sustainability of Councils through the adoption of sound Asset Management practices; and

3. Create a more efficient Asset Management model by avoiding unnecessary duplication of work and sharing of knowledge.

It is proposed to establish five (5) Regional Groups across Victoria. Each Region will be facilitated by a dedicated Project Manager. The role of the Project Manager is to oversee and monitor outcomes and to ensure that participating Councils are achieving progress towards meeting a core level of asset management capability in order to satisfy the requirements of the National agenda. A key assumption of the Regional approach is that each region will identify their own priorities for action and will receive assistance to implement these priorities.

Council officers have recently been involved in a number of forums involving the south west group of municipalities. The purpose of these discussions has initially been to establish the regional boundary to define the member Councils and to draft a Regional Governance Charter. Councils included in the South West Region include; Moyne Shire Council, Warrnambool City Council, Southern Grampians Shire Council, Corangamite Shire Council, Golden Plains Shire Council, Glenelg Shire Council, and Colac Otway Shire.

A charter has now been drafted and is being considered by each Council within the nominated region. The charter is to be signed off by the Chief Executive Officer of each member Council. The next priority is to develop a regional action plan which will drive the improvement in asset management capabilities across the South West group of Councils over the short to medium term.

COSWORKS DEPARTMENT

Road Regrading: Maintenance grading continues around the Shire with favourable weather conditions enabling works to be done.

Road Pavement Minor Patching: Works have occurred on shoulder maintenance on narrow sealed areas in the Eurack area. Ongoing in all areas.

Capital Works:

Binns Road Resheet works	Completed
Seven Bridges Bridge repairs	Completed
Coastal Drainage works	Ongoing
Colac Lorne Guardrail	Commenced

Gravel Road Re-sheeting: Resheeting works have been undertaken on Hordern Vale Road, Andersons Access, Old Beech Forest, Carlisle Gellibrand, McDonalds Road, Harveys Track & Myrtle Street.

Major Drainage: Works have been undertaken in Carlisle-Gellibrand, Hargeaves Track, Devondale, Binns Road, Escarpment Road, McDonalds Road, Kents Road and Ridge Road.

Line marking: Apollo Bay statcons have been completed.

Routine Drainage: Drainage works have been completed at Tuxion Road, Kennett River, Henrys Road, Barham River Killala, Apollo Bay streets, Walls & Skinners, Ganes Access, Frys, Burrupa Kawarren and Hordern Vale. Apollo Bay main outfall clearance of sand blockages has also been completed. Programs are ongoing in all areas. Culvert has been replaced at Speedway Road & Nalingal Road.

Tree Maintenance: Tree maintenance works have begun at Murroon Road, Gellibrand & Apollo Bay township. Works have also commenced on Wait a While, Aire Settlement, Old Ocean, Grant Street and in Lavers Hill.

Roadside Slashing: The second round of slashing has been completed in Apollo Bay areas.

Vegetation Control: Vegetation control has been undertaken on Hargreaves Track.

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

Bridge Maintenance: Works have been commenced on the James Access Bridge to replace the decking and gravel beams.

Gardens: General maintenance to the gardens has been undertaken over the last month.

Playground Maintenance: Maintenance has been completed as per audits of the playgrounds.

MAJOR CONTRACTS/WASTE DEPARTMENT

Waste Update

- **Waste Education** – Staff are currently working with a printer on the new waste information to go out to households in relation to new bins. Draft information pamphlets are with the designers who are now working on the second draft. Also as part of the introduction they will be producing posters and a radio script to advertise the new three bin system and the roll-out of the contract and the new waste strategy.
- **Current Waste Contract** - All works being undertaken in accordance with the current contract and implementation is on schedule.
- **Bin roll out** – Staff are currently planning with Contractors on the roll out of the new bins:
 - Bin distribution is planned to commence week starting 16 August;
 - Distribution is planned over a four week period; and
 - On receipt of the new bins residents will be able to begin using the new bins immediately after the next collection of their old bins.
- **DrumMuster** – A one off drum collection was carried out in Apollo Bay by Council in partnership with DrumMuster and Landcare. This was planned to help identify if a permanent collection site was required in Apollo Bay as currently there is no DrumMuster collection point in Apollo Bay. Apollo Bay Landcare Group advertised the collection through various networks and the newssheet in Apollo Bay. The collection was poorly attended and would indicate that a permanent site would not be required.
- **Recycling** – Council contract for receipt of recycling will commence on the 1 July 2010. As part of this the Contractor will pay the Barwon Region \$2 per tonne (CPI adjusted) for educational purposes. Under the contract a Joint Community Educational Advisory committee has been formed made up of representatives of each Council and the Contractor identifying the key priorities as:
 - reduction of contamination in the commingled stream; and

- increase recyclables collected through the relocation from the garbage and green waste streams.

Barwon Region on behalf of the committee are investigating current programs that are running or being planned by other groups in which we could participate. This would enable us to gain more value for monies received and also piggy back on advertising etc carried out by other groups.

- **Planet Ark** – “*Recycle your Cartridges Now*”, has commenced and the collection point is in the foyer of Council Customer service areas in Colac and Apollo Bay. The public can deposit cartridges used for domestic purposes.

Tenders

No tenders have been opened since the last reporting period.

Tenders awarded since the last reporting period are:

1004 Supply and Deliver 77 KW Tractor – to Rhys Evans Pty Ltd

1008 Provision of Office Supplies and Associated Services – to Lyreco Pty Ltd

No tenders have been advertised since the last reporting period.

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	The developer is completing outstanding civil works including guard rail at the culverts on Montrose Avenue and landscaping on the roadsides. Service Authorities need to sign off their relevant works for compliance to be issued.
Rossmoyne Road Industrial Estate Stage 2 23 lots	Subdivisional construction works are complete with a final inspection on drainage to be undertaken to sign off the works. VicRoads requirements are still to be finalised and approved.
Seeberg Estate Stage 2 24 lots and reserve	Works are completed and a compliance certificate is expected shortly.
Wyuna Estate Stage 11 24 lots	Works commenced with excavation of the roads proceeding.
Rankin Street Subdivision 19 lots	Works commenced with drainage and excavation of topsoil on roads.



Wyuna Estate Stage 11



Seeberg Court Stage 2

Apollo Bay Transfer Station

Works are now approximately 65% complete with a completion target date of September / October, 2010. The Contractor is waiting on steelwork to arrive on site to complete erection of the transfer station building frame with roof and wall cladding to follow. The site foundation (structural fill) has been prepared for construction of the pavement, access roads and kerbing.



Alvie Recreation Reserve Development

The project to develop Alvie Recreation Reserve has successfully been completed with finishing touches put on the clubroom extensions and netball court recently. The netball court and clubrooms were ready for matches on Saturday 5 June.



Morley Avenue, Wye River – Kerb & Channel

Works are completed on the upgrade of Morley Avenue in Wye River where construction included pavement repairs, drainage and kerb and channel on a section of road from Great Ocean Road to McRae Road.

Gellibrand Landfill Rehabilitation Works

Works began on Gellibrand Landfill rehabilitation on 3 June with vegetation removal proceeding. Prior to works starting Council officers and a Department of Sustainability and Environment representative met the contractor on site to ensure adequate protection of flora and fauna was considered.

Port Of Apollo Bay

The following works are currently being undertaken:

- Slipway

Beams, rails and the below water structure has been completed. The dry dock cradle has been dismantled and prepared to be refurbished. The slipway is currently not in operation until works finish. Works are expected to be completed before 30 June 2010.

- Boom gate construction

With the installation of key lock activators occurring shortly the newly installed boom gate will be fully operational allowing for better management of the port. Allocation of keys is to be implemented soon.

- Access Roadway

Work is continuing on the main access roadway to prevent an undermining problem discovered last year. The remedial works prevented washing away of sediment under the road.

SUSTAINABLE PLANNING & DEVELOPMENT

Rural Living Strategy

Officers have received an early draft of the Rural Living Strategy and will be consulting with the Project Steering Committee to finalise the draft Strategy prior to presenting the document to Council for consideration in August/September. There have been delays in the preparation of the strategy due to the need for clarification of issues concerning development in declared water catchments and high fire threat areas. There has been a deliberate decision to delay Council consideration of the Strategy until shortly after the release of the Royal Commission findings in relation to the Black Saturday fires, which are due at the end of July. This will ensure that the document appropriately responds to any significant new policy directions which may arise from the Commission report.

Planning Scheme Review

Officers are currently in the midst of a four year review of the performance of the Colac Otway Planning Scheme. Workshops with relevant stakeholders such as regular permit applicants, agencies, State Government and staff were held early in May and with Council early in June to seek their input into the Review. The Review will be finalised and presented to Council over the next few months.

Amendment C58 – Kennett River, Wye River and Separation Creek Structure Plan

The public exhibition period for Amendment C58 to the Colac Otway Planning Scheme finished on 21 June 2010. The amendment seeks to introduce the key policy recommendations contained in the Kennett River, Wye River and Separation Creek Structure Plan which was adopted by Council in 2008, and proposes to rezone land in Harrington Street and Dollar Drive north of Separation Creek from Low Density Residential

Zone to Rural Conservation Zone. A report will be prepared for Council in the coming months that assesses the submissions received.

Coastal Climate Change Advisory Committee Issues and Options Paper

Officers lodged a submission to the State Government Coastal Climate Change Advisory Committee Issues and Options paper in May, and have been requested to appear before the Committee in mid-July to speak to this submission. Key issues raised in the Council's submission related to:

- the need for settlement wide coastal vulnerability hazard assessments to be undertaken that examine the local effects of sea level rise,
- the need for these to be funded and co-ordinated by a State Government agency,
- the need for planning controls to be introduced which trigger planning permit requirements in areas modelled as at risk from sea flooding by 2100,
- the need for greater direction in terms of the circumstances when vulnerability assessments are required to be submitted with permit applications,
- the need for a statutory body to be created which has appropriate technical expertise and is resourced to peer review assessments submitted to Councils as a referral agency, and which can provide general support and advice to Councils and the wider public.

Fire Prevention and Planning

Now that the fire danger period has ended Council is working hard with partner agencies to prepare for the next fire danger period. This includes identifying more potential sites for Neighbourhood Safer Places and assisting the CFA to develop more Township Protection Plans for towns like Gellibrand that were not done last year. A Neighbourhood Safer Places Plan has been submitted to Council for endorsement. This plan sets out the process and the criteria for identifying, assessing and designating Neighbourhood Safer Places. The Bush Fire Royal Commission is expected to present its findings in July 2010. Once the findings have been released a report will be developed that examines the implications for Council.

Environment Strategy – 2 Year Action Plan

Section 8 of the recently adopted Environment Strategy 2010-2018 outlines a process for developing action plans every two years. The action plans identify priority projects and programmes that will address the targets in the strategy. Council's Sustainability Working Group (SWG) will oversee the process of developing the action plan. It is hoped that the action plan will be completed by September 2010 and at such time it will be placed on Council's website.

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 to identify ways to manage the remaining carp in the catchment and to monitor the growth of Fairy Grass on the lake. Although the lake did not dry out completely this year it is expected to be very low again next summer unless there is very high rainfall over winter. A grant application has recently been submitted to the Department of Primary Industry seeking funds to remove carp from Barongarook Creek. An announcement is expected within the next month. The Dry Lake Working Group is meeting again in June 2010 to discuss actions that should be taken prior to next summer.

Barongarook Creek Elm Removal

Extensive revegetation works along Barongarook Creek will be undertaken in July, August and September 2010. The replanting of the slope below the Girl Guides Hall will be the first priority of the spring planting due to its visual impact when entering Colac along the Princes Highway. These works will be followed up by a consistent weed control program over the

next few years. It will take a while for the newly-planted trees, shrubs and grasses to get established, but in a few years the area will look better and the benefits will be seen through the improved health of the creek. There are no plans to do further Elm removal in the next financial year. The focus will be on consolidating the works carried out between Murray Street and Chapel Street to ensure this area is effectively maintained.

World Environment Day

A number of activities were undertaken in the week leading up to World Environment Day on 5 June 2010. Council coordinated a number of hands on activities with over 450 children involved from across the region. The activities included revegetation near Beeac, handling of live reptiles, rock pool rambling and using pedal power to generate electricity. On World Environment Day a sustainable homes tour was organised that allowed people to visit nine homes in the area. Over fifty people took part in the tour to learn firsthand from local people about what they have done in their homes to conserve water and energy. Bringing people together through local events to learn about the environment helps us to realise our own responsibilities not just for a healthier environment but a healthier community. Council appreciates the support of the many people involved in making these events possible

Business Events

The third event, of the series of 'On the Front Foot for Business' events, was held on 3 June and had a great attendance. The event focussed on Business Services including information on the new budget, Henry Tax Review and important information that businesses in Colac will need to know before the end of the financial year. The speakers from WHK Colac were excellent and participants commented that the event was informative and well run.

The Small Business Victoria (SBV) Mobile Van will be in Colac on 21 July and will be located at the Memorial Square for the morning. This will allow business people to attend the van and have one-on-one mentoring sessions with the Small Business Mentoring Service staff.

This will be followed by an information session at COPACC from eZeOnline, a website development company, to provide businesses with a cost effective option of creating their own website. eZeOnline is funded by AusIndustry to run the information session and offset substantial costs in setting up a business website.

Federal Liberal Candidate for Corangamite, Sarah Henderson, spoke to the Women's Networking Group at the May event. Sarah spoke to the group about her career, challenges in her working life and the importance of mentors when pursuing a dream.

Trade Training Centre (TTC)

Colac Otway Vocational Education Cluster (COVEC) has put in an application for funding of a Trade Training Centre in Colac. The CEO and the Mayor have discussed this application with Senior Officials while in Canberra in mid-June.

Visitor Centres

The Colac Visitor Information Centre (VIC) redevelopment is almost complete with only heating to be installed. Officers are currently working with a consultant company to improve the VIC capacity to service accommodation bookings which will improve customer service and increase VIC income.

Dairy Industry

The Colac Otway Shire Dairy Industry Training Reference Group (DITRG) sponsored a project with the Young Dairy Development Program (YDDP) and the Colac Secondary College to introduce Year 9 students to the many aspects of the dairy industry. The one day project exposed students to herringbone, rotary and robotic dairy techniques. They also

heard presentations from guest speakers on the farms and visited machinery retailers. DITRG has undertaken three previous projects which the Colac Secondary College. The Agriculture/Horticulture teacher said that this program has added significantly to the number of students enrolling for Agriculture/Horticulture classes at the school.

Attachments

Nil

Recommendation(s)

That Council note the CEO's Progress Report to Council.

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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>OM102306-2 INSTRUMENT OF DELEGATION - OLD BEECHY RAIL TRAIL COMMITTEE</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Signs and seals the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.</i></b></li> <li><b><i>2. In accordance with Section 81(2A) of the Local Government Act 1989 Council resolves to exempt members of the committee from being required to submit a Primary or Ordinary "Register of Interest" return.</i></b></li> </ol> |   |   |
| <p><b><u>OM102306-3 OLD BEECHY RAIL TRAIL LICENCE AGREEMENTS 2010</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Sign and seal the licences between D Colless, M Gardiner, D &amp; P Jukes, Midway Plantations Pty Ltd, CJ &amp; MJ Smith, AJ Urbano and Colac Otway Shire Council for licence of Land Occupancy (Beechy Line Rail Trail) for a licence fee of \$1 and a term of 4 options of 5 years each.</i></b></li> </ol>                                                                                                           |   |   |

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| <p><b><u>OM102306-4 OLD BEECHY RAIL TRAIL APPOINTMENT OF COMMITTEE MEMBERS</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Pursuant to Section 86 of the Local Government Act 1989, appoint the following nominated members Tony Grogan, Tricia Jukes, Steve Trotter, Christine Humphris, Andrew Stoddart, Craig Clifford, Cyril Marriner, Anthony Zappelli, Noel Barry and Bernard Jordan to the Beechy Rail Trail Committee.</i></b></li> <li><b><i>2. In accordance with Section 81 sub-section (2) sub section (a) of the Local Government Act 1989, Council resolve to exempt members of the Committee from being required to submit a primary or ordinary register of interest return in accordance with this section.</i></b></li> <li><b><i>3. Advise the Committee that a copy of minutes of committee meetings held be forwarded to Council for its records after each meeting and that a Treasurer's Report be provided annually.</i></b></li> </ol> |  |  |
| <p><b><u>OM102306-5 S86 COMMITTEE OF MANAGEMENT APPOINTMENTS</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Pursuant to Section 86 of the Local Government Act 1989, resolve to appoint the following nominated members to the:</i></b> <p><b><i>Kennett River Tennis Reserve - Geoff Quinn, Bruce Dowse, David Lang, Pat Gebert, Faye Harris, Richard Manning, Marjorie Quinn</i></b></p> <p><b><i>Irrewillipe Hall and Reserve - John Ladhams, Tim Ryan, Paul Theodore, Mattias Weis, Doug Phillips, Tony Cirillo, Steven Theodore, Keith Wilson, Glenda Carson, Jim Carson, Don Henderson, H. Howlands, Georgie Theodore, Kevin McNabb, Paul Riches, Dianne Ryan, Helen Theodore, Marc Montano, Fran McMillan, Murray Hillman, Trevor Farquarson</i></b></p> </li> </ol>                                                                                                                                                                                    |  |  |

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| <p><b>Colac Municipal Aerodrome - Steve Robertson, Michael Murray, Brendan Reidy, David Wade, David Fenn</b></p> <p><b>Cressy Hall - Ian Nelson, Helen Haworth, Alma Smart, Murray Horne, Jan Nelson, Ashley Nelson, John Reynolds, John Humphries, Ross Alexander</b></p> <p><b>Barwon Downs Hall - John James, Fay Callahan, Peter McLaren, Edith Strickland, Albert Halliday, Peter Mitchell, Sandy Batten, Robert Halliday</b></p> <p>2. <b><i>In accordance with Section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolve to exempt members of the Committees from being required to submit a primary or ordinary conflict of interest return in accordance with this section.</i></b></p> <p>3. <b><i>Advise the Committees that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided annually.</i></b></p>                                                                                                                                                                                                                                                                |  |  |
| <p><b><u>OM102306-6 UPDATE TO COUNCIL DELEGATION TO COUNCIL STAFF</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council 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></b></p> <p>1. <b><i>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></b></p> <p>2. <b><i>The Instrument be signed and the common seal of Council is affixed to the Instrument.</i></b></p> <p>3. <b><i>The Instrument comes into force on 1 July 2010.</i></b></p> <p>4. <b><i>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></b></p> |  |  |

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| <p>5. <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></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |
| <p><b><u>OM102306-7 REVIEW OF COUNCIL PLAN</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 Council Plan 2009/2013 (including the Strategic Resource Plan 2010/2014) and forward a copy of the Plan to the Minister for Local Government.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |
| <p><b><u>OM102306-8 2010-2011 COMMUNITY FUNDING PROGRAM ENDORSEMENT OF APPLICATIONS</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. <i>Approves the recommendations from the Grants Community Funding Advisory Committee for Council grants from the 2010/2011 Community Funding Program, total expenditure under each of the funding categories as follows:</i></p> <table data-bbox="209 1417 970 1823"> <tr> <td><b>(a) COPACC ASSISTANCE</b></td> <td><b>TOTAL of <u>\$7,745</u></b></td> </tr> <tr> <td><i>Colac West Primary School</i></td> <td><b>\$876</b></td> </tr> <tr> <td><i>Trinity College</i></td> <td><b>\$1,000</b></td> </tr> <tr> <td><i>Colac Neighbourhood House</i></td> <td><b>\$460</b></td> </tr> <tr> <td><i>NAIDOC</i></td> <td><b>\$550</b></td> </tr> <tr> <td><i>Colac Sudanese Community</i></td> <td><b>\$448</b></td> </tr> <tr> <td><i>Colac Disability Network</i></td> <td><b>\$550</b></td> </tr> <tr> <td><i>FReeZA Colac</i></td> <td><b>\$611</b></td> </tr> <tr> <td><i>Colac Players</i></td> <td><b>\$1300</b></td> </tr> <tr> <td><i>Colac &amp; District 8 Ball Association</i></td> <td><b>\$1200</b></td> </tr> <tr> <td><i>SWLLEN</i></td> <td><b>\$750</b></td> </tr> </table> | <b>(a) COPACC ASSISTANCE</b>   | <b>TOTAL of <u>\$7,745</u></b> | <i>Colac West Primary School</i> | <b>\$876</b> | <i>Trinity College</i> | <b>\$1,000</b> | <i>Colac Neighbourhood House</i> | <b>\$460</b> | <i>NAIDOC</i> | <b>\$550</b> | <i>Colac Sudanese Community</i> | <b>\$448</b> | <i>Colac Disability Network</i> | <b>\$550</b> | <i>FReeZA Colac</i> | <b>\$611</b> | <i>Colac Players</i> | <b>\$1300</b> | <i>Colac &amp; District 8 Ball Association</i> | <b>\$1200</b> | <i>SWLLEN</i> | <b>\$750</b> |  |  |
| <b>(a) COPACC ASSISTANCE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>TOTAL of <u>\$7,745</u></b> |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |
| <i>Colac West Primary School</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>\$876</b>                   |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |
| <i>Trinity College</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>\$1,000</b>                 |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |
| <i>Colac Neighbourhood House</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>\$460</b>                   |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |
| <i>NAIDOC</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>\$550</b>                   |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |
| <i>Colac Sudanese Community</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>\$448</b>                   |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |
| <i>Colac Disability Network</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>\$550</b>                   |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |
| <i>FReeZA Colac</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>\$611</b>                   |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |
| <i>Colac Players</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>\$1300</b>                  |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |
| <i>Colac &amp; District 8 Ball Association</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>\$1200</b>                  |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |
| <i>SWLLEN</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>\$750</b>                   |                                |                                  |              |                        |                |                                  |              |               |              |                                 |              |                                 |              |                     |              |                      |               |                                                |               |               |              |  |  |

|                                                                     |                  |  |  |
|---------------------------------------------------------------------|------------------|--|--|
| <b>(b) COMMUNITY/RECREATION FACILITIES TOTAL of</b>                 |                  |  |  |
| <b><u>\$70,449</u></b>                                              |                  |  |  |
| <i>Apollo Bay Football Club</i>                                     | <b>\$2100</b>    |  |  |
| <i>Apollo Bay Youth &amp; Rec Centre</i>                            | <b>\$3900</b>    |  |  |
| <i>Barongarook Hall &amp; Tennis Reserve CoM</i>                    | <b>\$1725</b>    |  |  |
| <i>Barwon Downs Hall Committee</i>                                  | <b>\$600</b>     |  |  |
| <i>Birregurra Hall Committee of Management</i>                      | <b>\$1000</b>    |  |  |
| <i>Birregurra Recreation Reserve CoM</i>                            | <b>\$2130</b>    |  |  |
| <i>Carlisle River Community Group</i>                               | <b>\$1896.50</b> |  |  |
| <i>City United Cricket Club</i>                                     | <b>\$1105.50</b> |  |  |
| <i>Colac Cycling Club</i>                                           | <b>\$1500</b>    |  |  |
| <i>Colac &amp; District Netball Association</i>                     | <b>\$5000</b>    |  |  |
| <i>Colac Cricket Club</i>                                           | <b>\$1258.50</b> |  |  |
| <i>Colac Fire Brigade</i>                                           | <b>\$1847</b>    |  |  |
| <i>Colac Football Netball Club</i>                                  | <b>\$3410</b>    |  |  |
| <i>Colac Gun Club</i>                                               | <b>\$600</b>     |  |  |
| <i>Colac Legacy Club</i>                                            | <b>\$4850</b>    |  |  |
| <i>Community Hub Inc.</i>                                           | <b>\$5000</b>    |  |  |
| <i>Corangamite Pistol Club</i>                                      | <b>\$1375</b>    |  |  |
| <i>Colac Night Netball – All Abilities</i>                          | <b>\$1110</b>    |  |  |
| <i>Colac Old Time Dancing</i>                                       | <b>\$422</b>     |  |  |
| <i>Colac Pony Club Junior Committee</i>                             | <b>\$3057</b>    |  |  |
| <i>Cororooke Tennis Club</i>                                        | <b>\$850</b>     |  |  |
| <i>Elliminyt Public Hall</i>                                        | <b>\$1897</b>    |  |  |
| <i>Elliminyt Tennis Club Inc.</i>                                   | <b>\$425</b>     |  |  |
| <i>Forrest Cricket Club</i>                                         | <b>\$5390</b>    |  |  |
| <i>Irrewillipe Sports &amp; Entertainment Complex</i>               | <b>\$600</b>     |  |  |
| <i>Lavers Hill Hall Committee of Management</i>                     | <b>\$1800</b>    |  |  |
| <i>Pennyroyal Public hall</i>                                       | <b>\$740</b>     |  |  |
| <i>Pirron Yallock Recreation Reserve Grounds CoM</i>                | <b>\$2554.50</b> |  |  |
| <i>Polwarth CWA</i>                                                 | <b>\$1783</b>    |  |  |
| <i>Stoneyford Cricket Club</i>                                      | <b>\$2023</b>    |  |  |
| <i>Stoneyford Hall Committee of management</i>                      | <b>\$6000</b>    |  |  |
| <i>Warrowie Recreation Reserve</i>                                  | <b>\$2500</b>    |  |  |
| <b>(c) COMMUNITY PROJECTS TOTAL of <u>\$39,282</u></b>              |                  |  |  |
| <i>Apollo Bay Arts</i>                                              | <b>\$600</b>     |  |  |
| <i>Apollo Bay Sailing Club</i>                                      | <b>\$2742</b>    |  |  |
| <i>Apollo Bay Tuesday Art Group</i>                                 | <b>\$2500</b>    |  |  |
| <i>Apollo Bay Community Garden /Otway Ranges</i>                    |                  |  |  |
| <i>Climate Action group</i>                                         | <b>\$3487</b>    |  |  |
| <i>Apollo Bay Community Pool Committee</i>                          | <b>\$2100</b>    |  |  |
| <i>Beeac Tennis Club</i>                                            | <b>\$480</b>     |  |  |
| <i>Birregurra Historical Society</i>                                | <b>\$2000</b>    |  |  |
| <i>Birregurra tennis Club</i>                                       | <b>\$900</b>     |  |  |
| <i>The Colac Chorale</i>                                            | <b>\$1985</b>    |  |  |
| <i>Colac &amp; District Dog Obedience</i>                           | <b>\$638</b>     |  |  |
| <i>Colac &amp; District Football League Netball Association Inc</i> | <b>\$880</b>     |  |  |
| <i>Colac and District Historical Society</i>                        | <b>\$1500</b>    |  |  |
| <i>Colac Basketball Association Inc</i>                             | <b>\$1200</b>    |  |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p><i>Colac Rowing Club</i> \$1100<br/> <i>Colac Toy Library</i> \$2500<br/> <i>Cressy &amp; District Action group</i> \$2600<br/> <i>Forrest &amp; District Community group</i> \$5000<br/> <i>Forrest &amp; District Historical Society</i> \$2850<br/> <i>Forrest Tennis Club</i> \$295<br/> <i>Lavers Hill Blue Light Inc</i> \$325<br/> <i>Otway Forum</i> \$1200<br/> <i>St John Ambulance</i> \$2400</p>                                                                                                                                                                                                                                                                                                                                                                                                                        |  |  |
| <p><b>OM102306-9</b>      <b><u>REVIEW OF COUNCIL POLICIES -<br/>COUNCIL PROPERTY LEASING POLICY</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council after considering the submissions received adopts Policy 4.2 Council Property Leasing Policy with changes to Clause 9.14:</i></b></p> <p><b>(a)    <i>Internal advertising is allowed in Council facilities without council approval if it is advertising the group's own activities.</i></b></p> <p><b>(b)    <i>Other internal advertising on Council facilities requires the prior approval of Council and in particular, political advertising will not be permitted.</i></b></p> <p><b>(c)    <i>Any external advertising on Council facilities requires the prior approval of Council.</i></b></p> |  |  |
| <p><b>OM102306-10</b>      <b><u>CORANGAMITE REGIONAL LIBRARY<br/>CORPORATION BUDGET</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 Corangamite Regional Library Corporation Budget and Council's contribution of \$528,879 for the 2010/2011 financial year and write to the Corporation advising of Council's approval.</i></b></p>                                                                                                                                                                                                                                                                                                                                                                                                        |  |  |



**OM102306-11      2010-2011 FESTIVAL AND EVENT  
SUPPORT SCHEME ENDORSEMENT OF  
APPLICATIONS**

Department: Corporate and Community Services

**Recommendation(s)**

***That Council:***

***Adopts the recommendations made by the Festival and Event Support Scheme Advisory Committee for categories of the various events and funding allocations to events under the Colac Otway Festival and Events Support Scheme 2010-11 totaling \$60,000, as follows:***

|    | <b><i>Event</i></b>                                             | <b><i>Funding</i></b> |
|----|-----------------------------------------------------------------|-----------------------|
| 1  | <b><i>Gellibrand Vegetable Competition</i></b>                  | <b><i>\$415</i></b>   |
| 2  | <b><i>Colac Orchid Club</i></b>                                 | <b><i>\$500</i></b>   |
| 3  | <b><i>Warrion 100<sup>th</sup> Flower Show</i></b>              | <b><i>\$585</i></b>   |
| 4  | <b><i>Naidoc Colac</i></b>                                      | <b><i>\$1,000</i></b> |
| 5  | <b><i>Colac Otway Wood Design Exhibition 2010</i></b>           | <b><i>\$1,000</i></b> |
| 6  | <b><i>Forrest 6 Hour Race</i></b>                               | <b><i>\$1,000</i></b> |
| 7  | <b><i>Forrest MidWinter Festival</i></b>                        | <b><i>\$1,000</i></b> |
| 8  | <b><i>World Refugee Day</i></b>                                 | <b><i>\$1,000</i></b> |
| 9  | <b><i>Heritage Festival</i></b>                                 | <b><i>\$1,000</i></b> |
| 10 | <b><i>Wye River Big Day Out</i></b>                             | <b><i>\$1,000</i></b> |
| 11 | <b><i>Birregurra Weekend Studios</i></b>                        | <b><i>\$1,000</i></b> |
| 12 | <b><i>8 Ball Competition Colac</i></b>                          | <b><i>\$2,000</i></b> |
| 13 | <b><i>Rainforest Ride</i></b>                                   | <b><i>\$2,500</i></b> |
| 14 | <b><i>Colac County Music Festival, Truck &amp; Ute Show</i></b> | <b><i>\$2,500</i></b> |
| 15 | <b><i>Great Ocean Sports Festival</i></b>                       | <b><i>\$2,500</i></b> |
| 16 | <b><i>Otway Soup Festival</i></b>                               | <b><i>\$2,500</i></b> |
| 17 | <b><i>Gumboots &amp; Pearls</i></b>                             | <b><i>\$2,500</i></b> |
| 18 | <b><i>Otway Odyssey</i></b>                                     | <b><i>\$4,000</i></b> |
| 19 | <b><i>Birregurra Weekend Festival</i></b>                       | <b><i>\$5,000</i></b> |
| 20 | <b><i>Colac Kana Festival</i></b>                               | <b><i>\$5,000</i></b> |
| 21 | <b><i>Apollo Bay Music Festival</i></b>                         | <b><i>\$7,000</i></b> |
| 22 | <b><i>Beeac 150<sup>th</sup> Celebration</i></b>                | <b><i>\$7,500</i></b> |
| 23 | <b><i>Great Ocean Marathon</i></b>                              | <b><i>\$7,500</i></b> |
| 24 | <b><i>Kanyana 50<sup>th</sup> Anniversary</i></b>               | <b><i>NIL</i></b>     |
| 25 | <b><i>Community BBQ at Donaldson Street Playground</i></b>      | <b><i>NIL</i></b>     |
| 26 | <b><i>Colac Cycling Club</i></b>                                | <b><i>NIL</i></b>     |
| 27 | <b><i>The Camping Expo</i></b>                                  | <b><i>NIL</i></b>     |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....

**OM102306-2 INSTRUMENT OF DELEGATION - OLD BEECHY RAIL TRAIL COMMITTEE**

|             |                                |           |           |
|-------------|--------------------------------|-----------|-----------|
| AUTHOR:     | Colin Hayman                   | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN00460  |

**Purpose**

To endorse changes to the Instrument of Delegation for the Old Beechy Rail Trail Committee.

**Declaration of Interests**

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

**Background**

Council has in place a number of section 86 committees including the Old Beechy Rail Trail Committee. Under s.86(7) of the *Local Government Act* (the Act) this committee is classed as a Special Committee, which is defined as follows:

*“A committee that exercises a power, or performs a duty or function of the Council that has been delegated to that committee under any Act is a special committee for the purposes of this Act.”*

The committee has an Instrument of Delegation which sets out the function, duties or powers of the committee.

At the June 2009 Council meeting the Instrument of Delegation (including the Charter) for the Old Beechy Rail Trail Committee was signed and sealed following a review that had taken place.

In reviewing the membership of the Committee there is inconsistencies between the Charter and Council's policy on Section 86 Special Committees.

**Council Plan / Other Strategies / Policy**

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

Council has a policy Section 86 Committees in place. The policy provides guidance to the various Special Committees.

**Issues / Options**

Appointment of Committee Members

A separate report is included in this agenda on the appointment of committee members for the Old Beechy Rail Trail Committee.

Adjustments to the Old Beechy Rail Trail Committee Charter

To bring the Charter in line with Policy 15.2 “Section 8.6 Special Committees” minor changes are recommended to the Charter.

Clause 2.1 currently states “*Committee members shall be appointed annually by Council resolution.*”

Change to:

*2.1(a) Committee members (other than Council representatives) shall be appointed for a three year term by Council resolution.*

*(b) Council representatives on the Committee shall be appointed annually by Council resolution.*

Clause 2.4 adjusted to note the three year period.

Clause 3.1 change from “*for a period of 12 months*” to “*on an annual basis*”.

### **Proposal**

That Council resolve to sign and seal the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.

That Council confirm the exemptions provided to members of the Special Committee that they are not required to submit a primary or ordinary return.

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

There are no additional costs relating to this item.

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

Risk Management documentation is provided to each of the committees to assist them in the management of the facility.

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

There are no environmental considerations applicable.

### **Community Engagement**

A copy of the revised Instrument of Delegation will be forwarded to the Committee.

### **Implementation**

Once the Instrument of Delegation has been signed and sealed, an updated copy will be included in the Register that is required to be kept.

### **Conclusion**

Council’s Special Committees provide a valuable service for the community and assist Council in managing and monitoring community assets.

The changes to the Instrument of Delegation/Charter bring it in line with the Council policy on Special Committees.

### **Attachments**

1. Old Beechy Rail Trail Committee Instrument of Delegation and Charter

**Recommendation(s)**

***That Council:***

- 1. Signs and seals the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.***
- 2. In accordance with Section 81(2A) of the Local Government Act 1989 Council resolves to exempt members of the committee from being required to submit a Primary or Ordinary "Register of Interest" return.***

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INSTRUMENT OF DELEGATION
SPECIAL COMMITTEE

Old Beechy Rail Trail Committee

Pursuant to and in the exercise of the power conferred by Section 86 of the Local Government Act 1989, the Colac Otway Shire Council hereby delegates to a Special Committee to be known as the **Old Beechy Rail Trail Committee** established by resolution passed on 26 September 2001, those functions, duties and powers set forth in the schedule titled Old Beechy Rail Trail Committee Charter (as amended).

- 1. **This Instrument of Delegation** is authorised by a resolution of Council, passed on 23 June 2010,

Deleted: 24 June 2009;

2. **The Delegation:**

- a) comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- b) remains in force until Council revokes to vary or revoke it;
- c) is subject to any conditions and limitations set out in the Schedule; and
- d) must be exercised in accordance with any guidelines or policies which Council from time to time adopts.

- 3. All members of the committee will have voting rights on the committee.

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

..... Chief Executive Officer

OLD BEECHY RAIL TRAIL COMMITTEE
SPECIAL COMMITTEE

CHARTER

1. Definitions

"Council" means the Colac Otway Shire Council
"Committee" Means this Special Committee of Council as constituted pursuant to Section 86 of the Local Government Act 1989

2. Appointment of Committee Members

- 2.1 a) Committee members (other than Council representatives) shall be appointed for a 3 year term by Council resolution.
- b) Council representatives on the Committee shall be appointed annually by Council resolution.

Deleted: .
Deleted: annually by Council resolution

2.2 Committee composition may consist of:

- a) two representatives from
 - Gellibrand/Kawarren Progression Association
 - Beech Forest Progress Association
 - the Colac area
 - Council (one Councillor and one Council Officer)
- b) a representative from
 - Midway Plantations
 - Parks Victoria
 - Department of Sustainability and Environment
 - Otway Scenic Circle Association
 - Landowner representative
 - Friends of the Old Beechy Rail Trail
 - User groups – walking and cycling

2.3 The Committee may declare a position vacant where a member has failed to attend 3 consecutive meetings without leave by resolution.

2.4 Casual vacancies during the 3 years may be filled by the Committee recommending a replacement for Council resolution.

2.5 Temporary appointments to the Committee may be made by Council as required on the recommendation of the Committee.

3. Committee Meetings

3.1 The Committee shall appoint a chairperson from among its members on an annual basis.

Deleted: for a period of 12 months.

3.2 In the absence of a chairperson, the Committee may appoint an acting chairperson.

3.3 The Committee shall meet at least 4 times each year.

Deleted: 1

- 3.4 Meetings shall be held at such times and places as fixed by the Committee.
- 3.5 It is anticipated that meetings of the Committee will sometimes need to be closed to the public, as sensitive land management issues, proposed developments and legal and contractual matters may be discussed which in the opinion of the Committee may prejudice the Council.
- 3.6 Special meetings may be called by the Chairperson or on the written request of at least 3 committee members.
- 3.7 The quorum for a Committee meeting is 5 members at least one of which shall be a Council officer or Councillor.
- 3.8 All Committee members shall have equal voting rights.
- 3.9 Committee members shall have at least 3 clear days written notice of meetings.
- 3.10 The Chairperson shall ensure that minutes of Committee meetings are kept.
- 4. Power and Delegated Authority**
- 4.1 Set direction and guide the implementation of the development actions of the Old Beechy Rail Trail Concept Report, prepared June 2000 and associated strategic planning.
- 4.2 Develop and implement a Management Plan for the Old Beechy Rail Trail.
- 4.3 In accordance with the Management Plan, advise on the expenditure of the Old Beechy Rail Trail annual and supplementary budgets as determined by Council.
- 4.4 Power to incur expenditure within the income generated, provided the expenditure does not exceed specified budget parameters.
- 4.5 Power to recommend to Council contracts to be entered into in accordance with the Old Beechy Rail Trail Concept Report June 2000 and any associated documents..
- 4.6 Set Committee meeting dates.
- 4.7 Implement operational and strategic policies as outlined in the Old Beechy Rail Trail Concept Report June 2000 and any associated documents.
- 4.8 Authority to appoint advisers to the Committee as appropriate and employ people to carry out works and improvements for the project, within approved budget parameters.
- 4.9 Power to apply for relevant funding opportunities.
- 4.10 Power to negotiate arrangements with a wide range of land owners including private land owners, statutory authorities and government departments to allow for access, management, improvement, enhancement and maintenance of the Old Beechy Rail Trail and related infrastructure.
- 4.11 Power to recommend to Council on licences, leases and to accept the grant of the benefit of easements in favour of Council.

- 4.12 Power to recommend to Council the creation of a public purpose trust to accept gifts, donations and bequests by the public for applying in furtherance of the aims outlined in the Old Beechy Rail Trail Concept Report June 2000 and any associated documents.
- 4.13 Power to recommend to Council the impounding of livestock and vehicles, removal of trespassers from Old Beechy Rail Trail, power to monitor behaviour and withdraw invitation to enter an Old Beechy Rail Trail.
- 4.14 Make recommendations to Council on planning and other policy matters affecting Old Beechy Rail Trail.

5. Corporate Governance Role

- 5.1 Defining and monitoring strategic direction.
- 5.2 Defining policies and procedures to ensure operation with legal and social responsibilities.
- 5.3 Establishing control and accountability systems.

6. Committee Functions

- 6.1 The Committee will be responsible for the development of strategic plans for the implementation process of the Old Beechy Rail Trail.
- 6.2 Ensure effective means of communication to encourage community participation and ownership.
- 6.3 The committee will be responsible for the management (including maintenance) of the Old Beechy Rail Trail.

7. Minutes of Meetings

- 7.1 Minutes of meetings shall be saved in Council's internal Library system.

8. Revocation

- 8.1 Council may at any time revoke this delegation of powers and functions.

|

OM102306-3**OLD BEECHY RAIL TRAIL LICENCE AGREEMENTS 2010**

| | | | |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR: | Jodie Fincham | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN00374 |

Purpose

To present to Council Licence Agreements for signing and sealing between Council and landowners to pass over private property connecting the Old Beechy Rail Trail between Colac and Beech Forest.

Declaration of Interests

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

Background

Council at its February 2004 meeting approved a standard Licence Agreement between Council and landowners to pass over private property connecting the Old Beechy Rail Trail between Colac and Beech Forest. Six individual licences are now presented to Council for signing and sealing.

A copy of the standard Licence Agreement is attached.

Council Plan / Other Strategies / Policy

The Council Plan 2009-2013 has the following vision and mission:

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

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

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

The development of Licence Agreements between private landowners and Council play an important role in working together with our community.

Issues / Options**Option 1**

The current term for Licence Agreements has expired and agreements have been presented to private landowners for renewal. Council has the option of signing and sealing the Agreements as presented.

Option 2

Not to sign and seal the Licence Agreements put forward. It is an important process that Licence Agreements are signed and sealed to maximise long term access to the Old Beechy Rail Trail.

Proposal

It is proposed to present the following six individual licences for signing and sealing by Council.

The licences will allow public access to the Rail Trail over land owned by -

1. D Colless;
2. M Gardiner;
3. D & P Jukes;
4. Midway Plantations Pty Ltd;
5. CJ & MJ Smith;
6. AJ Urbano.

Financial and Other Resource Implications

The licence fee payable by Council to each private landowner for use of their land is one dollar.

Risk Management & Compliance Issues

Risk management issues have been addressed in clauses contained in the Licence Agreement.

Environmental and Climate Change Considerations

Not applicable to this report.

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be to inform and consult.

Implementation

Correspondence was provided to all relevant landowners between Colac and Beech Forest where the trail passes over private land. Licence Agreements were presented for consideration and landowners were encouraged to seek advice as deemed appropriate, prior to returning to Council for signing and sealing.

A letter containing a copy of the signed and sealed Licence Agreement will be forwarded to all affected landowners following approval by Council.

Conclusion

The decision to develop Licence Agreements for signing and sealing between Council and landowners to pass over private property connecting the Old Beechy Rail Trail between Colac and Beech Forest is in keeping with Council's policy of working with its community in the management of facilities throughout the Shire.

It is necessary to secure public access along the track where it passes through private property.

Attachments

1. Old Beechy Rail Trail Licence Agreement 2010

Recommendation(s)

That Council:

- 1. Sign and seal the licences between D Colless, M Gardiner, D & P Jukes, Midway Plantations Pty Ltd, CJ & MJ Smith, AJ Urbano and Colac Otway Shire Council for licence of Land Occupancy (Beechy Line Rail Trail) for a licence fee of \$1 and a term of 4 options of 5 years each.**

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## **LICENCE**

### **A LICENCE TO PASS OVER PRIVATE PROPERTY**

THIS LICENCE is granted by the Licensor to the Licensee and commences on the date set out in the Schedule.

In consideration of payment of the licence fee and the conditions contained in this Licence, the Licensor, at the request of the Licensee HEREBY AUTHORISES the Licensee to use the land described in the Schedule for the specified purposes set out in the Schedule.

Licensor

The Licensee hereby agrees to comply with the terms and conditions of this licence.

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

..... Councillor

..... Councillor

..... Chief Executive Officer

..... Date

## LICENCE SCHEDULE

1. **Licensor**
2. **Licencee** Colac Otway Shire Council of 2-6 Rae Street, Colac, Victoria, 3250
3. **Commencement Date** .....
4. **Term** \* Strike out one as inapplicable  
\*(i) 4 options of 5 years each (i.e. 5 x 5 x 5 x 5 years)  
  
**OR**  
  
\*(ii) 20 years
5. **Licence Fee** One dollar
6. **Payable** On signing hereof
7. **Licensed Land**
8. **Specified Purpose** Walking and cycling access for the general public
9. **Special Conditions** **(1) Public Safety**

The Licensor reserves the right to seal off the Licensed Land at any time whatsoever, having first given 3 months notice in writing to the Licensee of its intention, (except in cases of emergency) to prevent access by the general public when in the reasonable view of the Licensor public safety may be threatened by the Licensor's activities on or near the Licensed Land.

### **(2) Dispute Resolution**

If a grievance arises out of or relates to this Licence, or the breach, termination, validity or subject matter of it, and if the grievance cannot be



settled through negotiation, the parties to the Licence and to the grievance expressly agree to endeavour in good faith to settle the grievance by mediation administered by the Australian Commercial Disputes Centre (ACDC) before having recourse to arbitration, litigation or some other dispute resolution procedure.

(a) A party claiming that a grievance has arisen must give written notice to the other parties to the grievance specifying the nature of the grievance.

(b) On receipt of the notice specified in paragraph (a) the parties to the dispute must within seven (7) days of receipt of the said notice seek to resolve the dispute.

(c) If the dispute is not resolved within seven (7) days or within such further period as the parties agree then the dispute is to be referred to ACDC.

(d) The mediation shall be conducted in accordance with ACDC Grievance Mediation Guidelines which set out the procedures to be adopted, the process of selection of the mediator and the costs involved and which terms are hereby deemed incorporated.

(e) This clause shall not merge upon completion.

### **(3) Indemnity.**

The Licensee agrees to indemnify and to keep indemnified the Licensor its officers, employees and agents, and each of them, from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever which may be brought or made or claimed against them, or any of them, arising from the Licensee's performance or purported performance of its obligations under this Licence and be directly related to the negligent acts, errors or omission of the Licensee. The Licensee's liability to indemnify the Licensor shall be reduced proportionally to the extent that any act or omission of the Licensor contributed to the loss or liability.

#### **(4) Public Liability Insurance.**

The Licensee shall, at all times during the Licence term, be the holder of a current public liability policy of insurance ("the Public Liability Policy") in respect of the activities specified in the Licence in the name of the Licensee, providing coverage for at least \$10million. The Public Liability policy shall be effected with an insurer approved by the Licensor. The Public Liability Policy shall cover such risks and be subject only to such conditions and exclusions as are approved by the Licensor and shall extend to cover the Licensor in respect to claims for personal injury or property damage arising out of the negligence of the Licensee.

#### **(5) Signage**

The Licensee hereby guarantees that visible and clearly understandable signage will be located on the Licensed Land to direct and caution users of the Licensed Land as to an appropriate Code of Conduct for using the Licensed Land.

## **LICENCE CONDITIONS**

### **1. Grant**

The rights conferred by this Licence are non-exclusive, do not create or confer upon the Licensee any tenancy or any estate or interest in or over the Licensed Land or any part of it, and do not comprise or include any rights other than those granted or to which the Licensee is otherwise entitled by law.

### **2. Licensee's Obligations (Positive)**

The Licensee Hereby Covenants with the Licensor that during the term and any renewal or extension of the Term or any period of overholding the Licensee will :

## **2.1 Maintenance**

Throughout the term keep the Licensed Land in good order and condition and the improvements (if any) in good order and condition having regard to their condition at the commencement of this Licence or at the time of installation of the improvements as the case may be and will cooperate with the Licensor to:

2.1.1 Keep the Licenced Land free of pest weeds and animals.

2.1.2 As far as possible ensure that the Licensor's existing or future permitted uses are not jeopardised by the use specified in this Licence.

2.1.3 Remedy every default of which notice is given by the Licensor to the Licensee within a reasonable time specified in the notice but in any event the time specified in the notice will not be less than 14 days.

## **2.2 Fire Protection Works**

Undertake at the Licensee's sole expense all fire protection works on the Licensed Land required by law to the satisfaction of the Licensor and the responsible fire Authority.

## **2.3 Condition at Termination**

On expiry or prior determination of this Licence return the Licensed Land to the Licensor in good order and condition and otherwise in accordance with the Licensee's obligations.

## **2.4 Notices**

Give the Licensor prompt notice in writing of any defect in the Licensed Land and of any circumstance likely to cause any damage risk or hazard to users of the Licensed Land.

## **2.5 Compliance with Law**

Comply at the Licensee's cost with the provisions of all statutes, regulations, local laws and by-laws relating to the Licensed Land and all lawful orders or directions made under them.

## **2.6 Compliance with the Licensor's Directions**

At the Licensor's request comply with any reasonable direction given by the Licensor as to the management of the Licensed Land so as to enable the Licensor to continue to utilise the Licensed Land in pursuit of the Licensor's commercial activities.

### **3. Licensee's Obligations (Negative)**

The Licensee Hereby Covenants with the Licensor that during the term the Licensee will not-

#### **3.1 Use of Licensed Land**

use the Licensed Land for any purpose other than the specified purpose referred to in Item 8 of the Schedule.

#### **3.2 Allow Rubbish**

permit any rubbish to accumulate in or about the Licensed Land

#### **3.3 Burning**

undertake any burning of vegetation or other matter on the Licensed Land or allow any user of the Licensed Land to light a fire.

#### **3.4 Assignment**

assign, mortgage, under-license or charge this Licence or part with or share possession of the Licensed Land or any part of it without the written consent of the Licensor.

#### **3.5 Licensor's Entry**

prevent, attempt to prevent or in any other way hinder, obstruct or permit the hindrance or obstruction of the Licensor or the Licensor's employees or agent at any time from entering and remaining on the Licensed Land either with or without motor vehicles or other equipment for any purpose.

#### **3.6 Void Insurance**

do or allow anything to be done which might result in any insurance relating to the Licensed Land becoming void or voidable or which might increase the premium on any insurance.

#### **3.7 Erection of Improvements**

erect or permit the erection of any improvements on the Licensed Land without the prior written approval of the Licensor.

## **4. General Conditions**

### **4.1 Termination on Default**

If the Licensor is satisfied, after giving the Licensee a reasonable opportunity to be heard, that the Licensee has failed to comply with any terms or conditions of the Licence, the Licensor may, by serving a written notice on the Licensee, declare that the Licence is cancelled and that the cancellation will take effect within 14 days.

### **4.2 Licensee's Improvements**

The parties agree that the Licensee may enter upon the land at any reasonable time and after giving reasonable notice to the Licensor, within a period of 6 months after the termination of this Licence sever and remove all the Licensee's fixtures and improvements on the Licensed Land. All right, title and interest in fixtures and improvements of the Licensee remaining on the land after the expiration of such 6 month period will vest automatically in the Licensor.

## **5. Further Terms of Licence**

### **5.1 Renewal of Licence**

The Licensee may give notice to the Licensor not later than one month before the expiration of the initial term and any subsequent term of the Licence requesting a renewal of the Licence for a further term as set out in Item 4 of the Licence Schedule.

### **5.2 Renewal Procedure**

After receipt of a notice given under clause 5.1, the Licensor will promptly notify the Licensee that:

- (a) The Licensor agrees to renew the Licence for the specified period, in which event the Licence will be deemed to be renewed from the expiry of the initial or further term of the Licence for another further term as agreed on the terms and conditions of this Licence (other than this clause); or
- (b) despite anything contained in this Licence, the Licensor may terminate this Licence at the Licensor's sole and absolute discretion, upon giving to the Licensee 6 months prior written notice of such termination and the rights of the parties as set out under clause 4.2 of this Licence will apply to such termination.

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**OM102306-4                    OLD BEECHY RAIL TRAIL APPOINTMENT OF COMMITTEE MEMBERS**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Jodie Fincham                  | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN00374     |

**Purpose**

To consider appointment of newly elected Committee members to the Old Beechy Rail Trail Committee of management under Section 86 of the *Local Government Act 1989* as a Special Committee to Council and to act in accordance with the rules and conditions of appointment adopted by Council, for the purposes of managing the Old Beechy Line development.

**Declaration of Interests**

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

**Background**

The Colac Otway Shire formed a special committee to be known as the Old Beechy Rail Trail Committee (OBRTC) on 26 September 2001. The OBRTC was conferred as a Section 86 Committee under the *Local Government Act 1989* and delegated the functions, duties and powers set forth in the schedule titled Old Beechy Rail Trail Committee Charter. The Charter was developed as the basis of the Instrument of Delegation to be used by the appointed Rail Trail Committee.

A review of the Instrument of Delegation and Charter was undertaken in June 2009. The Instrument of Delegation for the Committee was signed and sealed at the 24 June 2009 Council meeting.

The Charter provides that the Committee composition shall consist of:

- a) two representatives from each of the following groups:
  - Gellibrand/Kawarren Progress Association
  - Beech Forest Progress Association
  - the Colac area
  - Council (one Councillor and one Council Officer)
  
- b) a representative from each of the following groups:
  - Midway Plantations
  - Parks Victoria
  - Department of Sustainability and Environment
  - Otway Scenic Circle Association
  - Landowner representative
  - Friend of the Old Beechy Rail Trail
  - User groups: walking and cycling

**Council Plan / Other Strategies / Policy**

The Council Plan 2009-2013 has the following vision and mission:

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

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

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

Committees of Management play an important role in the community, in partnership with the Council.

**Issues / Options****Option 1**

Council's policy is that Committee of Management members are appointed for a three year term or less where applicable. There is currently inconsistency between the Charter and the Council Policy. It is proposed in a separate report to adjust the Charter to state that members be appointed for a three year term.

The current three year term for this Committee concluded in May 2010 and community persons have been put forward to be on the committee for a period of three years.

**Option 2**

Not to appoint the community persons put forward. It is an important process that each three years the members of the particular community/facility consider the membership of the S86 committee.

**Proposal**

It is proposed to appoint the following community persons to the committee named for a term of three years:

Gellibrand/Kawarren Progress Association

- Tony Grogan
- Tricia Jukes

Beech Forest Progress Association

- Steve Trotter
- Christine Humphris

Colac area

- Vacancies were advertised in May 2010, however no nominations were received for the two vacant positions

A representative from Midway Plantations

- Andrew Stoddart

A representative from Parks Victoria

- No representative was nominated

A representative from Department of Sustainability and Environment

- Craig Clifford

A representative from Otway Scenic Circle Association

- Cyril Marriner



A Landowner representative

- Anthony Zappelli

A representative from "Friends of the Old Beechy Rail Trail"

- Noel Barry

A representative from User groups: walking and cycling

- Bernard Jordan, nominated by Bushwalking Victoria (formerly Vic Walk)
- No representative was nominated from Bicycle Victoria

Council (one Councillor and one Council Officer)

- Cr Chris Smith
- Recreation & Events Co-ordinator Jodie Fincham
- 

Council representatives on the Committee are appointed as part of the annual Statutory meeting.

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

The Committee holds their own bank account and administers budgets set by the Committee in accordance with funds within these accounts.

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

The Committee has been provided with a Risk Management and Insurance manual which has been developed for Council Committees of Management. The Committee operates under an Instrument of Delegation which sets out the powers, function and duties of the committee.

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

Not applicable to this report.

### **Community Engagement**

The respective organisations were advised that a meeting was required to be held to appoint a community person for a three year period.

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be to inform and consult.

### **Implementation**

A letter will be forwarded to the Management Committee advising them of the appointment to the Committee.

### **Conclusion**

The decision to appoint this Committee as a Special Committee of Council is in keeping with Council's policy of working with its community in the management of facilities throughout the Shire.

### **Attachments**

Nil

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

- 1. Pursuant to Section 86 of the Local Government Act 1989, appoint the following nominated members Tony Grogan, Tricia Jukes, Steve Trotter, Christine Humphris, Andrew Stoddart, Craig Clifford, Cyril Marriner, Anthony Zappelli, Noel Barry and Bernard Jordan to the Beechy Rail Trail Committee.***
- 2. In accordance with Section 81 sub-section (2) sub section (a) of the Local Government Act 1989, Council resolve to exempt members of the Committee from being required to submit a primary or ordinary register of interest return in accordance with this section.***
- 3. Advise the Committee that a copy of minutes of committee meetings held be forwarded to Council for its records after each meeting and that a Treasurer's Report be provided annually.***

~~~~~\ ~~~~~

OM102306-5

S86 COMMITTEE OF MANAGEMENT APPOINTMENTS

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

Purpose

To consider appointment of newly elected Committee members to the Kennett River Tennis Reserve, Irwillipe Hall and Reserve, Colac Municipal Aerodrome, Cressy Hall and the Barwon Downs Hall Committees of Management.

Declaration of Interests

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

Background

Council appoints Committees of Management under Section 86 of the *Local Government Act 1989* as Special Committees to Council to act in accordance with rules and conditions of appointment adopted by Council. The purpose of the Committees is to manage the operations of the facility. Council policy is that Committee of Management members are appointed for a three year term.

Meetings to appoint new Committee members were conducted on the following dates:

| | |
|------------------------------|--------------|
| Kennett River Tennis Reserve | January 2010 |
| Irwillipe Hall & Reserve | 24 May 2010 |
| Colac Municipal Aerodrome | 27 May 2010 |
| Cressy Hall | 31 May 2010 |
| Barwon Downs Hall | 4 June 2010 |

Council Plan / Other Strategies / Policy

The Council Plan 2009-2013 has the following vision and mission:

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

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

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

Committees of Management play an important role in the community, in partnership with Council.

Issues / Options**Option 1**

Council's policy is that Committee of Management members are appointed for a 3 year term or less where applicable.

The current three year term for the Committees of Management for these facilities has been completed and the nominations of community persons have been put forward to be on the committee for a period of three years for Council endorsement.

Option 2

Not to appoint the community persons put forward. It is an important process that each 3 years the members of the particular community/facility consider the membership of the S86 committee.

Proposal

It is proposed to appoint the following community persons to the committee named for a term of 3 years.

| | |
|------------------------------|--|
| Kennett River Tennis Reserve | Geoff Quinn, Bruce Dowse, David Lang, Pat Gebert, Faye Harris, Richard Manning, Marjorie Quinn |
| Irrewillipe Hall and Reserve | John Ladhams, Tim Ryan, Paul Theodore, Mattias Weis, Doug Phillips, Tony Cirillo, Steven Theodore, Keith Wilson, Glenda Carson, Jim Carson, Don Henderson, H. Howlands, Georgie Theodore, Kevin McNabb, Paul Riches, Dianne Ryan, Helen Theodore, Marc Montano, Fran McMillan, Murray Hillman, Trevor Farquarson |
| Colac Municipal Aerodrome | Steve Robertson, Michael Murray, Brendan Reidy, David Wade, David Fenn |
| Cressy Hall | Ian Nelson, Helen Haworth, Alma Smart, Murray Horne, Jan Nelson, Ashley Nelson, John Reynolds, John Humphries, Ross Alexander |
| Barwon Downs Hall | John James, Fay Callahan, Peter McLaren, Edith Strickland, Albert Halliday, Peter Mitchell, Sandy Batten, Robert Halliday |

The Councillor Appointment to the Colac Municipal Aerodrome is undertaken as part of the Annual Statutory meeting. Cr Geoff Higgins is the current Councillor representative on the Committee.

Financial and Other Resource Implications

The Committees hold their own bank accounts and administer budgets set by the Committee in accordance with funds within these accounts.

Risk Management & Compliance Issues

Each committee has been provided with a Risk Management and Insurance Manual which has been developed for Council Committees of Management. Each of the Committees operates under an Instrument of Delegation which sets out the powers, functions and duties of each committee.

Environmental and Climate Change Considerations

Not applicable

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform and consult. Advertisements were placed in the local media seeking nominations to the various committees. Consultation also took place with Committee members as to the preferred time for the meetings to be held.

Implementation

A letter will be forwarded to the Management Committees advising them of the appointments to the committee.

Conclusion

The decision to appoint these Committees as Special Committee of Council is in keeping with Council's policy of working with its community in the management of halls, reserves and other facilities throughout the Shire.

Attachments

Nil

Recommendation(s)

That Council:

- 1. Pursuant to Section 86 of the Local Government Act 1989, resolve to appoint the following nominated members to the:***

Kennett River Tennis Reserve - Geoff Quinn, Bruce Dowse, David Lang, Pat Gebert, Faye Harris, Richard Manning, Marjorie Quinn

Irrewillipe Hall and Reserve - John Ladhams, Tim Ryan, Paul Theodore, Mattias Weis, Doug Phillips, Tony Cirillo, Steven Theodore, Keith Wilson, Glenda Carson, Jim Carson, Don Henderson, H. Howlands, Georgie Theodore, Kevin McNabb, Paul Riches, Dianne Ryan, Helen Theodore, Marc Montano, Fran McMillan, Murray Hillman, Trevor Farquarson

Colac Municipal Aerodrome - Steve Robertson, Michael Murray, Brendan Reidy, David Wade, David Fenn

Cressy Hall - Ian Nelson, Helen Haworth, Alma Smart, Murray Horne, Jan Nelson, Ashley Nelson, John Reynolds, John Humphries, Ross Alexander

Barwon Downs Hall - John James, Fay Callahan, Peter McLaren, Edith Strickland, Albert Halliday, Peter Mitchell, Sandy Batten, Robert Halliday

- 2. In accordance with Section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolve to exempt members of the Committees from being required to submit a primary or ordinary conflict of interest return in accordance with this section.***
- 3. Advise the Committees that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided annually.***

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OM102306-6

**UPDATE TO COUNCIL DELEGATION TO COUNCIL STAFF**

|             |                                |           |           |
|-------------|--------------------------------|-----------|-----------|
| AUTHOR:     | Colin Hayman                   | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN00460  |

**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 last December to reflect legislative changes and is now required to make further 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.

*Planning and Environmental Act 2007 and Regulations 2000.*

Further discussion and a review of the Instrument of delegation with respect to the *Planning and Environment Act 2007 and Regulations 2000* needs to be undertaken in light of recent comments by Councillors at a workshop.

This will be undertaken over the next few months to incorporate any proposed changes into the next update.

**Proposal**

The Maddocks delegation package provides Council with legislative amendments required to the current Instrument of Delegation was approved by Council on 16 December 2009.

Further amendments are now required:

- inclusion of the *Cemeteries and Crematoria Act 2003*;
- inclusion of the *Cemeteries and Crematoria Regulations 2005*;
- additional provisions added to the *Food Act 1984*, *Planning and Environment Act 1987* and *Road Management Act 2004*
- removal of *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 1999*

As Council is required to resolve to seal the Instrument, the complete document is attached with changes tracked.

#### **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

#### **Community Engagement**

This is an internal document. There has been internal discussions on the Instrument of Delegation.

#### **Implementation**

This Instrument of Delegation comes into force on the 1 July 2010 and a signed copy will be placed on the register.

#### **Conclusion**

This update provides the latest amendments as required by legislation.

#### **Attachments**

1. Instrument of Delegation - Council to Council Staff July 2010

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

***That Council 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 be signed and the common seal of Council is affixed to the Instrument.***
- 3. The Instrument comes into force on 1 July 2010.***
- 4. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
- 5. 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.***

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Maddocks Delegations and Authorisations

S6. Instrument of Delegation – Members of Staff

Colac Otway Shire Council

Instrument of Delegation

to

Members of Council Staff

1 July 2010

Deleted: 1
16 December 2009

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

*

SCHEDULE

S6. Instrument of Delegation – Members of Staff

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S6. Instrument of Delegation – Members of Staff

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| <u>CEMETERIES AND CREMATORIA ACT 2003</u> | | | |
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| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
| <u>PROVISION</u> | <u>THING DELEGATED</u> | <u>DELEGATE</u> | <u>CONDITIONS & LIMITATIONS</u> |
| <u>s.8(1)(a)(ii)</u> | power to manage one or more public cemeteries | PRC
GMCCS
MFCS | • where appointed to manage cemetery by Governor in Council |
| <u>s.17(1)</u> | power to employ any persons necessary | PRC
GMCCS
MFCS | |
| <u>s.17(2)</u> | power to engage any professional, technical or other assistance considered necessary | PRC
GMCCS
MFCS | |
| <u>s.18(3)</u> | duty to comply with a direction from the Secretary | PRC
GMCCS
MFCS | |
| <u>s.19</u> | power to carry out or permit the carrying out of works | PRC
GMCCS
MFCS | |
| <u>s.20(1)</u> | duty to set aside areas for the interment of human remains | PRC
GMCCS
MFCS | |
| <u>s.20(2)</u> | power to set aside areas for the purposes of managing a public cemetery | PRC
GMCCS
MFCS | |
| <u>s.20(3)</u> | power to set aside areas for those things in paragraphs (a) – (e) | PRC
GMCCS
MFCS | |
| <u>s.24(2)</u> | power to apply to the Secretary for approval to alter the existing distribution of land | PRC
GMCCS
MFCS | |

Deleted: 16 December 2009

1 July 2010

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

2

| <u>CEMETERIES AND CREMATORIA ACT 2003</u> | | | |
|---|--|----------------------|-------------------------------------|
| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
| <u>PROVISION</u> | <u>THING DELEGATED</u> | <u>DELEGATE</u> | <u>CONDITIONS & LIMITATIONS</u> |
| <u>s.47</u> | power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery | PRC
GMCCS
MFCS | Subject to Budget process |
| <u>s.57(1)</u> | duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act | PRC
GMCCS
MFCS | |
| <u>s.59</u> | duty to keep records | PRC
GMCCS
MFCS | |
| <u>s.60(1)</u> | duty to make information in records available to the public for historical or research purposes | PRC
GMCCS
MFCS | |
| <u>s.60(2)</u> | power to charge fees for providing information | PRC
GMCCS
MFCS | |
| <u>s.64(4)</u> | duty to comply with a direction from the Secretary under section 64(3) | PRC
GMCCS
MFCS | |
| <u>s.64B(d)</u> | power to permit interments at a reopened cemetery | PRC
GMCCS
MFCS | |
| <u>s.66(1)</u> | power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park | PRC
GMCCS
MFCS | Subject to Council approval |
| <u>s.69</u> | duty to take reasonable steps to notify of conversion to historic cemetery park | PRC
GMCCS
MFCS | |

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S6. Instrument of Delegation – Members of Staff 1 July 2010

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| <u>CEMETERIES AND CREMATATORIA ACT 2003</u> | | | |
|---|--|----------------------|-------------------------------------|
| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
| <u>PROVISION</u> | <u>THING DELEGATED</u> | <u>DELEGATE</u> | <u>CONDITIONS & LIMITATIONS</u> |
| s.70(1) | duty to prepare plan of existing places of interment | PRC
GMCCS
MFCS | |
| s.70(2) | duty to make plans of existing place of interment available to the public | PRC
GMCCS
MFCS | |
| s.71(1) | power to remove any memorials or other structures in an area to which an approval to convert applies | PRC
GMCCS
MFCS | |
| s.71(2) | power to dispose of any memorial or other structure removed | PRC
GMCCS
MFCS | |
| s.72(2) | duty to comply with request received under section 72 | PRC
GMCCS
MFCS | |
| s.73(1) | power to grant a right of interment | PRC
GMCCS
MFCS | |
| s.73(2) | power to impose conditions on the right of interment | PRC
GMCCS
MFCS | |
| s.76(3) | duty to allocate a piece of interment if an unallocated right is granted | PRC
GMCCS
MFCS | |
| s.77(4) | power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application | PRC
GMCCS
MFCS | |

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S6. Instrument of Delegation – Members of Staff

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| <u>CEMETERIES AND CREMATORIA ACT 2003</u> | | | |
|---|--|----------------------|-------------------------------------|
| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
| <u>PROVISION</u> | <u>THING DELEGATED</u> | <u>DELEGATE</u> | <u>CONDITIONS & LIMITATIONS</u> |
| <u>s.80(1)</u> | function of receiving notification and payment of transfer of right of interment | PRC
GMCCS
MFCS | |
| <u>s.80(2)</u> | function of recording transfer of right of interment | PRC
GMCCS
MFCS | |
| <u>s.82(2)</u> | duty to pay refund on the surrender of an unexercised right of interment | PRC
GMCCS
MFCS | |
| <u>s.83(3)</u> | power to remove any memorial and grant another right of interment for a surrendered right of interment | PRC
GMCCS
MFCS | |
| <u>s.85(1)</u> | duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry | PRC
GMCCS
MFCS | |
| <u>s.85(2)(b)</u> | power to remove and dispose of cremated human remains and remove any memorial | PRC
GMCCS
MFCS | |
| <u>s.86</u> | power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified | PRC
GMCCS
MFCS | |
| <u>s.87(3)</u> | duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment | PRC
GMCCS
MFCS | |

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S6. Instrument of Delegation - Members of Staff

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| <u>CEMETERIES AND CREMATATORIA ACT 2003</u> | | | |
|---|--|----------------------|--|
| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
| <u>PROVISION</u> | <u>THING DELEGATED</u> | <u>DELEGATE</u> | <u>CONDITIONS & LIMITATIONS</u> |
| <u>s.89</u> | power to approve or refuse an application for a lift and re-position procedure | | <ul style="list-style-type: none"> Can only be delegated to members of a committee established under section 86 of the <i>Local Government Act 1989</i> |
| <u>s.90</u> | power to authorise a person without an exhumation licence to carry out a lift and re-position procedure as set out in section 90(1)(a)-(d) | | <ul style="list-style-type: none"> Can only be delegated to members of a committee established under section 86 of the <i>Local Government Act 1989</i> |
| <u>s.91(1)</u> | power to cancel a right of interment | PRC
GMCCS
MFCS | |
| <u>s.91(3)</u> | duty to publish notice of intention to cancel right of interment | PRC
GMCCS
MFCS | |
| <u>s.92</u> | power to pay, refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment | PRC
GMCCS
MFCS | |
| <u>s.99</u> | power to approve or refuse an application made under section 98 | PRC
GMCCS
MFCS | |
| <u>s.100(1)</u> | power to require a person to remove memorials or places of interment | PRC
GMCCS
MFCS | |
| <u>s.100(2)</u> | power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1) | PRC
GMCCS
MFCS | |

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S6. Instrument of Delegation – Members of Staff

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| <u>CEMETERIES AND CREMATORIA ACT 2003</u> | | | |
|---|--|----------------------|-------------------------------------|
| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
| <u>PROVISION</u> | <u>THING DELEGATED</u> | <u>DELEGATE</u> | <u>CONDITIONS & LIMITATIONS</u> |
| <u>s.100(3)</u> | power to recover costs of taking action under section 100(2) | PRC
GMCCS
MFCS | |
| <u>s.102</u> | power to approve or refuse (if satisfied of the matters in (b) and (c)) an application under section 101 | PRC
GMCCS
MFCS | |
| <u>s.103(1)</u> | power to require a person to remove a building for ceremonies | PRC
GMCCS
MFCS | |
| <u>s.103(2)</u> | power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1) | PRC
GMCCS
MFCS | |
| <u>s.103(3)</u> | power to recover costs of taking action under section 103(2) | PRC
GMCCS
MFCS | |
| <u>s.106(1)</u> | power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs | PRC
GMCCS
MFCS | |
| <u>s.106(2)</u> | power to require the holder of the right of interment to provide for an examination | PRC
GMCCS
MFCS | |
| <u>s.106(3)</u> | power to open and examine the place of interment if section 106(2) not complied with | PRC
GMCCS
MFCS | |

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S6. Instrument of Delegation – Members of Staff

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| <u>CEMETERIES AND CREMATORIA ACT 2003</u> | | | |
|---|--|----------------------|-------------------------------------|
| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
| <u>PROVISION</u> | <u>THING DELEGATED</u> | <u>DELEGATE</u> | <u>CONDITIONS & LIMITATIONS</u> |
| s.106(4) | power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with | PRC
GMCCS
MFCS | |
| s.107(1) | power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs | PRC
GMCCS
MFCS | |
| s.107(2) | power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with | PRC
GMCCS
MFCS | |
| s.108 | power to recover costs and expenses | PRC
GMCCS
MFCS | |
| s.109(1)(a) | power to open, examine and repair a place of interment | PRC
GMCCS
MFCS | |
| s.109(1)(b) | power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial | PRC
GMCCS
MFCS | |
| s.109(2) | power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies | PRC
GMCCS
MFCS | |

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\$6 Instrument of Delegation – Members of Staff

CEMETERIES AND CREMATATORIA ACT 2003

| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
|------------------|--|----------------------|-------------------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.110(1) | power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder | PRC
GMCCS
MFCS | |
| s.110(2) | power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary | PRC
GMCCS
MFCS | |
| s.111 | power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment | PRC
GMCCS
MFCS | |
| s.112 | power to sell and supply memorials | PRC
GMCCS
MFCS | |
| s.116(4) | duty to notify the Secretary of an interment authorisation granted | PRC
GMCCS
MFCS | |
| s.116(5) | power to require an applicant to produce evidence of the right of interment holder's consent to application | PRC
GMCCS
MFCS | |
| s.131 | function of receiving an application for cremation authorisation | PRC
GMCCS
MFCS | |
| s.145 | duty to comply with an order made by the Magistrates' Court or a coroner | PRC
GMCCS
MFCS | |

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| <u>CEMETERIES AND CREMATORIA ACT 2003</u> | | | |
|---|---|----------------------|-------------------------------------|
| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
| <u>PROVISION</u> | <u>THING DELEGATED</u> | <u>DELEGATE</u> | <u>CONDITIONS & LIMITATIONS</u> |
| s.146 | power to dispose of bodily remains by a method other than interment or cremation with the approval of the Secretary | PRC
GMCCS
MFCS | |
| s.147 | power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation | PRC
GMCCS
MFCS | |
| s.149 | duty to cease using method of disposal if approval revoked by the Secretary | PRC
GMCCS
MFCS | |
| s.150 | power to authorise the interment or cremation of body parts | PRC
GMCCS
MFCS | |
| s.151 | function of receiving an application to inter or cremate body parts | PRC
GMCCS
MFCS | |

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s.6 Instrument of Delegation – Members of Staff

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| 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 |
| | | | |
| | | | |
| | | | |

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S6. Instrument of Delegation - Members of Staff
 1 July 2010

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| 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
EHC
EHO
MECS
LLC
LLO | |
| s.53M(4) | duty to advise applicant that application is not to be dealt with | MHCS
EHC
EHO
MECS
LLC
LLO | |
| s.53M(5) | duty to approve plans, issue permit or refuse permit | MHCS
EHC
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
EHC
EHO | refusal must be ratified by Council or it is of no effect |

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§6. Instrument of Delegation – Members of Staff
1 July 2010

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| FOOD ACT 1984 | | | |
|---------------|---|--------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.19(2)(a) | power to direct by written order that the food premises be put into a clean and sanitary condition | MHCS
EHC
EHO | If section 19(1) applies |
| s.19(2)(b) | power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable | MHCS
EHC
EHO | If section 19(1) applies |
| s.19(3) | power to direct by written order any of the matters in subsection 19(3)(a)-(c) until section 19(2) is complied with | MHCS
EHC
EHO | If section 19(1) applies |
| s.19(4)(a) | power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises and (ii) inform the public by notice in a published newspaper or otherwise | MHCS
EHC
EHO | If section 19(1) applies |
| s.19(4)(b) | duty to notify the Department of the making of the order | MHCS
EHC
EHO | If section 19(1) applies |
| s.19(4)(c) | duty to notify the registration authority of the making of the order any appeal and the outcome of the appeal | MHCS
EHC
EHO | If section 19(1) applies and if Council is not the registration authority |
| s.19(6)(a) | duty to revoke any order under s.19 where the subject of the order has been attended to | MHCS
EHC
EHO | |

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§6 Instrument of Delegation – Members of Staff

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| FOOD ACT 1984 | | | |
|----------------------|---|--------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.19(6)(b) | duty to give written notice of revocation under s.19(6)(a) | MHCS
EHC
EHO | If section 19(1) applies |
| s.19BA(3) | duty to give notice of the variation or revocation of the order to the general public in the same manner as the original notice | MHCS
EHC
EHO | Must be done by the same person as gave the original notice |
| s.19E(1)(d) | power to request a copy of the food safety program | MHCS
EHC
EHO | Where Council is the "registration authority" |
| s.19EA(3) | function of receiving a copy of any significant revision made to the food safety program | MHCS
EHC
EHO | |
| s.19GB | power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor | MHCS
EHC
EHO | |
| s.19H(5)(a) & (5)(b) | duty to take into account (a) the food safety performance of the food business; and (b) any guidelines issued by the secretary in determining the frequency and intervals of the assessments and audits | MHCS
EHC
EHO | |
| s.19I | duty to conduct a food safety assessment as required under section 19H | MHCS
EHC
EHO | |
| s.19IA(2) | duty to give written notice to proprietor if food safety requirements or section 19DC(2) have not been complied with | MHCS
EHC
EHO | |

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| FOOD ACT 1984 | | | |
|---------------|--|--------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.19N | <u>function of receiving information from a food safety auditor</u> | MHCS
EHC
EHO | |
| s.19NA(1) | <u>power to request food safety audit reports</u> | MHCS
EHC
EHO | |
| s.19U(3) | <u>power to waive and vary the costs of a food safety audit if there are special circumstances</u> | MHCS
EHC
EHO | |
| s.19U(4) | <u>duty to ensure that information relating to costs of a food safety audit are available for inspection by the public</u> | MHCS
EHC
EHO | |
| s.19UA | <u>power to charge fees for conducting a food safety assessment or inspection</u> | MHCS
EHC
EHO | |
| s.19UA(4) | <u>duty to consider proprietor's history of compliance in deciding whether to charge the fee</u> | MHCS
EHC
EHO | |
| s.19UA(5) | <u>duty to ensure that the method of determining a fee under subsection (3)(a) and the considerations that apply under subsection (4) are available for inspection by the public</u> | MHCS
EHC
EHO | |

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S6 Instrument of Delegation – Members of Staff

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| FOOD ACT 1984 | | | |
|--------------------|--|--------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| <u>s.19W</u> | power to direct a proprietor of a food premises to comply with any requirement under Part IIIB | MHCS
EHC
EHO | power of registration authority |
| <u>s.19W(3)(a)</u> | power to direct a proprietor of a food premises to have staff at the premises undertake training or induction | MHCS
EHC
EHO | power of registration authority |
| <u>s.19W(3)(b)</u> | power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises | MHCS
EHC
EHO | power of registration authority |
| --- | power to register, renew or transfer registration | MHCS
EHC
EHO | refusal to grant/renew/transfer registration must be ratified by Council |
| <u>s.35A</u> | function of registering food premises | MHCS
EHC
EHO | |
| <u>s.35B(1)</u> | power to recognise, in writing, the registration of another registration authority for a specified temporary or mobile food premises | MHCS
EHC
EHO | |
| <u>s.38(3)</u> | duty to consult with the secretary about the proposed exemption under section 38(2) | MHCS
EHC
EHO | |
| <u>s.38AA(4)</u> | duty to determine whether the food premises are exempt from the requirement of registration | MHCS
EHC
EHO | |

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S6 Instrument of Delegation – Members of Staff

16

| FOOD ACT 1984 | | | |
|---------------|--|--------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.38AA(5) | power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt | MHCS
EHC
EHO | |
| s.38AB(4) | power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1) | MHCS
EHC
EHO | |
| s.38B(1)(a) | duty to assess the application and determine which class of food premises under section 19C the food premises belongs | MHCS
EHC
EHO | |
| s.38B(1)(b) | duty to ensure proprietor has complied with requirements of section 38A | MHCS
EHC
EHO | |
| s.38B(1)(c) | duty to inspect | MHCS
EHC
EHO | |
| s.38B(2) | duty to be satisfied of the matters in section 38B(2)(a)-(b) | MHCS
EHC
EHO | |
| s.38D(1) | duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39 | MHCS
EHC
EHO | |
| s.38D(2) | duty to be satisfied of the matters in section 38D(2)(a)-(d) | MHCS
EHC
EHO | |

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§6. Instrument of Delegation – Members of Staff

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| FOOD ACT 1984 | | | |
|---------------|---|--------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.38D(3) | power to request copies of any audit reports | MHCS
EHC
EHO | |
| s.38E(1)(c) | function of assessing the requirement for a food safety program | MHCS
EHC
EHO | |
| s.38E(2) | power to register the food premises on a conditional basis | MHCS
EHC
EHO | |
| s.38E(3)(a) | function of receiving certificates | MHCS
EHC
EHO | |
| s.38E(4) | duty to register the food premises when conditions are satisfied | MHCS
EHC
EHO | |
| s.38F(3)(a) | duty to note the change to the classification of the food premises on the certificate of registration | MHCS
EHC
EHO | |
| s.38F(3)(b) | power to require proprietor to comply with requirements of this Act | MHCS
EHC
EHO | |
| s.39(2) | duty to inspect within 12 months before renewal of registration | MHCS
EHC
EHO | |
| s.39(3) | duty to inspect within 3 months before renewal of registration if circumstances in section 39(3)(a)-(c) apply | MHCS
EHC
EHO | |

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| FOOD ACT 1984 | | | |
|---------------|---|--------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.39A | power to register food premises despite minor defects | MHCS
EHC
EHO | |
| s.40(1) | duty to issue a certificate of registration in the prescribed form | MHCS
EHC
EHO | |
| s.40(2) | power to incorporate the certificate of registration in one document with any certificate of registration under the <i>Public Health and Wellbeing Act 2008</i> | MHCS
EHC
EHO | |
| s.40C(2) | power to grant or renew the registration of food premises for a period less than 1 year | MHCS
EHC
EHO | |
| s.40D(1) | power to suspend or revoke the registration of food premises | MHCS
EHC | |
| s.40D(2) | duty to specify how long a suspension is to last under s.40D(1) | MHCS
EHC | |
| s.43(1) | duty to keep register of all registrations, renewals or transfers of registration | MHCS
EHC | |
| s.43(3) | duty to make available information held in records, free of charge, on request | MHCS
EHC
EHO | |

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s6. Instrument of Delegation – Members of Staff

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| HERITAGE ACT 1995 | | | |
|-------------------|--|----------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.84(2) | power to sub-delegate Executive Director's functions | GMSPD | must obtain Executive Director's written consent first. |

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S6 Instrument of Delegation – Members of Staff

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|---------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.4B | power to prepare an amendment to the Victoria Planning Provisions | PCofC
GMSPD
PC
MPB | |
| s.4H | duty to make amendment etc available | GMSPD
PC
MPB
PLO
PA | |
| s.4I | duty to keep Victoria Planning Provisions and other documents available | GMSPD
PC
MPB
PLO
PA | |
| s.8A(3) | power to apply to Minister to prepare an amendment to the planning scheme | PCofC
GMSPD
PC
MPB | |
| s.11(3)(b) | duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation | GMSPD
PC
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
GMSPD
PC
MPB | |

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S6 Instrument of Delegation – Members of Staff

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| 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 | PCofC
GMSPD
PC
MPB | |
| s.36(2) | duty to give notice of approval of amendment | GMSPD
PC
MPB | |
| s.38(5) | duty to give notice of revocation of an amendment | GMSPD
PC
MPB | |
| s.39 | function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT | GMSPD
PC
MPB | |
| s.40(1) | function of lodging copy of approved amendment | GMSPD
PC
MPB | |
| s.40(1A) | duty to lodge prescribed documents and copy of approved amendment with the relevant authorities | GMSPD
PC
MPB | |
| s.41 | duty to make approved amendment available | GMSPD
PC
MPB
PLO
PA | |
| s.42 | duty to make copy of planning scheme available | GMSPD
PC
PLO
MPB
PA | |

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s.6 Instrument of Delegation – Members of Staff

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| 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
GMSPD
PC
MPB | |
| s.46N(2)(c) | function of determining time and manner for receipt of development contributions levy | PCofC
GMSPD
PC
MPB | |
| s.46N(2)(d) | power to enter into an agreement with the applicant regarding payment of development infrastructure levy | GMSPD
PC
MPB | |
| s.46O(1)(a) & (2)(a) | power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit | GMSPD
PC
MPB
MBS | |
| s.46O(1)(d) & (2)(d) | power to enter into agreement with the applicant regarding payment of community infrastructure levy | GMSPD
PC
MPB
MBS | |
| s.46P(1) | power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured | GMSPD
PC
MPB | |
| s.46P(2) | power to accept provision of land, works, services or facilities in part or full payment of levy payable | GMSPD
CEO
PC
MPB | |

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S6. Instrument of Delegation – Members of Staff

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| 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
GMCCS
MFCS
PC
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
GMCCS
MFCS
PC
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
CEO
PC
MPB | |
| s.46Q(3) | power to refund any amount of levy paid if it is satisfied the development is not to proceed | GMSPD
PC
MPB | |
| s.46Q(4)(c) | duty to pay amount to current owners of land in the area | GMSPD
CEO
PC
MPB | <ul style="list-style-type: none"> 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
CEO
PC
MPB | <ul style="list-style-type: none"> must be done in accordance with Part 3 |

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| 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
CEO
PC
MPB | <ul style="list-style-type: none"> 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
MFCS
PC
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
PC
MPB | |
| s.46Y | duty to carry out works in conformity with the approved strategy plan | PCofC
GMSPD
GMIS
PC
MPB
EP
MECS | |
| s.47 | power to decide that an application for a planning permit does not comply with that Act. | GMSPD
PC
MPB
EP
MECS | |
| s.49(1) | duty to keep a register of all applications for permits and determinations relating to permits | GMSPD
PC
MPB
PLO
PA
EP
MECS | |

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§6 Instrument of Delegation – Members of Staff

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|---------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.49(2) | duty to make register available for inspection | GMSPD
PA
PC
PLO
MPB | |
| s.50(4) | duty to amend application | GMSPD
PC
PLO
MPB | |
| s.50(5) | power to refuse to amend application | GMSPD
PC
PLO
MPB | |
| s.50(6) | duty to make note of amendment to application in register | GMSPD
PC
PLO
MPB
PA | |
| s.50A(1) | power to make amendment to application | GMSPD
PC
PLO
MPB | |
| s.50A(3) | power to require applicant to notify owner and make a declaration that notice has been given | GMSPD
PC
PLO
MPB | |

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S6 Instrument of Delegation -- Members of Staff

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| 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
PC
PLO
MPB
PA | |
| s.51 | duty to make copy of application available for inspection | GMSPD
PC
PLO
MPB
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
PC
PLO
MPB | |
| s.52(1)(b) | duty to give notice of the application to other municipal councils where appropriate | GMSPD
PC
PLO
MPB | |
| s.52(1)(c) | duty to give notice of the application to all persons required by the planning scheme | GMSPD
PC
PLO
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
PC
PLO
MPB | |

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| 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
PC
PLO
MPB | |
| s.52(1)(d) | duty to give notice of the application to other persons who may be detrimentally effected | GMSPD
PC
PLO
MPB | |
| s.52(1A) | power to refuse an application | PCofC
GMSPD
PC
MPB | |
| 52(1AA) | <u>duty to give notice of an application to remove or vary a registered restrictive covenant</u> | PCofC
GMSPD
PC
MPB | |
| s.52(3) | power to give any further notice of an application where appropriate | GMSPD
PC
PLO
MPB | |
| s.53(1) | power to require the applicant to give notice under section 52(1) to persons specified by it | GMSPD
PC
PLO
MPB | |
| s.53(1A) | power to require the applicant to give the notice under section 52(1AA) | PCofC
GMSPD
PC
PLO
MPB | |

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§6 Instrument of Delegation – Members of Staff

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|---------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.54(1) | power to require the applicant to provide more information | GMSPD
PC
MPB
PLO | |
| s.54(1A) | duty to give notice in writing of information required under s.54(1) | GMSPD
PC
PLO
MPB | |
| s.54(1B) | duty to specify the lapse date for an application | GMSPD
PC
PLO
MPB | |
| s.54A(3) | power to decide to extend time or refuse to extend time to give required information | GMSPD
PC
PLO
MPB | |
| s.54A(4) | duty to give written notice of decision to extend or refuse to extend time und s.54A(3) | GMSPD
PC
PLO
MPB | |
| s.55(1) | duty to give copy application to every referral authority specified in the planning scheme | GMSPD
PC
PLO
MPB | |
| s.57(2A) | power to reject objections considered made primarily for commercial advantage for the objector | GMSPD
PC
MPB | |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|---------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.57(3) | function of receiving name and address of persons to whom notice of decision is to go | GMSPD
PC
PLO
PA
MPB | |
| s.57(5) | duty to make available for inspection copy of all objections | GMSPD
PC
PLO
PA
MPB | |
| s.57A(4) | duty to amend application in accordance with applicant's request, subject to s.57A(5) | GMSPD
PC
PLO
MPB | |
| s.57A(5) | power to refuse to amend application | GMSPD
PC
CEO
MPB | |
| s.57A(6) | duty to note amendments to application in register | GMSPD
PC
PLO
PA
MPB | |
| s.57B(1) | duty to determine whether and to whom notice should be given | GMSPD
PC
PLO
MPB | |

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§6. Instrument of Delegation – Members of Staff

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|------------------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.57B(2) | duty to consider certain matters in determining whether notice should be given | GMSPD
PC
PLO
MPB | |
| s.57C(1) | duty to give copy of amended application to referral authority | GMSPD
PC
PLO
PA
MPB | |
| s.58 | duty to consider every application for a permit | PCofC
GMSPD
PC
PLO
MPB | |
| s.60 | duty to consider certain matters | PCofC
GMSPD
PLO
PA
MPB | Save where the proposed use and/or development: <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme. Or proposed development is in excess of eight (8) metres in overall height above natural ground level. |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s60(1A) | power to consider certain matters before deciding on application | PCofC
GMSPD
PC
PLO
MPB | <ul style="list-style-type: none"> Or four (4) or more objections have been lodged against the grant of a permit. Or where the application may have an affect on the broader community. |
| s.61(1)(a) | power to decide to grant a permit | PCofC

GMSPD
PC
PLO
MPB | Save where the proposed use and/or development. <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme. Or proposed development is in excess of eight (8) metres in overall height above natural ground level. Or four (4) or more objections have been lodged against the grant of a permit. |

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S6 Instrument of Delegation -- Members of Staff

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.61(1)(b) | power to decide to grant a permit with conditions | PCofC

GMSPD
PC
PLO
MPB | <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> <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme. Or proposed development is in excess of eight (8) metres in overall height above natural ground level. Or four (4) or more objections have been lodged against the grant of a permit. <p>Save where the application may have an affect on the broader community.</p> |

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| 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

GMSPD
PC
MPB | The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.

Save where the proposed use and/or development.
<ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme. Or proposed development is in excess of eight (8) metres in overall height above natural ground level. Or four (4) or more objections have been lodged against the grant of a permit. 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
GMSPD
PC
MPB | |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|------------------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.61(3)(a) | duty not to decide to grant a permit to use coastal Crown land without Minister's consent | PCofC
GMSPD
PC
MPB | |
| s.61(3)(b) | duty to refuse to grant the permit without the Minister's consent | PCofC
GMSPD
PC
MPB | |
| s.614(4) | duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant | PCofC
GMSPD
PC
MPB | |
| s.62(1) | duty to include certain conditions in deciding to grant a permit | PCofC
GMSPD
PC
PLO
MPB | Save where the proposed use and/or development. <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme. Or proposed development is in excess of eight (8) metres in overall height above natural ground level. Or four (4) or more objections have been lodged against the grant of a permit. |

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S6 Instrument of Delegation – Members of Staff

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|------------------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.62(2) | power to include other conditions | PCofC
GMSPD
PC
PLO
MPB | <ul style="list-style-type: none"> Or where the application may have an effect on the broader community. Save where the proposed use and/or development. <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme. Or proposed development is in excess of eight (8) metres in overall height above natural ground level. Or four (4) or more objections have been lodged against the grant of a permit. Or where the application may have an effect on the broader community. |
| s.62(4) | duty to ensure conditions are consistent with subsections (a), (b) and (c) | PCofC
GMSPD
PC
PLO
MPB | |

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| 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 | PCofC
GMSPD
PC
PLO
MPB | |
| s.62(5)(b) | power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement | PCofC

GMSPD
PC
PLO
MPB | <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme. Or proposed development is in excess of eight (8) metres in overall height above natural ground level. Or four (4) or more objections have been lodged against the grant of a permit. Or where the application may have an affect on the broader community. |
| s.62(5)(c) | power to include a permit condition that specified works be provided or paid for by the applicant | PCofC
GMSPD
PC
PLO
MPB | |

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S6 Instrument of Delegation – Members of Staff

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|------------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| 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.62(5) or s.46N | PCofC
GMSPD
PC
PLO
MPB | |
| s.62(6)(b) | duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s.62(1)(a) | PCofC
GMSPD
PC
PLO
MPB | |
| s.63 | duty to issue the permit where made a decision in favour of the application (if no one has objected) | GMSPD
PC
PLO
MPB | |
| s.64(1) | duty to give notice of decision to grant a permit to applicant and objectors | GMSPD
PC
PLO
PA
MPB | |
| s.64(3) | duty not to issue a permit until after the specified period | GMSPD
PC
PLO
PA
MPB | |
| s.65(1) | duty to give notice of refusal to grant permit to applicant and objector | GMSPD
PC
PLO
PA
MPB | |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|------------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.66 | duty to give notice under s.64 or s.65 and copy permit to referral authorities | GMSPD
PC
PLO
PA
MPB | |
| s.69(1) | function of receiving application for extension of time of permit | GMSPD
PC
PLO
PA
MPB | |
| s.69(2) | power to extend time | PCofC
GMSPD
PC
PLO
MPB | |
| s.70 | duty to make copy permit available for inspection | GMSPD
PC
PLO
PA
MPB | |
| s.71(1) | power to correct certain mistakes | GMSPD
PC
PLO
MPB | |
| s.71(2) | duty to note corrections in register | GMSPD
PC
PLO
PA
MPB | |

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S6 Instrument of Delegation - Members of Staff

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|------------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.73 | power to decide to grant amendment subject to conditions | PCofC
GMSPD
PC
PLO
MPB | |
| s.74 | duty to issue amended permit to applicant if no objectors | GMSPD
PC
PLO
MPB | |
| s.76 | duty to give applicant and objectors notice of decision to refuse to grant amendment to permit | GMSPD
PC
PLO
PA
MPB | |
| s.76A | duty to give referral authorities copy of amended permit and copy of notice | GMSPD
PC
PLO
PA
MPB | |
| s.76D | duty to comply with direction of Minister to issue amended permit | GMSPD
PC
PLO
MPB | |
| s.83 | function of being respondent to an appeal | GMSPD
PC
PLO
MPB | |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|------------------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.83B | duty to give or publish notice of application for review | GMSPD
PC
PLO
MPB
PCoFC | |
| s.84(1) | power to decide on an application at any time after an appeal is lodged against failure to grant a permit | GMSPD
PC
MPB | <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme. Or proposed development is in excess of eight (8) metres in overall height above natural ground level. Or four (4) or more objections have been lodged against the grant of a permit. <p>Save where the application may have an affect 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
PC
MPB | |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|---------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.84(3) | duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit | GMSPD
PC
MPB | |
| s.84(6) | duty to issue permit on receipt of advice within 3 working days | GMSPD
PC
PLO
MPB | |
| s.86 | duty to issue a permit at order of Tribunal within 3 working days | GMSPD
PC
PLO
MPB | |
| s.87(3) | power to apply to VCAT for the cancellation or amendment of a permit | GMSPD
PC
MPB | |
| s.90(1) | function of being heard at hearing of request for cancellation or amendment of a permit | GMSPD
PC
PLO
MPB | |
| s.91(2) | duty to comply with the directions of VCAT | GMSPD
PC
PLO
MPB | |
| s.91(2A) | Duty to issue amended permit to owner if Tribunal so directs | GMSPD
PC
PLO
MPB | |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|---------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.92 | duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90 | GMSPD
PC
PLO
MPB | |
| s.93(2) | duty to give notice of VCAT order to stop development | GMSPD
PC
PLO
MPB | |
| s.95(3) | function of referring certain applications to the Minister | GMSPD
PC
MPB | |
| s.95(4) | duty to comply with an order or direction | GMSPD
PC
PLO
MPB | |
| s.96(1) | duty to obtain a permit from the Minister to use and develop its land | GMSPD
PC
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
PC
MPB | |
| s.96A(2) | power to agree to consider an application for permit concurrently with preparation of proposed amendment | GMSPD
PC
PLO
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
PC
MPB | |

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s.96. Instrument of Delegation. - Members of Staff. 1 July 2010.

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|-----------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.96E | duty to consider the panel's report under section 96E | GMSPD
PC
MPB | |
| s.96G | power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996) | PCofC
GMSPD
PC
MPB | <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme. Or proposed development is in excess of eight (8) metres in overall height above natural ground level. Or four (4) or more objections have been lodged against the grant of a permit. 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
PC
MPB | |
| s.96J | power to issue permit as directed by the Minister | GMSPD
PC
PLO
MPB | |

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S6. Instrument of Delegation - Members of Staff, 1 July 2010

48

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|---------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.96K | duty to comply with direction of the Minister to give notice of refusal | GMSPD
PC
PLO
MPB | |
| s.97C | power to request Minister to decide the application | GMSPD
PC
MPB | |
| s.97D(1) | duty to comply with directions of Minister to supply any document or assistance relating to application | GMSPD
PC
PLO
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
PC
PLO
MPB | |
| s.97G(6) | duty to make a copy of permits issued under s.97F available for inspection | GMSPD
PC
PLO
PA
MPB | |
| s.97L | duty to include Ministerial decisions in a register kept under s.49 | GMSPD
PC
PLO
PA
MPB | |
| s.97MG | duty to provide documents and information to development assessment committee | PLO
PA
MPB | |

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S6. Instrument of Delegation - Members of Staff
1 July 2010

49

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|---|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.97MH | duty to provide assistance to the development assessment committee | PLO
PA
MPB | |
| s.97MJ(2) | duty to ensure that the register of application specifies whether the development assessment committee has made the decision | PLO
PA
MPB | |
| s.97MK | function of nominating member of the development assessment committee | PLO
PA
MPB | |
| s.97ML(4) | power to nominate alternate members of the development assessment committee | PLO
PA
MPB | |
| s.97O | duty to consider application and issue or refuse to issue certificate of compliance | GMSPD
PC
PLO
MPB | |
| s.97P(3) | duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate | GMSPD
PC
PLO
MPB | |
| s.97Q(2) | function of being heard by VCAT at hearing of request for amendment or cancellation of certificate | GMSPD
PC
PLO
EP
MPB
MECS | |

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s.6. Instrument of Delegation – Members of Staff

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|---------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.97Q(4) | duty to comply with directions of VCAT | GMSPD
PC
PLO
MPB | |
| s.97R | duty to keep register of all applications for certificate of compliance and related decisions | GMSPD
PC
PLO
PA
MPB | |
| s.98(1)&(2) | function of receiving claim for compensation in certain circumstances | GMSPD
MPB | |
| s.98(4) | duty to inform any person of the name of the person from whom compensation can be claimed | GMSPD
MPB | |
| s.101 | function of receiving claim for expenses in conjunction with claim | GMSPD
MPB | |
| s.103 | power to reject a claim for compensation in certain circumstances | PCofC
GMSPD
MPB | |
| s.107 | function of receiving claim for compensation | GMSPD
MPB | |
| s.114(1) | power to apply to the VCAT for an enforcement order | GMSPD
PC
MPB | |

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s.96. Instrument of Delegation – Members of Staff. 1 July 2010.

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|---|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.117(1)(a) | function of making a submission to the VCAT where objections are received | GMSPD
PC
PLO
EP
MPB
MECS | |
| s.120(1) | power to apply for an interim enforcement order where s.114 application has been made | GMSPD
PC
MPB | |
| s.123(1) | power to carry out work required by enforcement order and recover costs | GMSPD
PC
MPB | |
| s.123(2) | power to sell buildings, materials, etc salvaged in carrying out work under s.123(1) | GMSPD
MPB | Except Crown Land |
| s.125 | power to apply for an injunction restraining a person from contravening an enforcement order or interim enforcement order | GMSPD
MPB | |
| s.129 | function of recovering penalties | GMSPD
MFCS
MPB | |
| s.130(5) | power to allow person served with an infringement notice further time | GMSPD
PC
PLO
MPB | |
| s.149A(1) | power to refer a matter to the VCAT for determination | GMSPD
PC
MPB | |

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S6 Instrument of Delegation - Members of Staff

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| 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
PC
MPB | Where Council is the relevant planning authority. |
| s.171(2)(f) | power to carry out studies and commission reports | GMSPD
PC
MPB | |
| s.171(2)(g) | power to grant and reserve easements | PCofC
GMSPD
PC
MPB | |
| s.173 | power to enter into agreement covering matters set out in s.174 | GMSPD
PC
MPB | |
| --- | power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority | GMSPD
PC
PLO
MPB | |

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S6 Instrument of Delegation -- Members of Staff

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| 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
PC
MPB | |
| s.177(2) | power to end a section 173 agreement with approval of the Minister or the consent of all those bound by any covenant in the agreement | GMSPD
PC
MPB | |
| s.178 | power to amend a s.173 agreement | PCofC
GMSPD
PC
MPB | |
| s.179(1) | duty to lodge agreement with Minister | GMSPD
PC
PLO
MPB | |
| s.179(2) | duty to make available for inspection copy agreement | GMSPD
PC
PLO
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
PC
PLO
MPB | |

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S6 Instrument of Delegation -- Members of Staff 1 July 2010

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| 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
PC
PLO
MPB | |
| s.183 | duty to tell Registrar of Titles of ending/amendment of agreement | GMSPD
PC
PLO
MPB | |
| s.198(1) | function to receive application for planning certificate | GMSPD
PC
PLO
PA
MPB | |
| s.199(1) | duty to give planning certificate to applicant | GMSPD
PC
PLO
MPB | |
| s.201(1) | function of receiving application for declaration of underlying zoning | GMSPD
PC
PLO
PA
MPB | |
| s.201(3) | duty to make declaration | GMSPD
PC
PLO
MPB | |

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S6 Instrument of Delegation -- Members of Staff

55

| 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 | PCoFC
GMSPD
PC
PLO
MPB ₁ | |
| - | power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council. | PCoFC
GMSPD
PC
PLO
MPB ₁ | |
| | power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or a condition in a permit | PCoFC
GMSPD
PC
PLO
MPB ₁ | |
| | power to give written authorisation in accordance with a provision of a planning scheme | PCoFC
GMSPD
PC
PLO
MPB ₁ | |

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S6. Instrument of Delegation – Members of Staff
1 July 2010

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| 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
PC
PLO
PA
MPB | |
| r7 | duty of responsible authority to provide copy information or report requested by Minister | GMSPD
PC
PLO
PA
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
PC
PLO
PA
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
PC
PLO
PA
MPB | |

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S6 Instrument of Delegation - Members of Staff

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| 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 | GMSPD
PC
MPB | |
| r.13(2) | power to waive or rebate fee for amendment to a planning scheme in prescribed circumstances | GMSPD
PC
MPB | |
| r.13(3) | duty if fee waived or rebated to record the matters taken into account and which formed the basis of the decision | GMSPD
PC
MPB | |

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S6. Instrument of Delegation – Members of Staff

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| 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
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
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
MSA | duty of Council as a utility under s.3 |

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S6 Instrument of Delegation – Members of Staff

59

| 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.525(4) | duty to issue identity card to authorised officers | GMCCS | |
| s.526(5) | duty to keep record of entry by authorised officer under section 526 | LLC | |
| s.527 | power to authorise a person to institute proceedings (either generally or in a particular case) | LLC | |

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S6. Instrument of Delegation – Members of Staff

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DWELLINGS REGISTRATION AND
STANDARDS) REGULATIONS ... [1]

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S6. Instrument of Delegation – Members of Staff

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| 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
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
PRC | |
| s11(9)(b) | duty to advise Registrar | GMCCS
PRC | |
| s11(10) | duty to inform Secretary to Department of Sustainability and Environment of declaration etc. | MSA
PRC | clause subject to s.11(10A) |
| s.11(10A) | duty to inform Secretary to Dept of Sustainability and Environment or nominated person | GMIS
MSA
MCW | duty of co-ordinating road authority |
| s.12(2) | power to discontinue road or part of a road | GMIS
MSA | power of co-ordinating road authority |
| s12(4) | power to publish, and provide copy, notice of proposed discontinuance | GMIS
MSA | power of coordinating road authority where it is the discontinuing body
- unless subsection (11) applies |
| s.12(5) | duty to consider written submissions received within 28 days of notice | GMIS
MSA | duty of co-ordinating road authority where it is the discontinuing body
- unless subsection (11) applies |
| s.12(6) | function of hearing a person in support of their written submission | GMIS
MSA | function of co-ordinating road authority where it is the discontinuing body
- unless subsection (11) applies |

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s6 Instrument of Delegation - Members of Staff 1 July 2010

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| 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
MSA | duty of co-ordinating road authority where it is the discontinuing body
- unless subsection (1) applies |
| s12(10) | duty to notify of decision made | GMIS
MSA | duty of coordinating road authority where it is the discontinuing body
- 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
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
MSA | |
| s15(2) | duty to include details of arrangement in public roads register | GMIS
MSA | |
| s16(7) | power to enter into an arrangement under s15 | GMIS | |

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S6 Instrument of Delegation – Members of Staff 1 July 2010

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| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|---|-------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s16(8) | duty to enter details of determination in public roads register | GMIS
MSA | |
| 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
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
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
MSA | |
| s19(4) | duty to specify details of discontinuance in public roads register | GMIS
MSA | |

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S6. Instrument of Delegation – Members of Staff

64

| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|---|--------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s19(5) | duty to ensure public roads register is available for public inspection | GMIS
MSA | |
| s.21 | power to reply to request for information or advice | GMIS
MSA | obtain consent in circumstances specified in s11(2) |
| s.22(2) | power to comment on proposed direction | GMIS
MSA | |
| s.40(1) | duty to inspect, maintain and repair a public road. | GMIS
MSA
MCW | |
| s.41(1) | power to determine the standard of construction, inspection, maintenance and repair | GMIS
MSA
MCW | |
| s42(1) | power to declare a public road as a controlled access road | GMIS | power of coordinating road authority and Schedule 2 also applies |
| s42(2) | power to amend or revoke declaration by notice published in Government Gazette | GMIS | power of coordinating road authority and Schedule 2 also applies |
| s.42A(3) | duty to consult with VicRoads before road is specified | GMIS | duty of co-ordinating road authority ___ if road is a municipal road or part thereof |

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s6. Instrument of Delegation - Members of Staff 1 July 2010

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| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|---|--------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.42A(4) | power to approve Minister's decision to specify a road as a specified freight road | GMIS
MSA | power of co-ordinating road authority
- 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
MSA
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 amendment etc of document in road management plan | GMIS
MSA | |
| s.54(2) | duty to give notice of proposal to make a road management plan | GMIS
MSA | |
| s.55(1) | duty to cause notice of road management plan to be published in Government Gazette and newspaper | GMIS
MSA | |
| s.63(1) | power to consent to conduct of works on road | GMIS
MCW
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
MCW
MSA | power of infrastructure manager |
| s.64(1) | duty to comply with clause 13 of Schedule 7 | GMIS
MCW
MSA | duty of infrastructure manager or works manager |
| s.66(1) | power to consent to structure etc | LLC | power of coordinating road authority |

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s6. Instrument of Delegation – Members of Staff 1 July 2010

66

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------|---|------------------------|--------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| 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
GMCCS
GMIS | |
| s86 | duty to keep register re s85 matters | GMIS | |
| s87(2) | power to investigate complaint and provide report | GMIS | |
| s116 | power to cause or carry out inspection | MSA
MCW | |
| s120(2) | power to seek consent of VicRoads | GMIS
MCW | |
| s121(1) | power to enter into an agreement re works | GMIS
MCW | |
| Schedule 2
Clause 2(1) | power to make a decision re controlled access roads | GMIS | |
| Schedule 2
Clause 3(1) | power to make policy about controlled access roads | GMIS | |
| Schedule 2
Clause 3(2) | power to amend, revoke or substitute policy about controlled access roads | GMIS | |

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S6. Instrument of Delegation – Members of Staff 1 July 2010

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| ROAD MANAGEMENT ACT 2004 | | | |
|-----------------------------|--|--------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| Schedule 2
Clause 5 | duty to publish notice of declaration | GMIS | |
| Schedule 7,
Clause 7(1) | duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve | GMIS
MCW
MSA | duty of infrastructure manager or works manager |
| Schedule 7,
Clause 8(1) | duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road | GMIS
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
MCW
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
MCW
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
MCW
MSA | duty of infrastructure manager or works manager |

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| ROAD MANAGEMENT ACT 2004 | | | |
|-----------------------------|---|----------------------------|--------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| 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
MCW
MSA | power of coordinating road authority |
| Schedule 7
Clause 12(4) | duty to ensure that works are conducted by an appropriately qualified person | GMIS
MCW
MSA | power of coordinating road authority |
| Schedule 7
Clause 12(5) | power to recover costs | GMIS
MCW
MFCS
MSA | power of coordinating road authority |
| Schedule 7,
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
MCW
MSA | duty of works manager |
| Schedule 7
Clause 13(2) | power to vary notice period | GMIS
MCW
MSA | power of coordinating road authority |
| Schedule 7,
Clause 13(3) | duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1) | GMIS
MCW | duty of infrastructure manager |
| Schedule 7
Clause 16 | power to consent to proposed works | GMIS
MSA
MCW | power of coordinating road authority |

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S6. Instrument of Delegation -- Members of Staff 1 July 2010

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| ROAD MANAGEMENT ACT 2004 | | | |
|-------------------------------|--|--------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| Schedule 7
Clause 17(2) | power to refuse to give consent | GMIS | power of coordinating road authority |
| Schedule 7
Clause 18(1) | power to enter into an agreement | GMIS
MCW
MSA | power of coordinating road authority |
| Schedule 7
Clause 19(1) | power to give notice requiring rectification of works | GMIS
MSA
MCW | power of coordinating road authority |
| Schedule 7
Clause 20(1) | power to require removal, relocation, replacement or upgrade of existing non-road infrastructure | MSA
LLC
MCW | power of coordinating road authority |
| Schedule 7A
Clause 2 | power to cause street lights to be installed on roads | GMIS
MSA | power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road. |
| Schedule 7A
Clause 3(1)(c) | duty to pay installation and operation costs of street lighting – where road is not an arterial road. | GMIS
MSA | where Council is the responsible road authority for the road. |
| Schedule 7A
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
MSA | where Council is the responsible road authority. |

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S6. Instrument of Delegation – Members of Staff
1 July 2010

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| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|---|-------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| Schedule 7A
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
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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S6. Instrument of Delegation – Members of Staff
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| CEMETERIES AND CREMATORIA REGULATIONS 2005 | | | |
|---|---|----------------------|-------------------------------------|
| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r.17 | power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b) | PRC
GMCCS
MFCS | |
| r.18(1) | power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator | PRC
GMCCS
MFCS | |
| r.18(2) | duty to ensure any fittings removed of are disposed in an appropriate manner | PRC
GMCCS
MFCS | |
| r.19 | power to dispose of any metal substance or non-human substance recovered from a cremator | PRC
GMCCS
MFCS | |
| r.20(2) | power to release cremated human remains to certain persons | PRC
GMCCS
MFCS | Subject to any order of a court |
| r.21(1) | duty to make cremated human remains available for collection within 2 working days after the cremation | PRC
GMCCS
MFCS | |
| r.21(2) | duty to hold cremated human remains for at least 12 months from the date of cremation | PRC
GMCCS
MFCS | |
| r.21(3) | power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation | PRC
GMCCS
MFCS | |

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| CEMETERIES AND CREMATORIA REGULATIONS 2005 | | | |
|---|---|----------------------|-------------------------------------|
| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
| <u>PROVISION</u> | <u>THING DELEGATED</u> | <u>DELEGATE</u> | <u>CONDITIONS & LIMITATIONS</u> |
| r.21(4) | duty to take reasonable steps to notify relevant people of intention to dispose of remains at expiry of 12 month period | PRC
GMCCS
MFCS | |
| r.22 | duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d) | PRC
GMCCS
MFCS | |
| r.26 | duty to provide statement that alternative vendors or supplier of monuments exist | PRC
GMCCS
MFCS | |
| r.36 | power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c) | PRC
GMCCS
MFCS | |
| r.38(2) | power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area | PRC
GMCCS
MFCS | |
| Schedule clause 4 | power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 6 | PRC
GMCCS
MFCS | |
| Schedule clause 5(1) | duty to display the hours during which pedestrian access is available to the cemetery | PRC
GMCCS
MFCS | |
| Schedule clause 5(2) | duty to notify the Secretary of (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours | PRC
GMCCS
MFCS | |
| Schedule clause 6(1) | power to give directions regarding the manner in which a funeral is to be conducted | PRC
GMCCS
MFCS | |

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| CEMETERIES AND CREMATORIA REGULATIONS 2005 | | | |
|---|---|----------------------|-------------------------------------|
| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
| <u>PROVISION</u> | <u>THING DELEGATED</u> | <u>DELEGATE</u> | <u>CONDITIONS & LIMITATIONS</u> |
| Schedule clause 7(1) | 6. power to give directions regarding the dressing of places of interment and memorials | PRC
GMCCS
MFCS | |
| Schedule clause 11(1) | 6. power to remove objects from a memorial or place of interment | PRC
GMCCS
MFCS | |
| Schedule clause 11(2) | 6. duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner | PRC
GMCCS
MFCS | |
| Schedule clause 12 | 6. power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies | PRC
GMCCS
MFCS | |
| Schedule clause 14 | 6. power to approve an animal to enter into or remain in a cemetery | PRC
GMCCS
MFCS | |

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1 July 2010

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| 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
MSA | |
| r.302(2) | duty to give notice of review of road management plan | GMIS
MSA | |
| r.302(5) | duty to produce written report of review of road management plan and make report available | GMIS
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
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
MSA | power of coordinating road authority |
| r.501(4) | power to charge fee for issuing permit under r.501(1) | GMIS
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
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
LLC | power of responsible road authority |

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1 July 2010

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| ROAD MANAGEMENT (GENERAL) REGULATIONS 2005 | | | |
|--|---|----------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r.509(2) | power to sell or destroy things removed from road or part of road (after first complying with r.509(3)) | GMIS LLC | power of responsible road authority |
| r.509(4) | power to recover in the Magistrates' Court, expenses from person responsible | GMIS LLC | |

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| 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 | GMIS
MCW | power of coordinating road authority |
| r.18(2) | power to waive whole or part of fee in certain circumstances | GMIS | power of coordinating road authority |

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S6. Instrument of Delegation – Members of Staff

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OM102306-7**REVIEW OF COUNCIL PLAN**

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

Purpose

The purpose of this report is to present for Council's adoption the revised Council Plan for 2009/2013 and the revised Strategic Resource Plan for 2010/2014.

Declaration of Interests

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

Background

Council is required by the *Local Government Act* 1989 to develop a Council Plan and review its continued relevance on an annual basis. S125(7) states "At least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan". S126(3b) requires Council to "adopt the Strategic Resource Plan not later than 30 June each year".

At the Special Council meeting held on 12 May 2010 it was resolved:

"That Council:

1. *Endorse the revised 2009/2013 Council Plan and the revised 2010/2014 Strategic Resource Plan and put out for public submissions for a four week period.*
2. *Notes that the Strategic Resource Plan has been developed and put out for public comment prior to the completion of the 2010/2011 Budget process.*
3. *Notes that the precise rate increases for each year are decided as part of each budget process.*
4. *Notes that nothing in the Strategic Resource Plan prevents the Council from considering options to reduce the level of borrowings as part of each future budget process.*
5. *Consider any submissions on the Council Plan and the Strategic Resource Plan at a Special Council Meeting on Wednesday 23 June 2010 at 3.00 pm at COPACC."*

No submissions have been received on the revised Council Plan.

Council Plan / Other Strategies / Policy

The Council Plan is a strategic document outlining the objectives and strategies of Council.

The Plan includes:

- Our Vision
- Our Mission
- Our Values

- Key Result Areas
- Objectives
- Strategies and
- Key Actions

Issues / Options

Changes made to the Council Plan

The revised Council Plan has been adjusted after the first year to include additional actions and to revise timelines. Other minor changes have also been made. Additional or changed actions include:

Under Leadership and Governance:

- *Introduce the revised Procurement Policy and Council's Tendering & Contracting Procedures to ensure cost efficiency and transparency.*

Under Land Use and Development:

- *Prepare a Colac Residential Strategy that includes a review of long term growth options at Elliminyt.*
- *Undertake a review of future growth options for Apollo Bay.*
- *Introduce a Salinity Management Overlay to affected areas.*
- *Work with State Government to review policies and provisions in fire risk areas as appropriate following the conclusion of the Bushfire Royal Commission.*

Under Environmental Management:

- *Update the environmental overlays in the Planning Scheme to introduce the latest biodiversity mapping prepared by State Government.*
- *Develop and implement an Environmental Sustainability Policy.*

Under Community Health and Wellbeing:

- *Implement the recommendations of Council for the Colac Library Annexe/Sub-Branch.*
- *Implement strategies in the Drug Action Plan.*
- *Develop a Civic and Cultural Precinct Plan for Colac.*

Further Proposed Changes

- Under Leadership and Governance Strategy No. 1, Key Action No. 1 add the words "*Participate in the G21 Regional Land Use Plan*". Transferred from Land Use and Development.
- Under Leadership and Governance Strategy No. 4, Key Action No. 1 change "*Best Value*" to "*Continuous Improvement*".
- Under Physical Infrastructure and Assets Strategy No 4, Key Action No. 1 change "*Implement the Transport Linkages Program*" to "*Advocate for Strategic Transport Initiatives*". This is to avoid confusion with the Transport Connections program.
- Under Land Use and Development Strategy No. 1, Key Action No. 9 delete "*Participate in the G21 Regional Land Use Plan.*" Now included under Leadership and Governance.
- Under Environmental Management Strategy No. 6, Key Action No. 2 delete "*review current*" and replace with "*new*".
- Under Community Health & wellbeing Strategy No. 3, Key Action No. 4 change "*Access and Inclusion Plan*" to "*Access, Equity and Inclusion Plan*".

Changes made to the Strategic Resource Plan (SRP)

Each of the statements:

- Standard Income Statement.
- Standard Balance Sheet.
- Standard Cash Flow Statement.
- Standard Statement of Capital Works.

have been adjusted to update the figures in each of the statements.

A summary of the MAV Local Government Sustainability Program has been added as well as a statement in the introduction:

“The Strategic Resource Plan has been prepared prior to the completion of the 2010/11 Budget process. The final budget will vary from the Strategic Resource Plan due to the differences in timelines in the preparation of the various documents. In each budget process Council will consider options to reduce the level of borrowings and decide the precise rate increase.”

It should be noted that the figures are only initial projections. The draft budget for 2010/11 is currently out for public submissions.

The SRP statements are prepared using the 2009/10 budget and other information available. Although, given that the data is based upon the information available today, actual results will differ.

As also indicated the SRP was developed prior to the completion of the 2010/11 Budget. The Budget provides a more in depth analysis of the annual requirements to ensure services and other requirements are delivered.

The Budget also provides a listing of major projects that are expected to be undertaken.

The key financial challenges and targets in the SRP have not altered:

Challenges facing the Council are:

- *Ageing infrastructure and a backlog of asset renewal;*
- *Extensive local roads system;*
- *Funding of capital expenditure investment;*
- *Environmental obligations including climate change;*
- *Maintaining operating surpluses;*
- *Maintenance of existing liquidity levels;*
- *Managing financial risks prudently in regard to debts, assets and liabilities;*
- *Development of rating policies that provide reasonable stability and equity in the level of the rate distribution;*
- *Financial capacity to fund major infrastructure projects.*

Other challenges which also need to be considered:

- *Availability of appropriately skilled staff;*
- *Changing demographics and an ageing population resulting in a changing demand for existing Council services and changing community expectation to enhance existing services;*
- *Diverse township and rural environments creating diverse wants and needs requiring flexible strategies to deal with them;*
- *Increasing government regulation placing demands on Council particularly in public risk, health and safety, planning, building, asset management and environmental management;*

- *Dealing with reduced levels of federal and state government funding.*

Targets to be achieved to address the challenges are:

- *Ensure asset renewal gap capital commitments are met in real terms for each year of the Strategic Resource Plan;*
- *Achieve consistent operating surpluses;*
- *Achieve strong working capital and liquidity positions;*
- *Ensure cash balances are equal or above statutory and reserve levels;*
- *Ensure funding is available to meet the Shire's current and future environmental obligations;*
- *Ensure funding is available to meet the Shire's current accommodation obligations;*
- *Review user fees and charges on an annual basis for equity and fairness.*

These targets will:

- *Meet the strategic objectives proposed in the Council Plan;*
- *Continue to address the infrastructure funding gap issues of Council;*
- *Provide a reasonable degree of consistency and stability in the level of rates burden;*
- *Enhance the longer term financial sustainability of Council*

Colac Otway has commenced the process to review and enhance the long term Strategic Resource Plan for the municipality including the development of financial policies/strategies:

- Borrowings;
- Reserves;
- Capital;
- Assets; and
- Services.

The process will also include the development of a 10 year long term financial plan. In future it is the aim that any revision to the Council Plan and Strategic Resource Plan and the annual Budget would all be considered by Council at the same time.

Timelines

Under the *Local Government Act 1989* the revised Council Plan and Strategic Resource Plan need to be adopted by 30 June each year.

Rating

The SRP has been initially based on an average rate increase of 5% per annum plus supplementary rates.

The draft Budget process 2010/11 indicates an increase in the average rate of 8%. The precise rate increase for each year is decided as part of the budget process.

Projected Staff Numbers

The SRP includes projected staff numbers for the four year period. The projected staff numbers include all positions. At all times during a year there are vacant positions.

The figures in the SRP include the projected number of staff based on all positions being filled.

Proposal

That Council adopt the revised 2009/2013 Council Plan and the 2010/14 Strategic Resource Plan.

Financial and Other Resource Implications

The Strategic Resource Plan has been adjusted in line with projections for the four year period.

The financial implications of the new and revised initiatives have been addressed as part of the development of the 2010/11 budget.

Risk Management & Compliance Issues

S125 (7) *“At least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan”* and S126(3b) *[A Council must] adopt the Strategic Resource Plan not later than 30 June each year.”*

Environmental and Climate Change Considerations

The revised Council Plan Strategies and Key actions in the Environmental Management section are strengthened following the completion of Council’s Environmental Strategy 2010/2018.

Community Engagement

There were a number of sessions with Councillors and officers in reviewing the Council Plan. The review resulted in a number of changes.

As per the Council’s Community Engagement Policy and Section 223 of the *Local Government Act 1989* the Council Plan was put out for a 28 day submission process. Under Section 223 of the *Local Government Act 1989*, Council must consider any written submissions which are received by the Council within 28 days after the publication of a public notice.

No public submissions were received.

Implementation

Following Council endorsement of the Plan, it will be forwarded to the Minister for Local Government. The revised Council Plan will be placed on Council’s website.

Conclusion

The Council Plan has been reviewed following discussions with Councillors and officers. A number of changes/additions have been made.

Council’s SRP has also been adjusted. The SRP will achieve operational surpluses over the next four years and this will provide a foundation for the Shire’s long term financial viability whilst funding the infrastructure renewal gap requirement.

The SRP will be reviewed on an annual basis in line with the review of the Council Plan. Council is required to review the Council Plan on an annual basis.

The SRP has been prepared prior to the completion of the 2010/11 Budget process. The final budget will vary from the SRP due to the differences in timelines in the preparation of the various documents.

In each budget process Council will consider options to reduce the level of borrowings and decide the precise rate increase.

Attachments

1. Council Plan 2009-2013

Recommendation(s)

That Council adopt the revised Council Plan 2009/2013 (including the Strategic Resource Plan 2010/2014) and forward a copy of the Plan to the Minister for Local Government.

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# Council Plan 2009-2013



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## Purpose of the Council Plan

The Council Plan is a legislative requirement and each municipality is required to submit a new 4-year Council Plan to the Minister for Local Government, no later than 30 June of the year following a Council election.

The Council Plan is a strategic document outlining the objectives and strategies of Council to the community that the Colac Otway Shire Council, elected in November 2008, has developed to inform the community on the Strategic Actions to deliver its statutory requirements and to reflect the direction Council wishes to take during their electoral term.

Council has developed this Plan in consultation with its key stakeholders - our employees and the community we serve using our Values of Respect, Integrity, Goodwill, Honesty and Trust and the six key result areas of Council as the framework.

Council is pleased to note that over 132 ratepayers were consulted at eight Community Forums around the Shire during March 2009, when this Plan was first created, providing direct input for this Plan.

At the same time, a Community Survey was conducted, resulting in 759 people taking the opportunity to participate in the survey, providing 9,000 pieces of information used to guide the strategies and actions of this Council Plan.

The Plan underpins and guides our work and establishes the direction and priorities for the organisation for the remaining 3 years of this 4 year plan. Supporting plans such as business plans and specific topic strategies are also aligned to the Council Plan. Progress against the Plan will be measured at least quarterly and annually, in reports to Council and the publication of our Annual Report.

The Council Plan is reviewed annually to foster a more proactive approach to our long-term planning. It also enables Council to better respond to local and other issues in a more positive and timely manner.

### Strategic 'Snapshot' Report

Attached as an Appendix is a Strategic 'Snapshot' of the Shire. The purpose of this report is to provide information, facts and forecasts about the Colac Otway Shire that informed the development of the Council Plan 2009 to 2013.

The report is presented in the same structure as the Council Plan to enable a quick and easy translation.

The report is based on the best available information about the Shire. In some cases, the information is for wider geographical regions such as the Barwon or Victoria West Regions. Where this is the case, assumptions have been made as to the applicability to Colac Otway.

The report is intended to generate discussion, raise awareness and support the development of strategies and actions that address the challenges facing the municipality.

## Our Vision, Mission and Values

### Our Vision

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

### Our Mission

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

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

### Our Values

Council will achieve its Vision and Mission by acting with:

- **R**espect
- **I**ntegrity
- **G**oodwill
- **H**onesty
- **T**rust



## Mayor and CEO's Message



CEO Rob Small (left) and Cr Lyn Russell (right)

It is with great pleasure that we present the revised 2009 – 2013 Council Plan.

The Council Plan 2009 – 2013 is Colac Otway Shire's key corporate document. We encourage community members to read this document as it identifies Council's key directions and priorities for the next 3 years of the 4 year Plan.

The Council Plan has been developed via a collaborative process between elected Councillors, the organisation and the Colac Otway Shire community. Also taken into consideration were the results of detailed research undertaken on key factors and issues impacting on the future growth and development of the municipality. We have included this information as an attachment to the Council Plan.

The six Key Result Areas in the Plan are where Council focuses its attention to achieve outcomes for the community. Strategic Objectives are underpinned by Strategies which will determine the way Council manages and delivers services to the Colac Otway community during the four years to 2013.

The Council Plan is closely aligned with the preparation of the annual Budget process, which resources our activities and initiatives. The Council Plan details the Key Actions that Council will pursue during the next 3 year period and the indicators and targets that will be used to monitor the Strategic Objectives.

**Cr Lyn Russell**  
Mayor  
Colac Otway Shire

**Rob Small**  
Chief Executive Officer  
Colac Otway Shire

# Our Council



**Cr Lyn Russell**  
Mayor

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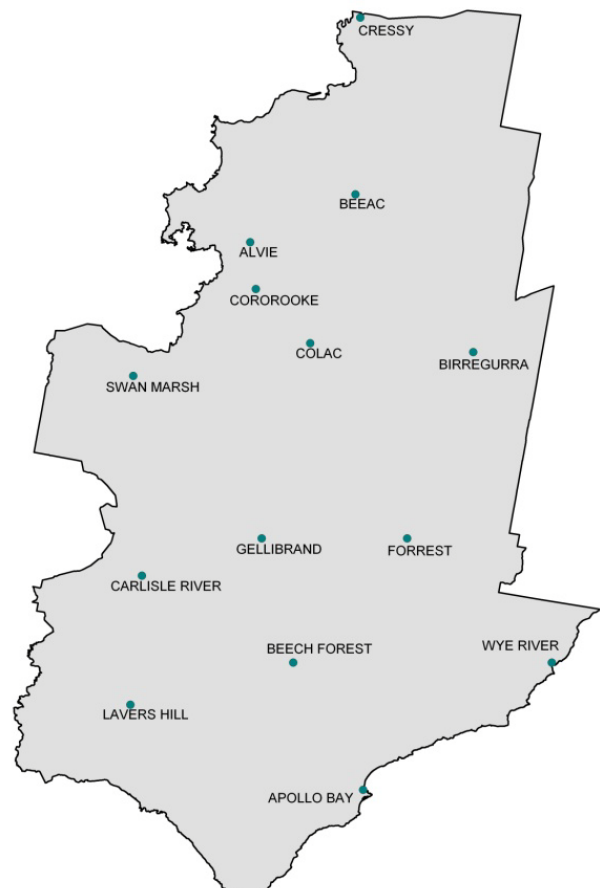
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**Cr Chris Smith**

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## How Council Operates

Together Councillors make up Colac Otway Shire Council, a statutory body constituted under the Local Government Act 1989. Council is responsible for setting the organisation's direction and ensuring that it performs effectively on behalf of the Colac Otway Shire community.

### Council Meetings

Council meetings are generally held on the 4<sup>th</sup> Wednesday of each Month and are open to the public. Council meetings are held at the Council offices in Colac, with two meetings a year held in Apollo Bay. Council's meeting agendas and minutes are available on the Colac Otway Shire website [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au).

The Mayor is elected annually by the Councillors. Committee appointments are made annually by Council. Committees of Council are as follows:

| Committee                                                          | Purpose/Comments                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Audit Committee<br/>(Advisory Committee)</b>                    | To review financial and risk management systems and assist Council to carry out its corporate governance responsibilities. It has an independent member as the chairperson. The Chief Executive Officer (CEO) is a non-voting member.                  |
| <b>Australia Day Advisory Committee</b>                            | To review nominations and select Australia Day Award winners in the various categories.                                                                                                                                                                |
| <b>Festival &amp; Events Support Scheme<br/>Advisory Committee</b> | To consider the applications received for the Festival & Events Support Scheme and make any recommendations to Council on any strategic directions for specific events or the Support Scheme.                                                          |
| <b>Grants/Community Funding Advisory<br/>Committee</b>             | To consider the applications received for the Community Funding program and make recommendations on any strategic directions for the specific projects or funding programs.                                                                            |
| <b>Planning Committee<br/>(Special Committee)</b>                  | To consider and determine all matters referred to it pursuant to the instrument of delegation, matters relating to strategic issues, receiving regular reports on key performance indicators, and other matters referred to the Committee as seen fit. |
| <b>Small Town Improvement Program<br/>Advisory Committee</b>       | To consider the applications received for the Small Town Improvement Program.                                                                                                                                                                          |

**Note:** A number of the committees include external members and staff.

On an annual basis, Council also appoints Councillors to a number of other committees and external bodies.

## Overview of the Shire

We are fortunate to live in this part of the world, with its natural beauty and diversity of industry. Colac Otway Shire has some of the most picturesque scenery in the State. A large proportion is State Forest and National Park, including beaches, coastline, rainforests, waterfalls, volcanic lakes and craters.

Colac Otway Shire is situated within a two hour drive of Melbourne and is a vibrant and progressive rural, residential and resort area.

Colac is thought to be named after the local Coladjin Aboriginal tribe that once lived in the area and Cape Otway was named by Lieutenant Grant in 1801 after a Captain Otway.

In the northern hinterland much of the rural area is used for timber and agriculture, with farming, cropping and dairying being the main agricultural activities.

A drive south through Colac leads to the Otway Ranges, home to one of Australia's most significant cool climate rainforest areas. The Otways are important to the Shire and the wider region for tourism, timber and water harvesting, with tourism being especially important in the southern section along the Great Ocean Road.

### The Shire at a Glance

The Shire has two main townships; the largest being Colac, the major service town where most community support and health services, retail trade and manufacturing businesses are located. The other major township is Apollo Bay, which serves as the major tourism centre. Dotted throughout the Shire are many small and historic towns with active community associations.

|                                                             |                     |
|-------------------------------------------------------------|---------------------|
| <i>Area:</i>                                                | 3,427 sq kilometres |
| <i>Length of Local Roads:</i>                               | 1,632 kilometres    |
| <i>Number of Rateable Properties (as at 31 March 2010):</i> | 14,395              |

The following data is sourced from the Australian Bureau of Statistics Census 2006:

#### *Employment*

95.4% of the labour force is employed.

The four most popular industry sectors are:

- Retail Trade (1,370 persons or 14.6%)
- Agriculture, Forestry & Fishing (1,334 persons or 14.2%)
- Health and Community Services (1,035 persons or 11.1%)
- Manufacturing (1,028 persons or 11.0%)

In combination, these four industries employed a total of 4,767 people or 50.9% of the employed resident population.

### Age Structure

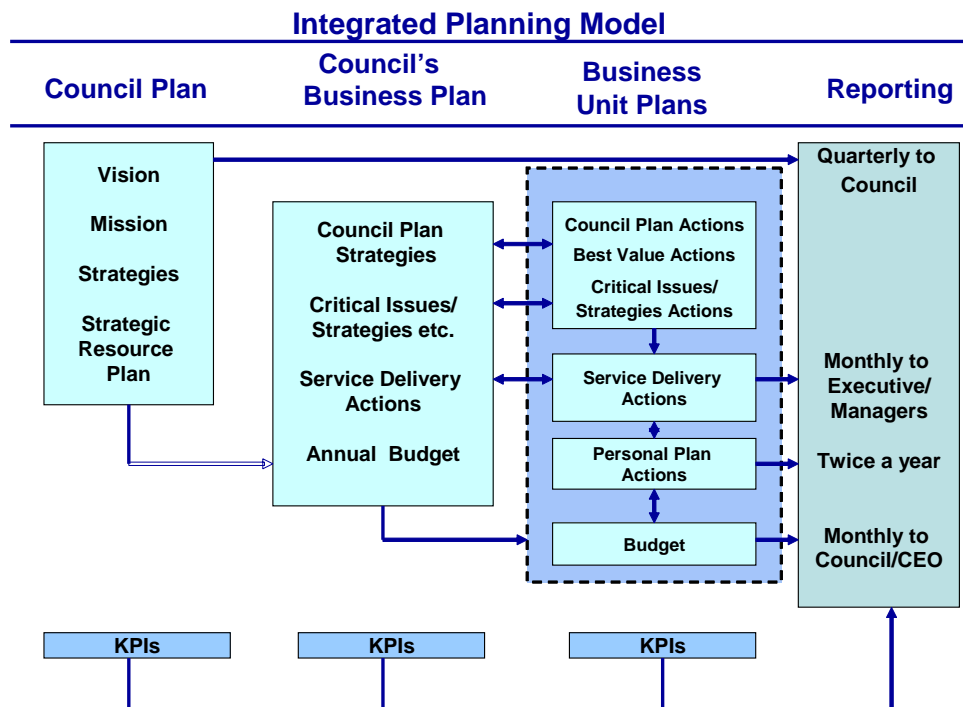
Age structure is an important indicator of an area's residential role and function and how it is likely to change in the future. The age structure of a population is usually indicative of an area's era of settlement and provides key insights into the level of demand for services and facilities, as most services and facilities are age-specific.

|                                          |        |       |
|------------------------------------------|--------|-------|
| Population at 30 June 2006:              | 20,293 |       |
| 0-4 yrs                                  |        | 5.9%  |
| 5-11 yrs                                 |        | 9.5%  |
| 12-17 yrs                                |        | 9.4%  |
| 18-24 yrs                                |        | 7.5%  |
| 25-34 yrs                                |        | 10.2% |
| 35-49 yrs                                |        | 20.8% |
| 50-59 yrs                                |        | 14.1% |
| 60-69 yrs                                |        | 10.2% |
| 70-84 yrs                                |        | 10.2% |
| 85+ yrs                                  |        | 2.2%  |
| Colac Otway residents born in Australia: |        | 87.3% |

# Council’s Planning Framework

Colac Otway Shire’s Council Plan plays a vital role in shaping the future of the municipality over the next four years. It sets out local and regional challenges and opportunities for our community.

This planning document embodies Council’s Plans, Objectives, Strategies and Key Actions that will enable us to achieve our long term vision of a sustainable, vibrant future in partnership with our community.



## Business Plans

The provision of strategic direction through the Council Plan and the allocation of funding through the Budget is not enough by itself to deliver ‘on the ground’ results. This can only be achieved through plans for actions involving all appropriate human, physical and financial resources. For local government this requires detailed planning across the wide range of services it delivers and functions it performs. These internal action plans are prepared annually and are known as Unit Business Plans.

## Continuous Improvement (Best Value)

Best Value is a commitment from Colac Otway Shire to provide best value for the resources we use and the best possible services for our community.

Councils are required by the Local Government Act to ensure their services take into account the following Best Value principles:

- Specific quality and cost standards for every Council service
- Responsiveness to community needs
- Accessibility and appropriately targeted services
- Continuous improvement
- Regular community consultation on all services and activities

- Frequent reporting to the community

Council will apply these principles to continuously improve its strategic and service planning as well as its service delivery. This ongoing improvement will assist Council to maintain its flexibility and provide resources to meet the community's needs, thereby building on our commitment to provide high quality, cost effective services and facilities that promote community wellbeing.

# Development of the Council Plan

## 1. Strategic Research

Extensive strategic research underpins the development of this Council Plan, with the Strategies and Key Actions for each of the Key Result Areas in the Plan supported by these findings.

A 'snapshot' of the collated results of the research is included as an attachment to the Council Plan. The information, facts and forecasts in the report are posed as **Challenges** to achieving the **Vision** and **Objectives**.

Following is an excerpt from the report:

*"There are numerous positive performance indicators and examples of success throughout the Shire; however, the focus of this report is to capture the things that need to be addressed to achieve the preferred future for the municipality.*

*There are two types of "Challenge" described for each Key Result Area, being:*

1. **Municipal Wide Challenges** – describe the challenges facing the whole municipality, not just the Council as a Local Government Authority.

*Municipal wide challenges are not the sole responsibility of one organisation or level of government and therefore require multi-agency collaboration if they are to be addressed. Council therefore has a choice whether it gets involved through a leadership, advocacy, facilitation or participant role in addressing the challenge.*

2. **Council Specific Challenges** – describe the challenges that are directly under the control or responsibility of Council.

*Council will need to decide if the challenge requires a strategic response and resource allocation.*

*Actions to address the Challenges will often require a combination of Council, community, government and private sector partnerships, funding and collaboration."*

In addition to the background data and research, the development of the Council Plan is also the outcome of the following inputs:

- Statutory requirements
- Contracts and Agreements
- Employer obligations
- Technical and Specialist input
- Councillor input
- Staff input
- Community Input
- Ideas and feedback
- Council Plan 2005-2009



## 2. Engagement and Consultation

### A. Council and Organisation Input

In early December 2008, input and endorsement was sought from the newly elected Council on the proposed Council Plan framework, key activities and timetable for completion of the Plan.

A series of five workshops were held with staff from across the organisation, and at all levels, at which a draft framework for the new Council Plan was workshopped.

The views of staff were sought on the 2005-2009 Vision, Mission and Values; what was still current, what had changed and what should be included. The proposed Strategic Objectives were discussed and challenges to achieving the objectives identified. Strategies and Key Actions were identified using the 'MoSCoW' process developed by the City of Melbourne:

- **Must Do**
- **Should Do**
- **Could Do**
- **Won't Do (or Can't Do)**

along with items for consideration as part of a Long-Term Financial Plan

In December 2008 and January 2009, Council workshopped their new Vision, Mission and Values and provided input into the draft Key Result Areas, Strategic Objectives and Strategies in the Council Plan.

In February 2009, Council endorsed the program for consultation with the community on the Strategies proposed for the new Council Plan and to seek the community's views and input on issues of concern.

As required by the Local Government Act, Council has undertaken an annual review of the Council Plan to ensure that the Plan retains its currency. While there is no major structural change to the Plan for the remaining 3 years of its operation, several Key Actions have been added to address emerging issues.

### B. Community Input

Community consultation and engagement is a core ingredient in Council's planning framework. Council undertook an extensive community consultation program during the development of this Council Plan in 2009. Two approaches were used; a **Community Survey** and eight **Community Forums**.

The *Community Survey* of 759 resident and non-resident ratepayers targeted people 15 to 80+ years of age in direct proportion to the current demographic distribution and gender balance of the Shire. A variety of methods were used including web, email, direct contact, paper and mail providing a 95% confidence rate in the survey outcomes. The survey covered the Shire by gathering input from all towns and districts using a Zone based approach:

| Zone                           | Towns                                                                                                                                                                                                                                                                                                                                                                                          | 2006          | %           |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------|
| <b>Colac Otway Shire TOTAL</b> |                                                                                                                                                                                                                                                                                                                                                                                                | <b>20,293</b> | <b>100%</b> |
| <b>Urban Colac</b>             | <b>Colac</b> , Elliminyt                                                                                                                                                                                                                                                                                                                                                                       | 11,407        | 56.2%       |
| <b>Rural North</b>             | Alvie, <b>Beeac</b> , <b>Birregurra</b> , Cororooke, Cressy, Irrewarra and Warrion, and the localities of Balintore, Barunah Plains, Coragulac, Corunnun, Cundare, Cundare North, Dreeite, Dreeite South, Eurack, Ombersley, Ondit, Warncoort, Weering, Whoorel, Winchelsea (part), Wingeel and Wool Wool                                                                                      | 3,346         | 16.5%       |
| <b>Rural South</b>             | Barongarook, Carlisle River, <b>Forrest</b> , <b>Gellibrand</b> , Larpent, Pirron Yallock and Swan Marsh, and the localities of Barongarook West, Barramunga, Barwon Downs, Bungador, Carpendeit (part), Gerangamete, Irrewillipe, Irrewillipe East, Jancourt East (part), Kawarren, Murroon, Nalangil, Pennyroyal, Simpson (part), Stonyford, Yeo and Yeodene                                 | 2,966         | 14.6%       |
| <b>Great Ocean Rd Otways</b>   | <b>Apollo Bay</b> , <b>Beech Forest</b> , Glenaire, Johanna, Kennett River, Lavers Hill, Marengo, Skenes Creek, Wongarra and Wye River, and the localities of Aire Valley, Cape Otway, Chapple Vale, Ferguson, Gellibrand Lower (part), Grey River, Hordern Vale, Mount Sabine, Petticoat Creek, Separation Creek, Skenes Creek North, Sugarloaf, Tanybryn, Weeaprounah, Wyelangta and Yuulong | 2,584         | 12.7%       |

Eight *Community Forums* were conducted at various times and in seven locations across the Shire (highlighted in blue text in the above table) that included the main towns and population areas. The Forums were run in a 'World Café' style where tables discussed the topics of the day, with the help of a facilitator, and then recorded their input on the survey form.

The nature of the Forums allowed for more topics to be explored and background information to be provided. Wider strategic 'Big Picture' topics such as the Environment, Economy, Community and Population Sustainability were discussed. Whilst these areas are not directly or totally the responsibility of Council, they represent the core sustainability, and therefore the viability, of the Shire and have a significant impact on Council operations i.e. services, infrastructure, rate base and image.

Input and feedback is sought from the community on an ongoing basis in regard to all the major strategies and policies developed and adopted by Colac Otway Shire. Significantly, this consultation is embedded in Council business agendas through the obligation to address the issue of community consultation in all reports and recommendations that come before Council for consideration.

Statutory compliance plays a vital part in ensuring that at least an acceptable level of community consultation is achieved. In terms of the Council Planning framework, the preparation and adoption processes for both the Council Plan and the Budget are subject to compliance with Section 223 of the Local Government Act 1989, which provides for public notices and the receipt and consideration of submissions from the community.

The community was invited to provide comment on the revised Council Plan during 2010.

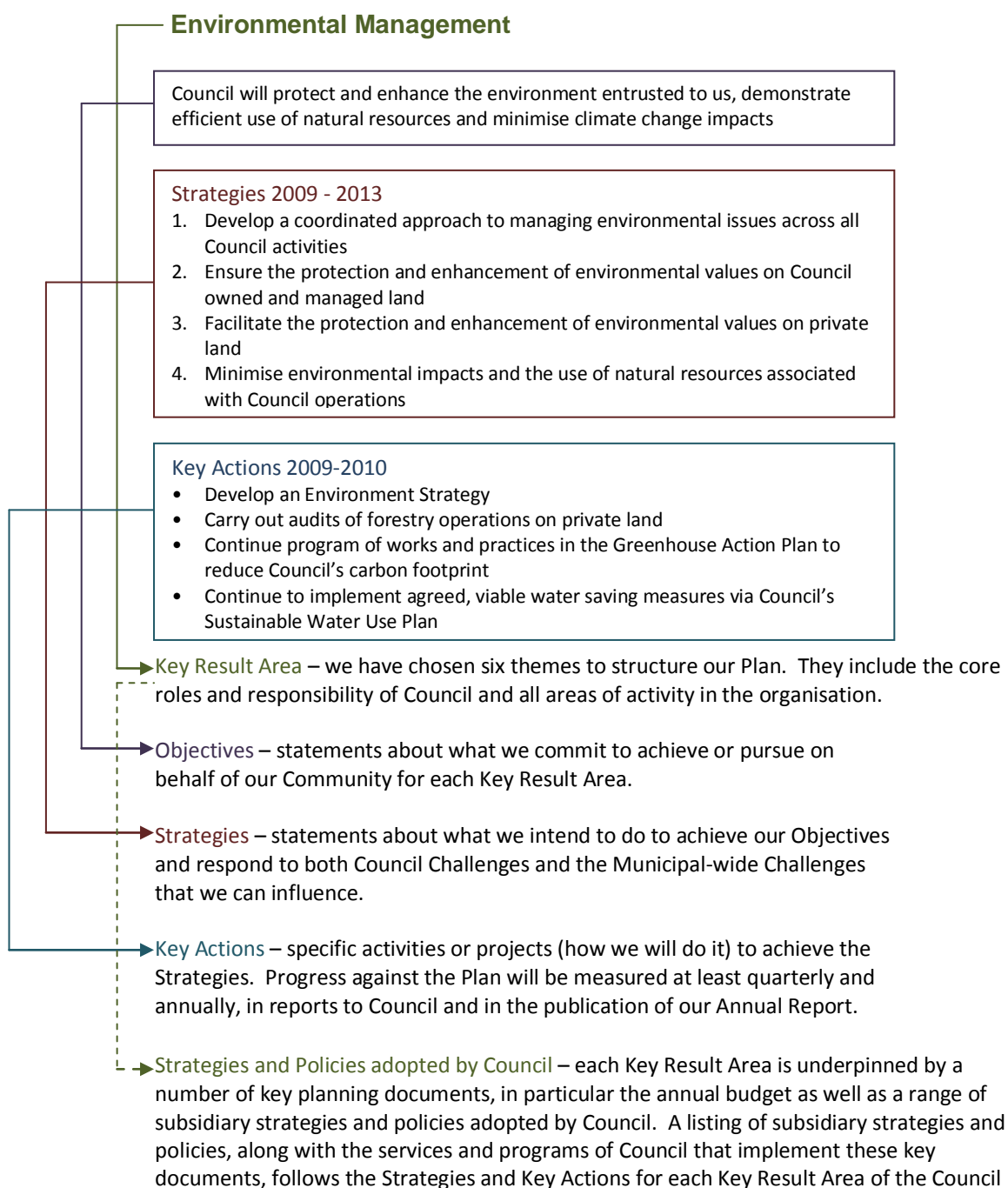
## Using the Plan

The Council Plan is a strategic document that outlines the strategic objectives of Council to the community.

The Council Plan is a legislative requirement and each local government needs to submit a new 4-year Council Plan to the Minister, no later than 30 June of the year following a Council election.

The Council Plan is divided into six Key Result Areas, or themes, each with its own Objective and set of Strategies and Actions that will contribute to the achievement of the Objective. Achievements against the planned Actions will be reported on quarterly to Council and in the Annual Report, thus ensuring Council is accountable and responsible for its performance.

### An Example of how it works



Plan.

The final two components that complete the Council Plan are:

- **Strategic Indicators:** measures of performance that monitor our progress against the Objectives of the 6 Key Result Areas
- **Strategic Resource Plan:** specifies the financial and non-financial resources required to achieve our Council Plan

## Key Result Areas and Objectives

The following key result areas and objectives guide our decisions and encompass all areas of Council activities.

Council currently provides direct funding and services for each key result area however, in all cases, Council is not the only level of government or organisation involved in service and infrastructure provision.

Council therefore has a fundamental role to lead, advocate and facilitate partnerships on behalf of the community to achieve the following objectives:

**1. Leadership and Governance**

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.

**2. Physical Infrastructure and Assets**

Council will provide and maintain Council infrastructure and assets that meet community needs now and in the future.

**3. Land Use and Development**

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.

**4. Environmental Management**

Council will protect and enhance the environment entrusted to us, demonstrate efficient use of natural resources and minimise climate change impacts.

**5. Economic Development**

Council is committed to facilitating a healthy and resilient economy through effective leadership, advocacy, and partnership.

**6. Community Health and Wellbeing**

Council will promote community health and wellbeing in partnership with other health services. Through a partnership approach, Council will provide a broad range of customer focused health, recreational, cultural and community amenities, services and facilities.

### NOTE

For each of the six Key Result Areas, the timing of the following Key Actions to deliver Council Plan Strategies indicates either a commitment to consistent effort over the 4 year Plan period or a specific period within which the Action will be completed. All Actions are subject to the Annual Review of the Council Plan and the allocation of resources through the annual Council Budget.

## 1. LEADERSHIP AND GOVERNANCE

### 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.***

Council is committed to achieving the following strategies for **Leadership and Governance**. We will use the associated actions to measure how effectively we implement the strategies.

| Strategies (what)                                                                                                  | Key Actions (how)                                                                                                                                                                                                                                                              | Timing (when) |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 1. Lead the community in responding to the current and long term sustainability challenges facing the municipality | 1. Pursue the development of a collaboratively developed Sustainable Population Strategy that takes into account the demographic, social, environment, economic, land use and leadership factors that make a great municipality. Participate in the G21 Regional Land Use Plan | 2010-2012     |
|                                                                                                                    | 2. Review and, where possible, simplify Council's Local Laws                                                                                                                                                                                                                   | 2010-2013     |
|                                                                                                                    | 3. Review of Council's Policies                                                                                                                                                                                                                                                | 2009-2013     |
| 2. Improve community engagement to ensure open, accessible, transparent planning and decision making               | 1. Continuously improve and implement Council's Community Engagement Policy, Procedure and Toolkit                                                                                                                                                                             | 2009-2013     |
|                                                                                                                    | 2. Conduct community forums throughout the Shire                                                                                                                                                                                                                               | 2009-2013     |
| 3. Provide responsible financial management                                                                        | 1. Develop a ten year financial plan that is integrated with Council's Asset Management Strategy                                                                                                                                                                               | 2009-2013     |
|                                                                                                                    | 2. Support the Audit Committee and maintain an internal audit program ensuring an Audit Plan is developed and implemented annually based on the outcomes of the Risk Profiling project                                                                                         | 2009-2013     |
|                                                                                                                    | 3. Implement a new chart of accounts in line with integration of the Financial Management software                                                                                                                                                                             | Completed     |
|                                                                                                                    | 4. Facilitate a strategic and integrated approach for grants applications which ensures alignment with the Council Plan and Budget                                                                                                                                             | 2009 – 2013   |
|                                                                                                                    | 5. Secure multiple grants for major projects, where possible, to reduce Council's matching contribution from other than rate revenue                                                                                                                                           | 2009 – 2013   |
|                                                                                                                    | 6. Introduce the revised Procurement Policy and Council's Tendering & Contracting Procedures to ensure cost efficiency and transparency                                                                                                                                        | 2010-2013     |
| 4. Continuously improve the services directly provided by Council                                                  | 1. Carry out continuous improvement reviews on Council operations and implement the prescribed actions                                                                                                                                                                         | 2009-2013     |
|                                                                                                                    | 2. Improve Council's Customer Service capability to increase customer satisfaction                                                                                                                                                                                             | 2009-2013     |
|                                                                                                                    | 3. Actively promote the delivery of responsive customer service across the organisation                                                                                                                                                                                        | 2009-2013     |

| Strategies (what)                                                                                                                                                                | Key Actions (how)                                                                                                                                                                                                         | Timing (when) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 5. Advocate for improved infrastructure, services and utilities provided to our community by other organisations or levels of Government and in relation to environmental issues | 1. Advocate and influence the development of water authorities' water supply demand policies and strategies                                                                                                               | 2009-2013     |
|                                                                                                                                                                                  | 2. Advocate for increased State Government recognition and funding as compensation for the Shire's larger than average area of non-rateable land                                                                          | 2009-2013     |
|                                                                                                                                                                                  | 3. Advocate for appropriate State and Federal Government funding for community priorities                                                                                                                                 | 2009-2013     |
|                                                                                                                                                                                  | 4. Participate in G21 and Great South Coast resource sharing forums and negotiations on regional strategic objectives                                                                                                     | 2009-2013     |
|                                                                                                                                                                                  | 5. Advocate for appropriate fire prevention activities in the Great Otway National park and other public land                                                                                                             | 2009-2013     |
| 6. Attract and retain quality staff                                                                                                                                              | 1. Negotiate the fifth Colac Otway Shire Enterprise Agreement                                                                                                                                                             | 2009-2011     |
|                                                                                                                                                                                  | 2. Work in partnership with local and industry groups on employment branding initiatives that enhance the profile and appeal of local government as an "employer of choice"                                               | 2009-2013     |
| 7. Provide a fair, safe and healthy work environment                                                                                                                             | 1. Enhance and implement the corporate occupational health and safety systems (SafetyMap) and ensure ongoing compliance with all relevant regulations                                                                     | 2009-2013     |
|                                                                                                                                                                                  | 2. Review Council Offices and Staff Accommodation to ensure appropriate space is provided to accommodate staff                                                                                                            | 2009-2012     |
| 8. Continuously improve operational systems, processes and minimise risk                                                                                                         | 1. Implement the Risk profiling project (including a review of the Risk Management strategy and implementation of the Risk Register software) to effectively manage and minimise Council's liabilities and eliminate risk | Completed     |
|                                                                                                                                                                                  | 2. Review and update Council's Risk Management Policy and Procedures Manual including compliance audits                                                                                                                   | 2009-2013     |
|                                                                                                                                                                                  | 3. Implement the Systems and Processes Review project to ensure that systems and processes are operating effectively and providing support to eliminate risk                                                              | 2009-2013     |
|                                                                                                                                                                                  | 4. Implement Council's Information Communication Technology strategic plan                                                                                                                                                | 2009-2013     |
|                                                                                                                                                                                  | 5. Develop and implement Council's Information Services disaster recovery environment                                                                                                                                     | 2009-2013     |
|                                                                                                                                                                                  | 6. Seek opportunities for sharing of resources and expertise across the region                                                                                                                                            | 2009-2013     |
| 9. Communicate regularly, effectively and honestly with the community                                                                                                            | 1. Provide relevant, timely and accurate information to the community using print, radio and web media, as well as non-media channels such as newsletters and the Colac Otway Shire website                               | 2009-2013     |
|                                                                                                                                                                                  | 2. Ensure Colac Otway Shire's website is accessible, easy to navigate, utilises appropriate web technologies and contains relevant and up-to-date information                                                             | 2009-2013     |



| Strategies (what)                                                                                       | Key Actions (how)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Timing (when)                                                 |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| 10. Meet our statutory obligations for community safety, security and responses to emergency situations | <ol style="list-style-type: none"> <li>1. Implement the Domestic Animal Management Plan</li> <li>2. Implement the Municipal Fire Prevention Plan</li> <li>3. Establish integrated fire management practices and endorse Township Protection Plans and neighbourhood Safer Places where appropriate</li> <li>4. Undertake an annual review of the Municipal Emergency Management Plan (MEMP) from a Shire perspective and implement awareness training and readiness programs for community and staff</li> </ol> | <p>2009-2013<br/>2009-2013<br/>2010-2013</p> <p>2009-2013</p> |

**Leadership and Governance** is supported by the continued delivery of a diverse range of services, projects and programs and specific plans and documents.

| Services that support leadership and governance:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Documents, strategies and plans that support leadership and governance:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Audit Program<br/>Communications<br/>Corporate Governance<br/>Corporate Systems development and improvement.<br/>Council &amp; Business Planning<br/>Councillor Support<br/>Customer Services<br/>Document Management Services<br/>Domestic Animal Services<br/>Emergency Management/Readiness<br/>Executive<br/>Financial Management Systems and Services<br/>Fire Prevention<br/>Human Resources Management<br/>Information Communication and Technology Services<br/>Local Laws Enforcement<br/>Occupational Health and Safety<br/>Rating/Property Services<br/>Risk Management</p> | <ul style="list-style-type: none"> <li>• Annual Budget</li> <li>• Annual Business Plans – Corporate Services</li> <li>• Annual Report and Quarterly Performance reports</li> <li>• Audit Committee Charter</li> <li>• Colac Otway Information Communication and Technology Strategy</li> <li>• Colac Otway Rating Strategy</li> <li>• Colac Otway Shire Enterprise Agreement 2006</li> <li>• Council agendas and minutes</li> <li>• Council Policies</li> <li>• Councillor Code of Conduct</li> <li>• Delegations &amp; Authorisations Register</li> <li>• Domestic Animal Management Plan</li> <li>• Emergency Management Plan – Regional (COS)</li> <li>• Heatwave Strategy</li> <li>• Local Government Privacy Guide</li> <li>• Local Law No 1 – Consumption of Alcohol in public places</li> <li>• Local Law No 2 – General Local Law</li> <li>• Local Law No 3 – Livestock</li> <li>• Local Law No 4 – Processes of Local Government</li> <li>• Municipal Emergency Management Plan</li> <li>• Municipal Fire Prevention Plan</li> <li>• Pandemic Influenza Plan</li> <li>• Public Information Register</li> <li>• Risk Management Strategy</li> <li>• Strategic Resource Plan</li> <li>• Style Guidelines</li> <li>• Volunteer Engagement Strategic Plan</li> </ul> |

## 2. PHYSICAL INFRASTRUCTURE AND ASSETS

### Objective

***Council will provide and maintain Council infrastructure and assets that meet community needs now and in the future.***

Council is committed to achieving the following strategies for **Physical Infrastructure and Assets**. We will use the associated actions to measure how effectively we implement the strategies.

| Strategies (what)                                                                                                | Key Actions (how)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Timing (when)                                                       |
|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 1. Ensure infrastructure development, renewal and maintenance plans address current and forecast community needs | <ol style="list-style-type: none"> <li>1. Plan and implement infrastructure projects that transform townships and promote economic development and community strengthening</li> <li>2. Review and implement Asset Management Plans to ensure that the level of funding for asset development, maintenance and upgrade meets the community's expectations</li> <li>3. Develop a 10 year capital works and major projects program according to adopted priorities</li> <li>4. Review the 10 year capital works and major projects program annually</li> </ol> | <p>2009-2013</p> <p>2009-2013</p> <p>2009-2011</p> <p>2010-2013</p> |
| 2. Implement and manage Colac Otway Shire's Road Management Plan                                                 | <ol style="list-style-type: none"> <li>1. Continue active participation and involvement in the STEP Asset Management Program with the Municipal Association of Victoria</li> <li>2. In line with the Road Management Act 2004 requirements, review and update Colac Otway Shire's Road Management Plan</li> <li>3. Develop a Strategic Footpath Plan for Colac</li> <li>4. Review and implement the Strategic Footpath Plan for Apollo Bay</li> </ol>                                                                                                       | <p>2009-2013</p> <p>2010-2013</p> <p>2012-2013</p> <p>2010-2011</p> |
| 3. Manage Council's buildings and facilities in a responsible, safe and sustainable manner                       | <ol style="list-style-type: none"> <li>1. Develop Building Assets Management Plan and implement according to adopted priorities</li> <li>2. Develop a Land Rationalisation Program</li> <li>3. Develop a Building Rationalisation Program</li> </ol>                                                                                                                                                                                                                                                                                                        | <p>2010-2011</p> <p>2010-2012</p> <p>2011-2012</p>                  |

| Strategies (what)                                                                                                            | Key Actions (how)                                                                                                                                                                      | Timing (when) |
|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 4. Improve local and regional transport networks to ensure safety and accessibility                                          | 1. Advocate for strategic transport initiatives                                                                                                                                        | 2009-2013     |
|                                                                                                                              | 2. Implement the parts of the G21 Transport Plan relevant to Colac Otway Shire                                                                                                         | 2009-2013     |
|                                                                                                                              | 3. In partnership with regional councils and VicRoads develop and implement a Road Safety Plan and Council approved road safety initiatives                                            | 2012-2013     |
|                                                                                                                              | 4. Advocate for duplication of the Princes Highway from Winchelsea to Colac                                                                                                            | 2009-2013     |
|                                                                                                                              | 5. Advocate for further improvements to the Princes Highway from Colac to the South Australian border                                                                                  | 2009-2013     |
|                                                                                                                              | 6. In partnership with VicRoads identify options and plan for alternative road access through or around Colac, particularly relating to freight movement                               | 2010- 2012    |
|                                                                                                                              | 7. Advocate for improved commuter Rail Services and safe Railway Crossings                                                                                                             | 2009-2013     |
| 5. Ensure environmental risks are adequately addressed for Council infrastructure works, including impacts of climate change | 1. Implement sound procedures to ensure that environmental constraints are adequately considered in the planning and implementation of Council's infrastructure maintenance activities | 2009-2013     |
|                                                                                                                              | 2. Develop a proposed long term management response to sea level rise for Council assets                                                                                               | 2009-2013     |

**Physical Infrastructure and Assets** is supported by the continued delivery of a diverse range of services, projects and programs and specific plans and documents.

| Services that support physical infrastructure and assets:                                                                                                                                                                                     | Documents, strategies & plans that support physical infrastructure and assets:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Apollo Bay Harbour Management<br>Asset Management<br>Building maintenance, development and upgrades.<br>Colac Livestock Selling Centre<br>Contract Management<br>Engineering Design<br>Infrastructure Maintenance and upgrades<br>Road Safety | <ul style="list-style-type: none"> <li>• Amended Road Management Plan</li> <li>• Apollo Bay Sand Study Final Report (2005)</li> <li>• Apollo Bay Strategic Footpath Network Plan (July 2002)</li> <li>• Bridge Asset Management Plan</li> <li>• Building Asset Management Plan</li> <li>• Colac Otway Stormwater Management Plan</li> <li>• Colac Otway Strategic Bicycle Plan (1999)</li> <li>• Great Ocean Road Landscape Assessment Study 2004 (State Government)</li> <li>• Road Asset Management Plan</li> <li>• Road Safety Strategy</li> <li>• Safety &amp; Environment Management Plan (SEMP) Apollo Bay Harbour</li> <li>• Strategic Asset Management Plan</li> <li>• Three Towns Drainage Strategy</li> </ul> |

### 3. LAND USE AND DEVELOPMENT

#### Objective

***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.***

Council is committed to achieving the following strategies for **Land Use and Development**. We will use the associated actions to measure how effectively we implement the strategies.

| Strategies (what)                                                                                                              | Key Actions (how)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Timing (when)                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| 1. Ensure a partnership approach to land use planning that reflects the needs, values and aspirations of the community         | <ol style="list-style-type: none"> <li>1. Advocate to have Colac Otway Shire included in the State Government urban land monitoring program</li> <li>2. Advocate for more detailed mapping of the Erosion Management Overlay by State Government</li> <li>3. Finalise a Rural Living Strategy and implement findings</li> <li>4. Finalise and implement a car parking study for Colac &amp; Apollo Bay</li> <li>5. Finalise and implement Birregurra and Forrest Structure Plans</li> <li>6. Prepare a Colac Residential Strategy that includes a review of long term growth options at Elliminyt</li> <li>7. Prepare a precinct plan for East Colac</li> <li>8. In conjunction with the State Government, and subject to external funding, exhibit a Planning Scheme amendment for the Apollo Bay Harbour Master Plan</li> </ol> | 2009-2013<br><br>2009-2013<br><br>2010-2011<br>2009-2011<br><br>2009-2011<br><br>2010-2013<br><br>2011-2013<br>2009-2013 |
| 2. Ensure that responsible planning mechanisms are used to control development in areas potentially affected by climate change | <ol style="list-style-type: none"> <li>1. Work with State Government to develop appropriate planning controls that respond to predicted sea level rise</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 2009-2013                                                                                                                |
| 3. Ensure all Council land use plans and strategies are current and responsive                                                 | <ol style="list-style-type: none"> <li>1. Undertake a four year review of the Planning Scheme</li> <li>2. Regularly update and improve the Colac Otway Planning Scheme through Planning Scheme amendments</li> <li>3. Prepare a Commercial Strategy for Colac</li> <li>4. Undertake a review of future growth options for Apollo Bay</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2009-2011<br>2009-2013<br><br>2009-2013<br>2010-2012                                                                     |
| 4. Enforce planning and building regulations to meet legislative requirements                                                  | <ol style="list-style-type: none"> <li>1. Implement comprehensive monitoring of the Essential Safety legislative requirements</li> <li>2. Review practices for monitoring swimming pool fencing</li> <li>3. Implement mechanisms to improve knowledge of building and planning requirements/responsibilities</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 2009-2013<br><br>2009-2011<br><br>2009-2013                                                                              |

| Strategies (what)                                                                                                           | Key Actions (how)                                                                                                                                           | Timing (when) |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 5. Ensure consistent and timely decision making for building and planning applications that meet Council's policy framework | 1. Document and continuously improve processes and procedures for assessment and determination of building and planning permit applications                 | 2009-2011     |
|                                                                                                                             | 2. Prepare and develop a more comprehensive Information Kit on building and planning application requirements                                               | 2009-2011     |
|                                                                                                                             | 3. Provide improved access to building and planning information on Council's website                                                                        | 2009-2013     |
| 6. Ensure that environmental risks are adequately addressed for new development and land use                                | 1. Work with State Government to develop and introduce planning controls that accurately reflect areas known to potentially have acid sulfate soils         | 2009-2013     |
|                                                                                                                             | 2. Introduce a Salinity Management Overlay to affected areas                                                                                                | 2009-2013     |
|                                                                                                                             | 3. Work with State Government to review policies and provisions in fire risk areas as appropriate following the conclusion of the Bushfire Royal Commission | 2010-2013     |

**Land Use and Development** is supported by the continued delivery of a diverse range of services, projects and programs and specific plans and documents.

| Services that support development and land use                        | Documents, strategies & plans that support development and land use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building Control Services<br>Statutory Planning<br>Strategic Planning | <ul style="list-style-type: none"> <li>• Apollo Bay Car Parking Strategy (2002)</li> <li>• Apollo Bay Structure Plan (2007)</li> <li>• Barongarook Covenant Property Management Plan – Bush Tender (April 2006)</li> <li>• Colac Central Business Area Strategy Plan</li> <li>• Colac Otway Heritage Study (2003)</li> <li>• Colac Otway Planning Scheme</li> <li>• Colac Structure Plan (2007)</li> <li>• Great Ocean Road Landscape Assessment Study 2004 (State Government)</li> <li>• Kennett River, Wye River and Separation Creek Structure Plans (2008)</li> <li>• Rural Land Strategy (2007)</li> <li>• Skenes Creek, Kennett River, Wye River and Separation Creek Neighbourhood Character Study (2005)</li> </ul> |

## 4. ENVIRONMENTAL MANAGEMENT

### Objective

***Council will protect and enhance the environment entrusted to us, demonstrate efficient use of natural resources and minimise climate change impacts.***

Council is committed to achieving the following strategies for **Environmental Management**. We will use the associated actions to measure how effectively we implement the strategies.

| Strategies (what)                                                                                                                                                 | Key Actions (how)                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Timing (when)                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| 1. Develop a coordinated approach to managing environmental issues across all Council activities                                                                  | <ol style="list-style-type: none"> <li>Finalise the development of an Environment Strategy</li> <li>Implementation of the Environment Strategy</li> <li>Development of annual Action Plans for the Environment Program</li> </ol>                                                                                                                                                                                                                                                 | Completed<br>2009-2013<br>2010-2013                          |
| 2. Ensure the protection and enhancement of environmental values on Council owned and managed land                                                                | <ol style="list-style-type: none"> <li>Develop and implement action plans to manage the threats to environmental assets on Council managed land in accordance with the Environment Strategy 2010-2018</li> <li>Continue to implement the Lake Colac Management Plan and the Re-vegetation and Weed Control Master Plan</li> </ol>                                                                                                                                                 | 2009-2013<br><br>2009-2013                                   |
| 3. Facilitate the protection and enhancement of environmental values on private land                                                                              | <ol style="list-style-type: none"> <li>Continue to carry out audits of forestry operations on private land</li> <li>Continue to raise the awareness of private landholders on their responsibilities in relation to the environment</li> <li>Update the environmental overlays in the Planning Scheme to introduce the latest biodiversity mapping prepared by State Government</li> </ol>                                                                                        | 2009-2013<br><br>2009-2013<br><br>2010-2013                  |
| 4. Minimise environmental impacts and the use of natural resources associated with Council operations in accordance with Council's Environment Strategy 2010-2018 | <ol style="list-style-type: none"> <li>Continue program of works and practices in the Greenhouse Action Plan to reduce Council's carbon footprint</li> <li>Continue to implement agreed, viable water saving measures via Council's Sustainable Water Use Plan</li> <li>Implementation of the planning scheme and Council processes to manage environmental issues associated with Council works</li> <li>Develop and implement an Environmental Sustainability Policy</li> </ol> | 2009-2013<br><br>2009-2013<br><br>2009-2013<br><br>2011-2013 |

| Strategies (what)                                                                                                                                                                                        | Key Actions (how)                                                                                                  | Timing (when) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|---------------|
| 5. Promote environmental values in the broader community and work with other stakeholders on managing large scale issues in accordance with the process identified in the Environment Strategy 2010-2018 | 1. Coordinate a range of environmental events across the region                                                    | 2009-2013     |
|                                                                                                                                                                                                          | 2. Promote awareness of environmental issues through various media and forums                                      | 2009-2013     |
|                                                                                                                                                                                                          | 3. Advocate where appropriate community views on environmental issues outside the direct responsibility of Council | 2009-2013     |
|                                                                                                                                                                                                          | 4. Encourage energy efficiency including the use of renewable and alternative energy sources                       | 2009-2013     |
| 6. Minimise, recycle and manage residential waste                                                                                                                                                        | 1. Implement the Landfill Rehabilitation Plan                                                                      | 2009-2013     |
|                                                                                                                                                                                                          | 2. Implement the Waste Management Plan and new contractual arrangements                                            | 2010-2011     |
|                                                                                                                                                                                                          | 3. Implementation of the Waste Water Management Strategy                                                           | 2009-2013     |

**Environmental Management** is supported by the continued delivery of a diverse range of services, projects and programs and specific plans and documents.

| Services that support strong environmental management:                                                                                                                 | Documents, strategies & plans that support environmental management:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment Education/Promotion<br>Environment Planning<br>Natural Resource Management<br>Sustainability Management<br>Transfer Stations/Recycling<br>Waste Management | <ul style="list-style-type: none"> <li>• Domestic Wastewater Management Plan</li> <li>• Environment Strategy 2010-2018</li> <li>• Greenhouse Action Plan</li> <li>• Lake Colac Management Plan</li> <li>• Poorneet Road Grassland Management Plan</li> <li>• Roadside Vegetation Management Plan</li> <li>• Sewering of Skenes Creek report</li> <li>• Sustainable Water Use Plan</li> <li>• Waste Water Issues Paper – Beeac</li> <li>• Waste Water Issues Paper – Forrest</li> <li>• Waste Water Management Birregurra – Issues Paper</li> <li>• Waste Water Management Kennett River – Issues Paper</li> <li>• Waste Water Management Strategy</li> <li>• Waste Water Management Wye River, and Separation Creek – Issues Paper</li> <li>• Weed Management Strategy</li> </ul> |

## 5. ECONOMIC DEVELOPMENT

### Objective

***Council is committed to facilitating a healthy and resilient economy through effective leadership, advocacy, and partnership.***

Council is committed to achieving the following strategies for **Economic Development**. We will use the associated actions to measure how effectively we implement the strategies.

| Strategies (what)                                                                                        | Key Actions (how)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Timing (when)                                                                                         |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 1. Support the development of a diverse, skilled and capable workforce                                   | <ol style="list-style-type: none"> <li>1. Work with industry sectors on strategic workforce planning initiatives, including training and education</li> <li>2. Participate in local and regional task groups to improve access to vocational education and training and post compulsory education and training</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>2009-2013</p> <p>2009-2013</p>                                                                     |
| 2. Work with business to recognise growth potential from climate change and renewable energy initiatives | <ol style="list-style-type: none"> <li>1. Form a climate change business reference group and participate in regional networks and initiatives that promote sustainable economic development and growth in 'green collar employment' and 'green economy' workforce development</li> <li>2. Encourage and promote renewable and alternative energy opportunities for the Colac Otway Shire</li> </ol>                                                                                                                                                                                                                                                                                                                                                | <p>2010-2011</p> <p>2009-2013</p>                                                                     |
| 3. Support local business to develop and succeed                                                         | <ol style="list-style-type: none"> <li>1. Implement new business support and facilitation services that make it easy to do business in the Shire</li> <li>2. Enhance Colac's regional service centre status through the development of a Marketing strategy</li> <li>3. Develop a Master Plan to support the redevelopment of the Colac Central Business District streetscape including traffic management, parking and the Memorial Square</li> <li>4. Continue to provide world standard tourism support services</li> <li>5. Implement Business Development training programs, networking events and Business Awards</li> <li>6. Provide on line information for customers and potential investors to access businesses in the Shire</li> </ol> | <p>2009-2013</p> <p>2009-2011</p> <p>2009-2011</p> <p>2009-2013</p> <p>2009-2013</p> <p>2009-2013</p> |
| 4. Lead, support and/or participate in regional and local development networks and partnerships          | <ol style="list-style-type: none"> <li>1. Promote and encourage the development of infrastructure to support nature based tourist development of Great Otway National Park/Otway Forest Park and Great Ocean Walk</li> <li>2. Promote and encourage the development of infrastructure to support Lake Colac tourism and community use</li> <li>3. Support local business associations such as Otway Business Inc, Apollo Bay Chamber of Commerce and Tourism</li> </ol>                                                                                                                                                                                                                                                                            | <p>2009-2013</p> <p>2009-2013</p> <p>2009-2013</p>                                                    |



|                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <p>5. Participate in regional and Shire based marketing and promotion initiatives designed to promote 'brand awareness' of Colac Otways and Great Ocean Road region.</p> | <ol style="list-style-type: none"> <li>1. Promote the Shire's strengths and competitive advantages to attract new investment</li> <li>2. Identify the capacity, demand and rating of accommodation in Colac including the attraction of a high end quality star hotel</li> <li>3. Facilitate the development of services and a calendar of business events / industry conferences designed to attract and engage external business and job opportunity for families and young people</li> <li>4. Continue to provide strategic support to tourism including operation of the Colac and Apollo Bay Visitor Information Centres and provision of funding to Otways Tourism</li> </ol> | <p>2009-2013</p> <p>2011-2013</p> <p>2010-2013</p> <p>2009-2013</p>                  |
| <p>6. Facilitate the development of infrastructure for business investment, growth and liveability.</p>                                                                  | <ol style="list-style-type: none"> <li>1. Support the Apollo Bay Harbor Precinct development</li> <li>2. Undertake streetscape planning for Apollo Bay to integrate with the proposed harbor development</li> <li>3. Develop small town / community capability by providing infrastructure and resources, including continued support for the Small Town Improvement Program</li> <li>4. Develop a strategy to establish a mini technology/ business facility in Apollo Bay to service local knowledge based and visitor requirements</li> <li>5. Lobby for improved telecommunications in the Colac Otway Shire for broadband and mobile coverage</li> </ol>                       | <p>2009-2013</p> <p>2012-2013</p> <p>2009-2013</p> <p>2009-2013</p> <p>2009-2013</p> |
| <p>7. Work in partnership with business, industry groups, government and agencies on sustainable economic growth.</p>                                                    | <ol style="list-style-type: none"> <li>1. Develop improved educative material on Council policy and practices to assist business with development proposals</li> <li>2. Review business attraction and local business development policies</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>2009-2013</p> <p>2009-2013</p>                                                    |

**Economic Development** is supported by the continued delivery of a diverse range of services, projects and programs and specific plans and documents.

| <b>Services that support economic development:</b>                                | <b>Documents, strategies &amp; plans that support economic development:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Business Development<br>Economic Development<br>Small Town Improvement<br>Tourism | <ul style="list-style-type: none"> <li>• Action Agenda for Economic Development 2009 – 2013 (under development)</li> <li>• Affordable Housing Strategy (2007)</li> <li>• Apollo Bay and Marengo Neighbourhood Character Study (2003)</li> <li>• Apollo Bay Harbour Precinct Master Plan (2007)</li> <li>• Barwon Downs Township Master Plan (2006)</li> <li>• Beeac Township Master Plan (2001)</li> <li>• Birregurra Township Master Plan (2003)</li> <li>• Carlisle River Township Master Plan (2004)</li> <li>• Colac Otway Shire Tertiary Opportunity Study</li> <li>• Colac Otway Tourism Review (2006)</li> <li>• Cressy Township Master Plan (2007)</li> <li>• Economic Development and Tourism Strategy</li> <li>• Feasibility Study into Economic Activity in Forrest</li> <li>• Forrest Township Master Plan (2007)</li> <li>• Geelong and Colac Region Skills Research Project – Part 1 (2005)</li> <li>• Gellibrand Township Master Plan (2004)</li> <li>• Lake Colac Commercial Development Report (2007)</li> <li>• Lavers Hill Township Master Plan (2006)</li> <li>• Port of Apollo Bay Future Capacity Study Summary Report (2006)</li> <li>• Swan Marsh Township Master Plan (2001)</li> </ul> |

## 6. COMMUNITY HEALTH AND WELLBEING

### Objective

***Council will promote community health and wellbeing in partnership with other health services. Through a partnership approach, Council will provide a broad range of customer focused health, recreational, cultural and community amenities, services and facilities.***

Council is committed to achieving the following strategies for **Community Health and Wellbeing**. We will use the associated actions to measure how effectively we implement the strategies.

| Strategies (what)                                                                                                | Key Actions (how)                                                                                                                                                                                                                                                                           | Timing (when) |
|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 1. Provide, facilitate or advocate for a range of health, recreation, community services and facilities          | 1. Develop a 10 year upgrade works program for Colac Otway Performing Arts and Cultural Centre                                                                                                                                                                                              | 2009-2011     |
|                                                                                                                  | 2. Develop a 10 year capital upgrade works program for Blue Water Fitness Centre                                                                                                                                                                                                            | 2009-2011     |
|                                                                                                                  | 3. Develop a 10 year capital upgrade works facility improvement program for all recreation facilities and investigate external funding options to assist with these works, with priority to Council owned facilities                                                                        | 2009-2011     |
|                                                                                                                  | 4. Continue in partnership with the Colac Community and project stakeholders to plan and develop the Beechy Precinct in accordance with Council approvals and review Council's continued involvement in the Beechy Precinct in respect of all elements that still require Council approvals | 2009-2013     |
|                                                                                                                  | 5. Review and reconsider the recommendations from the "Apollo Bay Library and Facility Development Project"                                                                                                                                                                                 | 2010-2013     |
|                                                                                                                  | 6. Implement the recommendations of Council for the Colac Library Annexe/Sub-Branch                                                                                                                                                                                                         | 2010-2012     |
|                                                                                                                  | 7. Review and implement the Council Community Grants Program guidelines                                                                                                                                                                                                                     | 2009-2013     |
|                                                                                                                  | 8. Implement Council's Recreation Strategy                                                                                                                                                                                                                                                  | 2009-2013     |
|                                                                                                                  | 9. Develop an Open Space Strategy                                                                                                                                                                                                                                                           | 2009-2011     |
|                                                                                                                  | 10. Develop a Bicycle Strategy                                                                                                                                                                                                                                                              | 2009-2012     |
|                                                                                                                  | 11. Implement strategies in the Drug Action Plan                                                                                                                                                                                                                                            | 2010-2013     |
|                                                                                                                  | 12. Develop a Civic and Cultural Precinct Plan for Colac                                                                                                                                                                                                                                    | 2011-2013     |
| 2. Promote and facilitate cultural and community events throughout the municipality                              | 1. Implement the Arts and Cultural Strategy                                                                                                                                                                                                                                                 | 2009-2013     |
|                                                                                                                  | 2. Implement the Festival and Events Strategy                                                                                                                                                                                                                                               | 2009-2013     |
|                                                                                                                  | 3. Work with event organisers and community groups to develop a broad range of community festivals and events                                                                                                                                                                               | 2009-2013     |
| 3. Adopt a partnership approach to addressing the current and future health and wellbeing needs of the community | 1. Implement and promote the Municipal Public Health Plan                                                                                                                                                                                                                                   | 2009-2013     |
|                                                                                                                  | 2. Implement the Positive Ageing Strategy                                                                                                                                                                                                                                                   | 2009-2013     |
|                                                                                                                  | 3. Develop and implement an Early Years Plan                                                                                                                                                                                                                                                | 2009-2013     |
|                                                                                                                  | 4. Develop and implement an Access, Equity and Inclusion Plan                                                                                                                                                                                                                               | 2009-2013     |
|                                                                                                                  | 5. Review the provision of Youth Services in the Shire                                                                                                                                                                                                                                      | 2010-2012     |

| Strategies (what)                                                         | Key Actions (how)                                                                                               | Timing (when) |
|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|---------------|
| 4. Support local communities to develop, grow and be great places to live | 1. Implement the Transport Connections Strategy                                                                 | 2009-2013     |
|                                                                           | 2. Liaise with local Real Estate Industry to monitor the local market and encourage diversity in housing choice | 2009-2013     |
|                                                                           | 3. Participate in local and regional Affordable Housing task groups                                             | 2009-2013     |
|                                                                           | 4. Work with Developers to create liveable, affordable and sustainable housing                                  | 2009-2013     |

**Community Health and Wellbeing** is supported by the continued delivery of a diverse range of services, projects and programs and specific plans and documents.

| Services that support community health and wellbeing:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Documents, strategies & plans that support community health and wellbeing:                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Aged &amp; Disability Services<br/>           Bluewater Fitness Centre (BWFC)<br/>           Colac Otway Performance Arts Centre (COPACC)<br/>           Community Transport<br/>           Economic Development (part)<br/>           Environmental Health Services<br/>           Family and Childrens Services<br/>           Festivals and Events<br/>           Immunisation Services<br/>           Maternal &amp; Child Health Services<br/>           Primary Care Partnerships<br/>           Public Health planning<br/>           Recreation, culture planning, services and centres<br/>           Rural Access<br/>           Transport Connections<br/>           Youth Services</p> | <ul style="list-style-type: none"> <li>• Access and Inclusion Plan 2009/2013</li> <li>• Arts and Cultural Strategy 2007/2011</li> <li>• Colac Otway Regional Cricket Plan</li> <li>• Drug Action Plan 2009/13</li> <li>• Festival and Events Strategy 2007/2011</li> <li>• Heatwave Plan</li> <li>• Municipal Early Years Plan 2009/2013</li> <li>• Municipal Public Health Plan 2007/09</li> <li>• Positive Ageing Strategy 2008/12</li> <li>• Recreation Strategy 2006/2010</li> </ul> |

## Strategic Indicators

The following details the Measures (or means) and Milestones of monitoring achievement against each Strategic Objectives

- Milestones: specific projects or activities being completed by a set time
- Measures: Council's success in this Plan will be measured numerically against the following targets

| Objectives                                                                                                                                                                                                                                                                                  | Strategic Indicators                                           | Target 2010/11                             | Source                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------|------------------------------------|
| <b>Leadership and Governance</b><br><br>Council will fulfil its 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 | Achievement of Council Commitments and Key Actions             | 100%                                       | Council Plan Progress Report       |
|                                                                                                                                                                                                                                                                                             | Community satisfaction with the Overall Performance of Council | 62%                                        | DPCD Community Satisfaction Survey |
|                                                                                                                                                                                                                                                                                             | Community satisfaction with Council's Advocacy role            | 63%                                        | DPCD Community Satisfaction Survey |
|                                                                                                                                                                                                                                                                                             | Community satisfaction with Council's Community Engagement     | 62%                                        | DPCD Community Satisfaction Survey |
|                                                                                                                                                                                                                                                                                             | Community satisfaction with Council's Customer Contact         | 73%                                        | DPCD Community Satisfaction Survey |
|                                                                                                                                                                                                                                                                                             | Risk Liability Assessment                                      | 89%                                        | CMP Risk Management Audit          |
|                                                                                                                                                                                                                                                                                             | Liquidity Ratio                                                | 1.50:1(Est AIFRS Adj)                      | Audited Financial Statements       |
|                                                                                                                                                                                                                                                                                             | Audit Opinion issued on Financial Statements                   | Compliance with all statutory requirements | Audited Financial Statements       |

| Objectives                                                                                                                                                                                                                                                                                         | Strategic Indicators                                                                                                                                                                                                                           | Target 2010/11                                                                                                                                       | Source                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Physical Infrastructure and Assets</b></p> <p>Council will provide and maintain Council infrastructure and assets that meet community needs now and in the future</p>                                                                                                                        | <p>Achievement of Council Commitments and Key Actions</p> <p>Percentage of Capital Works expenditure projects completed</p> <p>Capital Works expenditure actual compared to budgeted expenditure</p> <p>Asset renewal sustainability index</p> | <p>100%</p> <p>85%</p> <p>85%</p> <p>90%</p>                                                                                                         | <p>Council Plan Progress Report</p> <p>Capital Works Progress Report</p> <p>Capital Works Progress Report</p> <p>Audited Financial Statements</p> |
| <p><b>Land Use and Development</b></p> <p>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.</p> | <p>Achievement of Council Commitments and Key Actions</p> <p>Building permits processed within statutory timeframes</p> <p>Planning permits processed within statutory timeframes</p>                                                          | <p>100%</p> <p>70%</p> <p>70%</p>                                                                                                                    | <p>Council Plan Progress Report</p> <p>Council Plan Progress Report</p> <p>Council Plan Progress Report</p>                                       |
| <p><b>Environmental Management</b></p> <p>Council will protect and enhance the environment entrusted to us, demonstrate efficient use of natural resources and minimise climate change impacts.</p>                                                                                                | <p>Achievement of Council Commitments and Key Actions</p> <p>Increased Environmental Sustainability</p>                                                                                                                                        | <p>100%</p> <ul style="list-style-type: none"> <li>• Milestone 5 (Cities for Climate Protection Program)</li> <li>• Eco Buy Accreditation</li> </ul> | <p>Council Plan Progress Report</p> <p>ICLEI Report</p> <p>Eco Buy Report</p>                                                                     |
| <p><b>Economic Development</b></p> <p>Council is committed to facilitating a healthy and resilient economy through effective leadership, advocacy, and partnership.</p>                                                                                                                            | <p>Achievement of Council Commitments and Key Actions</p> <p>Completion of Master Plan priorities for all small towns</p>                                                                                                                      | <p>100%</p> <p>80%</p>                                                                                                                               | <p>Council Plan Progress Report</p> <p>Council Report</p>                                                                                         |

| Objectives                                                                                                                                                                                                                                                                                                                | Strategic Indicators                                                                                                                                                              | Target 2010/11                    | Source                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <p><b>Community Health and Wellbeing</b></p> <p>Council will promote community health and wellbeing in partnership with other health services. Through a partnership approach, Council will provide a broad range of customer focused health, recreational, cultural and community amenities, services and facilities</p> | <p>Achievement of Council Commitments and Key Actions</p> <p>Community satisfaction with Health and Human Services</p> <p>Community satisfaction with Recreational Facilities</p> | <p>100%</p> <p>77%</p> <p>66%</p> | <p>Council Plan Progress Report</p> <p>DPCD Community Satisfaction Survey</p> <p>DPCD Community Satisfaction Survey</p> |

**COLAC OTWAY SHIRE**

**Strategic Resource Plan**

**2010-2011 to 2013-2014**



## INTRODUCTION

Council is required under the Local Government Act to prepare a Strategic Resource Plan (SRP) covering both financial and non-financial resources, for at least the next four years to support the Council Plan.

The Strategic Resource Plan provides a high-level, medium-term view of the resources Council intends to use to support its service provision to the Colac Otway community over the next four years. The SRP serves as the link between the 2009-2013 Council Plan and the Budget.

The Strategic Review Plan is reviewed on an annual basis in conjunction with the review of the Council Plan and annual budget process.

The Strategic Resource Plan has been prepared prior to the completion of the 2010-11 Budget process. The final budget will vary from the Strategic Resource Plan due to the differences in timelines in the preparation of the various documents.

Each budget process Council will consider options to reduce the level of borrowings and decide the precise rate increase.

## LINK WITH COUNCIL PLAN

The Strategic Resource Plan is developed within an overall planning framework which guides the Council in identifying community needs and aspirations over the long term, converting these into medium (Council Plan) and short-term (Budget) goals and objectives.

The Strategic Resource Plan summarises the financial impacts of those goals and objectives and determines whether Council can afford those plans. The annual budget is framed within the Financial Plan, taking into account the activities and initiatives of the current year that contribute to achieving the strategic objectives specified in the Council Plan.

The Strategic Resource Plan is not a 'stand alone' document. The SRP links with other Council strategies.

## RESOURCES

The resources available to Council can be grouped into three main sections:

1. Financial Resources
2. Infrastructure
3. Human Resources

### 1. FINANCIAL RESOURCES

The financial outcomes and forecast long-term financial statements provided in the Strategic Resource Plan are reviewed on an annual basis.

The Strategic Resource Plan has been prepared on the basis of a number of challenges, targets and principles including:

## MAV LOCAL GOVERNMENT SUSTAINABILITY PROGRAM

A departmental report submitted to the Minister for Local Government in 2008 highlighted the following key issues:

- A number of Councils, particularly small shires and rural cities, are experiencing financial sustainability problems.
- Accurate assessment of financial position is limited by:
  - Unreliable asset management information particularly relating to asset renewals;
  - Inconsistencies in the calculation of depreciation;
  - Insufficient attention given to predictions in Strategic Resource Plans; and
  - Inadequate co-operation between financial and engineering staff involved in asset management.

The Municipal Association of Victoria (MAV) funded a pilot program to improve the credibility of financial information produced by municipalities, to provide a more reliable basis for measuring their performance and long-term sustainability.

This Pilot program of 10 Councils has been extended to include an a second tier of 17 Councils which includes Colac Otway Shire.

The pilot programme is to extended to include all Victorian councils.

The following are the key project outcomes:

- Greater accuracy, consistency and reliability in recording and evaluating financial and technical infrastructure information;
- Better understanding of longer term financial sustainability position;
- Improved focus and funding of alternative service options and methods;
- Alignment between the financial and technical aspects of infrastructure management – a “Whole of Council” approach;
- Provision of a strong reliable information base for supporting any case to State and Federal Governments justifying targeted financial assistance : and
- Increases understanding by senior management and Councillors of long term financial sustainability position.

Colac Otway has commenced the process to review and enhance the long term Strategic Resource Plan for the municipality including the development of financial policies/strategies:

- Borrowings;
- Reserves;
- Capital;
- Assets; and
- Services.

The process will also include the development of a 10 year long term financial plan.

In future it is the aim that any revision to the Council Plan and Strategic Resource Plan and the annual Budget would all be considered by Council at the same time.

## FINANCIAL CHALLENGES

Challenges facing the Council are:

- Ageing infrastructure and a backlog of asset renewal
- Extensive local roads system
- Funding of capital expenditure investment
- Environmental obligations including climate change
- Maintaining operating surpluses
- Maintenance of existing liquidity levels
- Managing financial risks prudently in regard to debts, assets and liabilities
- Development of rating policies that provide reasonable stability and equity in the level of the rate distribution
- Financial capacity to fund major infrastructure projects

Other challenges which also need to be considered:

- Availability of appropriately skilled staff
- Changing demographics and an ageing population resulting in a changing demand for existing Council services and changing Community expectation to enhance existing services
- Diverse Township and rural environments creating diverse wants and needs requiring flexible strategies to deal with them
- Increasing government regulation placing demands on Council particularly in public risk, health and safety, planning, building, asset management and environmental management
- Dealing with reduced levels of federal and state government funding

## LONG TERM FINANCIAL PLAN

Council will need to develop a Long Term Financial Plan which will provide further details on :

- Long Term Borrowing Strategy
- Rating and Other Revenue Strategy
- Long Term Reserve Strategy
- Asset Management/Asset Renewal Strategy

The Plan will be a document that will enable Council to better manage its financial resources.

Long-term financial planning enables councils to better plan and understand their long-term financial requirements, which includes consideration of sustainability, service provision levels and the creation, upgrading and renewal of infrastructure.

The Long Term Financial Plan will also need to further consider major projects including:

- Office Accommodation;
- Beechy Precinct Developments;
- Colac Central Business District; and
- Apollo Bay Streetscape.

## TARGETS

Targets to be achieved to address the challenges are:

- Ensure asset renewal gap capital commitments are met in real terms for each year of the Strategic Resource Plan
- Achieve consistent operating surpluses
- Achieve strong working capital and liquidity positions
- Ensure cash balances are equal or above statutory and reserve levels
- Ensure funding is available to meet the Shire's current and future environmental obligations
- Ensure funding is available to meet the Shire's current and future accommodation obligations
- Review user fees and charges on an annual basis for equity and fairness

These targets will:

- Meet the strategic objectives proposed in the Council Plan
- Continue to address the infrastructure funding gap issues of Council
- Provide a reasonable degree of consistency and stability in the level of rates burden
- Enhance the longer term financial sustainability of Council

## STANDARD STATEMENTS

The following Standard Statements form a special purpose financial report prepared specifically to meet the requirements of the Local Government Act 1989, as amended by the Local Government (Democratic Reform) Act 2003, relating to Standard Statements.

These statements provide information in relation to an aspect of Council's financial management. They should be read in conjunction with one another to obtain an overall understanding of Council's financial position and management.

The Standard Statements of Income, Balance Sheet, Cash Flows and Capital Works are prepared on bases consistent with the Budget and the Financial Statements.

The Standard Statements are prepared based on the assumption that all works are completed in a given year.

## Standard Income Statement

The Standard Income Statement for the Strategic Resource Plan shows what is expected to happen during the next four years in terms of revenue, expenses and other adjustments from all activities. The 'Total Changes in Equity' or 'bottom line' shows the total difference between the financial position at the beginning and the end of each year.

The Standard Income Statement requires revenues to be separately disclosed where the item is of such a size, nature or incidence that its disclosure is relevant in explaining the performance of the Council.

The Standard Income Statement also shows the movement in equity, so that a separate Statement of Changes in Equity is not necessary. The most common disclosures under this category are movements in asset revaluation reserves, which arise upon revaluations of assets and adjustments to opening accumulated surplus due to adoption of a new accounting standard.

### Standard Income Statement

For the four years ending 30 June 2014

|                                                                       | Strategic Resource Plan<br>Projections |                   |                   |                   |
|-----------------------------------------------------------------------|----------------------------------------|-------------------|-------------------|-------------------|
|                                                                       | 2010/11<br>\$'000                      | 2011/12<br>\$'000 | 2012/13<br>\$'000 | 2013/14<br>\$'000 |
| <b>Revenues</b>                                                       |                                        |                   |                   |                   |
| <b>Operating revenue:</b>                                             |                                        |                   |                   |                   |
| Rates & Charges                                                       | 19,863                                 | 20,956            | 22,104            | 23,309            |
| User fees                                                             | 4,090                                  | 4,212             | 4,339             | 4,469             |
| Contributions                                                         | 1237                                   | 1286              | 1337              | 1391              |
| Grants & subsidies - Operating                                        | 8,673                                  | 8,922             | 8,978             | 9,337             |
| Other revenue                                                         | 210                                    | 254               | 339               | 402               |
| <b>Total operating revenues</b>                                       | <b>34,073</b>                          | <b>35,629</b>     | <b>37,096</b>     | <b>38,908</b>     |
| <b>Capital revenue:</b>                                               |                                        |                   |                   |                   |
| Grants & subsidies - Capital                                          | 9,226                                  | 3,758             | 3,717             | 4,100             |
| Contributed assets                                                    | 0                                      | 0                 |                   | 0                 |
| <b>Total capital revenue</b>                                          | <b>9,226</b>                           | <b>3,758</b>      | <b>3,717</b>      | <b>4,100</b>      |
| <b>Total revenue</b>                                                  | <b>43,299</b>                          | <b>39,387</b>     | <b>40,813</b>     | <b>43,008</b>     |
| <b>Expenses</b>                                                       |                                        |                   |                   |                   |
| <b>Operating expenses:</b>                                            |                                        |                   |                   |                   |
| Employee benefits                                                     | 11,964                                 | 12,482            | 13,019            | 13,575            |
| Materials and services                                                | 12,777                                 | 13,224            | 13,687            | 14,166            |
| Depreciation and amortisation                                         | 8,212                                  | 9,024             | 9,344             | 9,811             |
| Finance costs                                                         | 286                                    | 362               | 337               | 311               |
| Other expenses                                                        | 1,782                                  | 1,800             | 1,818             | 1,836             |
| <b>Total operating expenses</b>                                       | <b>35,021</b>                          | <b>36,892</b>     | <b>38,205</b>     | <b>39,699</b>     |
| <b>Capital expenses</b>                                               |                                        |                   |                   |                   |
| Net loss on disposal of property, infrastructure, plant and equipment | 210                                    | 195               | 268               | 50                |
| <b>Total capital expenses</b>                                         | <b>210</b>                             | <b>195</b>        | <b>268</b>        | <b>50</b>         |
| <b>Total expenses</b>                                                 | <b>35,231</b>                          | <b>37,087</b>     | <b>38,473</b>     | <b>39,749</b>     |

|                                       |       |       |       |       |
|---------------------------------------|-------|-------|-------|-------|
| <b>Surplus (deficit) for the year</b> | 8,068 | 2,300 | 2,340 | 3,259 |
|---------------------------------------|-------|-------|-------|-------|

## Standard Balance Sheet

The Balance Sheet for the SRP shows a snapshot of the expected financial situation at the end of each of the next four years. It shows the total of what is owned (assets) less what is owed (liabilities). The 'bottom line' of this statement is net assets, which is the net worth of Council.

The change in net assets between two year's Standard Balance Sheet shows how the financial position has changed over that period which is described in more detail in the Standard Income Statement.

The assets and liabilities are separated into current and non-current. Current means those assets or liabilities, which will fall in the next twelve months.

### Standard Balance Sheet

For the four years ending 30 June 2014

|                                             | <b>Strategic Resource Plan<br/>Projections</b> |                |                |                |
|---------------------------------------------|------------------------------------------------|----------------|----------------|----------------|
|                                             | <b>2010/11</b>                                 | <b>2011/12</b> | <b>2012/13</b> | <b>2013/14</b> |
|                                             | \$'000                                         | \$'000         | \$'000         | \$'000         |
| <b>Current assets</b>                       |                                                |                |                |                |
| Cash and cash equivalents                   | 5,194                                          | 6,369          | 7,549          | 8,202          |
| Trade and other receivables                 | 2,783                                          | 2,908          | 3,021          | 3,165          |
| Inventories                                 | 94                                             | 94             | 94             | 94             |
| Other assets                                | 139                                            | 139            | 139            | 139            |
| <b>Total current assets</b>                 | <b>8,210</b>                                   | <b>9,510</b>   | <b>10,803</b>  | <b>11,600</b>  |
| <b>Non-current assets</b>                   |                                                |                |                |                |
| Other non-current assets                    | 542                                            | 570            | 598            | 626            |
| Property, infrastructure, plant & equipment | 253,701                                        | 269,427        | 272,676        | 279,844        |
| <b>Total non-current assets</b>             | <b>254,243</b>                                 | <b>269,997</b> | <b>273,274</b> | <b>280,470</b> |
| <b>Total assets</b>                         | <b>262,453</b>                                 | <b>279,507</b> | <b>284,077</b> | <b>292,070</b> |
| <b>Current liabilities</b>                  |                                                |                |                |                |
| Trade and other payables                    | 1,197                                          | 1,235          | 1,274          | 1,315          |
| Interest-bearing loans and borrowings       | 384                                            | 410            | 407            | 345            |
| Provisions                                  | 3,249                                          | 3,349          | 3,449          | 3,549          |
| <b>Total current liabilities</b>            | <b>4,830</b>                                   | <b>4,994</b>   | <b>5,130</b>   | <b>5,209</b>   |
| <b>Non-current liabilities</b>              |                                                |                |                |                |
| Interest-bearing loans and borrowings       | 4,462                                          | 4,052          | 3,646          | 3,301          |
| Provisions                                  | 2,505                                          | 2,505          | 2,505          | 2,505          |
| <b>Total non-current liabilities</b>        | <b>6,967</b>                                   | <b>6,557</b>   | <b>6,151</b>   | <b>5,806</b>   |
| <b>Total liabilities</b>                    | <b>11,797</b>                                  | <b>11,551</b>  | <b>11,281</b>  | <b>11,015</b>  |
| <b>Net assets</b>                           | <b>250,656</b>                                 | <b>267,956</b> | <b>272,796</b> | <b>281,055</b> |
| <b>Equity</b>                               |                                                |                |                |                |
| Accumulated surplus                         | 102,866                                        | 104,738        | 106,586        | 109,967        |
| Asset revaluation reserve                   | 144,508                                        | 159,508        | 162,008        | 167,008        |
| Other reserves                              | 3,282                                          | 3,710          | 4,202          | 4,081          |
| <b>Total equity</b>                         | <b>250,656</b>                                 | <b>267,956</b> | <b>272,796</b> | <b>281,056</b> |

## Standard Cash Flow Statement

The Standard Cash Flow Statement of for the SRP shows what is expected to happen during the next four years in terms of cash. It explains what cash movements are expected to result in the difference in the cash balance at the beginning and the end of the year. The net cash flows from operating activities, shows how much cash is expected to remain after paying for providing services to the community which may be invested in things such as Capital Works.

The information in a Standard Cash Flow Statement assists in the assessment of the ability to generate cash flows, meet financial commitments as they fall due including the servicing of borrowings, fund changes in the scope or nature of activities and obtain external finance.

### Standard Cash Flow Statement

For the four years ending 30 June 2014

|                                                     | Strategic Resource Plan<br>Projections |                       |                       |                       |
|-----------------------------------------------------|----------------------------------------|-----------------------|-----------------------|-----------------------|
|                                                     | 2010/11<br>\$'000                      | 2011/12<br>\$'000     | 2012/13<br>\$'000     | 2013/14<br>\$'000     |
|                                                     | Inflows<br>(Outflows)                  | Inflows<br>(Outflows) | Inflows<br>(Outflows) | Inflows<br>(Outflows) |
| <b>Cash flows from operating activities</b>         |                                        |                       |                       |                       |
| <i>Receipts</i>                                     |                                        |                       |                       |                       |
| General rates & charges                             | 19,727                                 | 20,893                | 22,045                | 23,239                |
| Operating grants and contributions                  | 8,646                                  | 8,908                 | 8,966                 | 9,322                 |
| Interest received                                   | 182                                    | 226                   | 311                   | 374                   |
| User charges                                        | 3,992                                  | 4,167                 | 4,298                 | 4,416                 |
| Other revenue                                       | 1,232                                  | 1,283                 | 1,335                 | 1,388                 |
|                                                     | <b>33,779</b>                          | <b>35,477</b>         | <b>36,955</b>         | <b>38,739</b>         |
| <i>Payments</i>                                     |                                        |                       |                       |                       |
| Employee costs                                      | -11,823                                | -12,261               | -12,717               | -13,188               |
| Materials & services                                | -12,558                                | -13,023               | -13,507               | -14,007               |
| Other expenses                                      | -2,010                                 | -2,084                | -2,162                | -2,242                |
|                                                     | <b>-26,391</b>                         | <b>-27,368</b>        | <b>-28,385</b>        | <b>-29,437</b>        |
| Net cash provided by operating activities           | <b>7,388</b>                           | <b>8,109</b>          | <b>8,570</b>          | <b>9,302</b>          |
| <b>Cash flows from investing activities</b>         |                                        |                       |                       |                       |
| Proceeds from property, plant and equipment         | 415                                    | 430                   | 300                   | 0                     |
| Capital grants and contributions                    | 9,087                                  | 3,619                 | 3,578                 | 3,961                 |
| Payments for property, plant and equipment          | -18,254                                | -10,237               | -10,523               | -11,890               |
| Net cash used in investing activities               | <b>-8,752</b>                          | <b>-6,188</b>         | <b>-6,645</b>         | <b>-7,929</b>         |
| <b>Cash flows from financing activities</b>         |                                        |                       |                       |                       |
| Finance costs                                       | -286                                   | -362                  | -337                  | -311                  |
| Proceeds from borrowings                            | 1,100                                  | 0                     | 0                     | 0                     |
| Repayment of borrowings                             | -376                                   | -384                  | -410                  | -407                  |
| Net cash provided by (used in) financing activities | <b>438</b>                             | <b>-746</b>           | <b>-747</b>           | <b>-718</b>           |
| <b>Net decrease in cash &amp; cash equivalents</b>  | <b>-926</b>                            | <b>1,175</b>          | <b>1,178</b>          | <b>655</b>            |
| Cash & cash equivalents at beginning of year        | 6,120                                  | 5,194                 | 6,369                 | 7,547                 |
| <b>Cash &amp; cash equivalents at end of year</b>   | <b>5,194</b>                           | <b>6,369</b>          | <b>7,547</b>          | <b>8,202</b>          |

## 2. INFRASTRUCTURE

Council manages \$324.7 million in land, property and infrastructure assets on behalf of the community. These assets directly support the services that Council delivers to the community and may include roads, drainage, parks and gardens, reserves and community facilities such as pre-schools and maternal and child health centres.

The table below shows the most recently available asset valuation for major infrastructure assets. It also identifies depreciation within each asset grouping and the written down value of each asset class as at 30 June 2009.

### Fixed Asset Summary

For the year ending 30 June 2009

|                              | Value   | Accumulated<br>Depreciation | Written<br>Down Value |
|------------------------------|---------|-----------------------------|-----------------------|
|                              | \$'000  | \$'000                      | \$'000                |
| Land                         | 29,571  | 0                           | 29,571                |
| Land Under Roads             | 89      | 0                           | 89                    |
| Buildings                    | 54,337  | 24,015                      | 30,322                |
| Plant, Furniture & Equipment | 15,372  | 7,755                       | 7,617                 |
| Roads                        | 162,344 | 36,261                      | 126,083               |
| Bridges                      | 15,887  | 4,355                       | 11,532                |
| Footpaths & Cycleways        | 8,311   | 2,998                       | 5,313                 |
| Drainage                     | 19,096  | 6,913                       | 12,183                |
| Kerb & Channelling           | 19,686  | 6,894                       | 12,792                |
| Total Fixed Assets           | 324,693 | 89,191                      | 235,502               |

### Financial Summary

In general, Council has the following priorities with respect to expenditure on assets:

- **Maintain** the existing assets in a 'reasonable condition' and provides an affordable level of service. These maintenance activities include:
  - Asset **maintenance** activities; and
  - Asset **renewal** activities
- **Upgrading** of existing assets
- Accept **donated** assets from developers to extend the network



## Standard Statement of Capital Works

The Standard Capital Works Statement sets out all expected capital expenditure in relation to non-current assets for each of the next four years. It also shows the amount of Capital Works expenditure which is expected to be renewing, upgrading, expanding or creating new assets. This is important because each of these categories has a different impact on Council's future costs.

- Capital renewal expenditure reinstates existing assets, it has no impact on revenue, but may reduce further operating and maintenance expenditure if completed at the optimum time.
- Capital upgrade expenditure enhances an existing asset to provide a higher level of service or expenditure that will increase the life of the asset beyond that which it had originally. Upgrade expenditure is discretionary and often does not result in additional revenue unless direct user charges apply. It will increase operating and maintenance expenditure in the future because of the increase in Council's asset base.
- New capital expenditure does not have any element of renewal, expansion or upgrade of existing assets. New capital expenditure may or may not result in additional revenue for Council and will result in an additional burden for future.

### Standard Capital Works Statement

For the four years ending 30 June 2014

|                                  | Strategic Resource Plan |               |               |               |
|----------------------------------|-------------------------|---------------|---------------|---------------|
|                                  | Projections             |               |               |               |
|                                  | 2010/11                 | 2011/12       | 2012/13       | 2013/14       |
|                                  | \$'000                  | \$'000        | \$'000        | \$'000        |
| <b>Capital works areas</b>       |                         |               |               |               |
| Roads, carpark & traffic network | 8,335                   | 6,846         | 5,868         | 7,015         |
| Drainage                         | 85                      | 85            | 85            | 85            |
| Parks, open space & streetscapes | 500                     | 565           | 596           | 633           |
| Buildings                        | 7,813                   | 1,010         | 1,181         | 1,553         |
| Plant, equipment & other         | 1,660                   | 1,870         | 1,882         | 1,693         |
| Land                             | 0                       | 0             | 1,050         | 1,050         |
| <b>Total capital works</b>       | <b>18,393</b>           | <b>10,376</b> | <b>10,662</b> | <b>12,029</b> |
| <b>Represented by:</b>           |                         |               |               |               |
| Asset renewal                    | 7,652                   | 6,846         | 7,022         | 7,423         |
| New assets                       | 0                       | 0             | 1,050         | 1,050         |
| Asset expansion/upgrade          | 10,741                  | 3,530         | 2,590         | 3,556         |
| <b>Total capital works</b>       | <b>18,393</b>           | <b>10,376</b> | <b>10,662</b> | <b>12,029</b> |

### 3. HUMAN RESOURCES

The range of services undertaken by Council involves the abilities, efforts and competencies of staff. As at 30 June 2009 Council's workforce was 287, of which 132 were fulltime, 92 were part time, 49 were casual and 14 were temporary.

Council recognises the vital contribution of our workforce to Colac Otway Council's diverse operations and is committed to recruiting, retaining and developing staff with a wide range of qualifications and abilities.

Council seeks to maximise the skills and productivity of staff and to utilise the most up-to-date and relevant technology to deliver quality services.

There are a number of staff resource challenges that the Council faces into the future. Issues such as an ageing workforce and ageing community, both locally and nationally, are expected to impact on our ability to recruit.

The situation is magnified by the impending retirement for a number of staff in these areas. Increasingly, we are having difficulty locating, attracting and retaining staff with specialist skills. These include engineers, accountants and planners to name a few.

To address some of these demographic issues and labour shortages, an emphasis will be placed on more targeted recruitment programs. Further, Council will be developing strategies to address the ageing workforce, succession planning and attraction and retention of skilled employees.

Council will focus on increasing its status of an employer of choice through implementing social responsibility and health and wellbeing programs as well as promoting flexible modes of employment and diversity in the workplace and improved staff accommodation.

Staff numbers have increased slightly in recent times. This is due to: an increase in Government funded positions for a variety of projects; new and demanding legislative requirements and an increasing risk management focus.

The proposed increase in staff levels in future budgets is based on improvements in service delivery and the need for succession planning - recognising in particular an ageing workforce.

The Local Authorities Award and the Colac Otway Shire Enterprise Agreement 2006 govern the employment of Council staff. These documents encourage multi-skilling, flexibility and effective application of staff capability.

The following table summarises the costs of employees and the number of EFT over the 4 year period 2010/11 to 2013/14. The projected numbers include all positions.

|                                        | <b>PROJECTION<br/>2010/11</b> | <b>PROJECTION<br/>2011/12</b> | <b>PROJECTION<br/>2012/13</b> | <b>PROJECTION<br/>2013/14</b> |
|----------------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Projected staffing costs (operational) | \$12.0m                       | \$12.5m                       | \$13.0m                       | \$13.6m                       |
| Projected staff (EFT)                  | 208                           | 209                           | 210                           | 211                           |

## Appendix 1



# COLAC OTWAY SHIRE



10<sup>th</sup> March  
2009

## STRATEGIC 'SNAPSHOT'

The purpose of this report is to provide information, facts and forecasts about the Colac Otway Shire to inform the development of the Council Plan 2009 to 2013.

The report is presented in the same structure as the Council Plan to enable a quick and easy translation.

The report is based on the best available information about the Shire. In some cases, the information is for wider geographical regions such as the Barwon or Victoria West Regions. Where this is the case, assumptions have been made as to the applicability to Colac Otway.

The report is intended to generate discussion, raise awareness and support the development of strategies and actions that address the challenges facing the municipality.

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# COLAC OTWAY SHIRE STRATEGIC SNAPSHOT

## Overview

The Council Plan contains the **Vision**: “Council will work together with our community to create a sustainable, vibrant future”.

The Council Plan contains the six sections called **Key Result Areas** listed below. Each section has a specific **Objective** to be achieved over the four year life of the Plan.

1. Leadership and Governance
2. Physical Infrastructure and Assets
3. Land Use and Development
4. Environmental Management
5. Economic Development
6. Community Health and Wellbeing

The reason for using this structure is to provide an integrated approach to Council Planning that recognises the interrelated elements that make a great municipality.

In many cases, Council is in direct control of the topic (e.g. physical infrastructure) but in other cases (e.g. environment) Council is not in direct control and will need to decide if it will help address the challenges through leadership, advocacy or specific actions.

The information, facts and forecasts in this report are posed as **Challenges** to achieving the **Vision** and **Objectives**.

There are numerous positive performance indicators and examples of success throughout the Shire; however, the focus of this report is to capture the things that need to be addressed to achieve the preferred future for the municipality.

There are two types of “Challenge” described for each Key Result Area, being:

1. **Municipal Wide Challenges** – describe the challenges facing the whole municipality, not just the Council as a Local Government Authority

Municipal wide challenges are not the sole responsibility of one organisation or level of government and therefore require multi-agency collaboration if they are to be addressed. Council therefore has a choice whether it gets involved through a leadership, advocacy, facilitation or participant role in addressing the challenge

2. **Council Specific Challenges** – describe the challenges that are directly under the control or responsibility of Council

Council will need to decide if the challenge requires a strategic response and resource allocation. Actions to address the Challenges will often require a combination of Council, community, government and private sector partnerships, funding and collaboration.

## Key Result Area

# 1. Leadership and governance

## 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.*

## Municipal wide challenges:

### Population Sustainability

The consequences of this challenge have been emerging for many years with the following broad issues already taking effect and expected to continue unless interventions are adopted:

- The working age group (18 to 60) will increase at only one sixth the rate of the retirement age group (60 plus) placing increased pressure on the already tight skills and labour market <sup>(Id Profile)</sup>
- Business and private capital investment is often related to the availability of labour and skills and is therefore likely to continue at relatively low to negative growth levels
- Population growth generally follows and is supported by employment growth however, the net Colac Otway Shire (COS) population has not grown between 2001 and 2006 (-25 people) but 652 new jobs were recorded from 2001 to 2006. This is a 7% increase on the 2001 workforce base of 8,714 supported by 238 people growth in the 18 to 64 age group <sup>(Id Profile)</sup>
- This is one reason why COS has a higher Labour force participation rate of 61.9% compared to Victoria of 60.8% and Regional Victoria at 59.4% <sup>(ABS 2006)</sup> The current and forecast age structure will see increased pressure placed on skills and labour supply to industry. Industry surveys already prove this to be a significant issue impacting growth and sustainability <sup>(Vic Government, 2007)</sup>
- Business investment and growth relies on the availability of labour and skills.
- Business profitability is already lower than average and this will be under further pressure with less people (relatively) in employment with disposable incomes
- A significant increase of 32% in the 60 plus age group by 2021 will not contribute to profitability as this group has restricted disposable incomes compared to the working age group of 18 - 60 years
- Average weekly incomes and social disadvantage rankings are consistently lower in the municipality than for Victoria and will most likely deteriorate <sup>(ABS Wage and Salary)</sup>
- Service level increases of 30% by 2021 will be needed to cater for similar forecast increases in the 60 plus age group. Services include areas such as aged care, hospital beds for acute care and meals on wheels <sup>(DHS BSW)</sup>

## We know this is a challenge because:

- Colac Otway has a forecast annual population growth rate to 2021 of 0.67% <sup>i (Id Profile)</sup>
- The annual forecast average growth rate for Victoria is 1.3% <sup>(DPD)</sup>
- In general terms, this means Colac Otway will grow at half the rate for Victoria which amounts to a net relative decline
- The highest and lowest annual forecast growth rates in the Great South Coast Region (GSC) are Corangamite at 0.14% and Warrnambool at 1.3% <sup>(Id Profile)</sup>

- The Australian State of Region Report 2007-08 Ranks GSC “Population Sustainability” as 61 of 64 regions in Australia. This is the lowest ranking of all Victorian Regions <sup>(SoR, 2007 -08)</sup>
- The most recent State of Regions Report 2008-09 now ranks VIC West as 51 of 64 Regions however the region has been extended to include the Surf Coast and Golden Plains Shires. Both shires are forecast to grow well above the State average at 2.6% and 1.66% per annum respectively <sup>(SoR, State of Region Report, 2008-09)</sup>
- The “Population Sustainability” index includes: % growth since 1995; pop under 55; aged migration; estimated growth of 55+; demographic stress; family/youth migration; fertility ‘baby bounce’; working elderly
- For comparison, the Geelong Region now ranks 18 of 64 regions for Population Sustainability mainly influenced by it rating as number one region for growth since 1995
- The author of the State of Region Report does NOT provide data for every Local Government Area (LGA) but it is known that Warrnambool was ranked at 158 of 632 LGAs and Corangamite at 518 of 632 LGAs in the 2007-08 Report
- Based on current and forecast growth rates it can be assumed that COS would rank somewhere between 400 to 500 of 632 Australian LGAs
- The State of Regions Report 2008-09 also contains three “Stylised Facts” that generally describe what is happening in the COS:
  - The young are leaving low income, high unemployment regions and migrating to high income, low unemployment regions
  - The old are leaving high income (high cost) regions and low unemployment rate regions and migrating to low income (low cost) and high unemployment regions
  - Low productivity regions are rapidly ageing, while high productivity regions are ageing relatively slowly
- By 2021, the age structure of Colac Otway is forecast to change significantly with a 13.6% net shift in the age structure from young to older people in just 15 years – this is less than one generation
- For Colac Otway this means that by 2021, the 60 plus age group will increase in real terms by 32% or 1,643 people from a base of 5,067 in 2006
- At the same time the Colac Otway “working age” of 18 to 59 years will increase by just 5.2% or 595 people from a base of 11,520 people in 2006. Years 0 to 17 will hardly change with a 1.1% increase or 56 people

## Responding to Major Emergencies

Events such as bushfires, floods and storm events are expected to become more frequent and severe due to climate change. The consequences of this challenge include:

- Responding to major emergencies is a very stressful experience for the people directly affected and the people who are called upon to help
- The strain on community members, emergency management and response groups that need to cope with the extra workload is demanding in both mental and physical terms
- The positive consequences are that emergency events can help galvanise communities which can enable many initiatives to being undertaken that would not normally be possible and it allows emergency response systems to be implemented and improvements made

## We know this is a challenge because:

- The average annual temperatures will increase by a minimum 0.8C by 2030 on top of the 1.0C increase in Victoria since 1950 <sup>(CSIRO)</sup>

- The highest temperature ever recorded in Victoria was on Saturday 7<sup>th</sup> February 2009 at Laverton near Geelong at 47.9C triggering the most devastating fires in Victorian history
- At the same time, record rain and flood levels were being experienced in the northern Queensland Townsville region
- There has been a 12% decline in the region's rainfall between the periods 1961-1990 and 1998-2007 <sup>(CSIRO)</sup>
- Run off into the major waterways in the region is expected to decrease by between 10% and more than 50% by 2070 <sup>(CSIRO)</sup>
- A sea level rise of a minimum 0.8mtr is anticipated in 100 years <sup>(CSIRO)</sup>

### Council specific challenges:

- **Decision making of Council** is always a challenge of balancing technical data, diverse views and opinions all within an affordability/sustainability context
- There are always major issues at hand that may divide the community with the challenge being how to best move forward with the interest of current and future generations in mind
- **Council Services and Infrastructure** are constantly under pressure from increased demand or maintaining the (changing) standards expected by the community
- Increased or improved levels of service come at a cost that must be contained within an affordability model normally underpinned by a combination of councils rating strategy and user pay policy
- To continue to improve fire prevention across the region and to move toward an integrated fire management model
- To provide the level, continuity of leadership and funding to effectively develop and implement a **Sustainable Population Strategy** for the municipality that requires multi-agency, community support
- The Federal, State Local Government along with public and private sector service providers collectively contribute to creating the environment for sustainable growth in any region or municipality. However, none of these groups have long term sustainable growth as a core responsibility and therefore the topic is most often not directly subject to the focus or resourcing it warrants
- In addition, the continuous change cycle of elected members and senior officers for all the above mentioned groups does not support the continuity of leadership needed to address such a topic
- Human resources or budgets are not currently available for Sustainable Population Strategy work by Council
- There is a general lack of awareness and understanding of leaders specifically and the community generally about the real state of performance of the municipality
- Not having this understanding makes the development of strategic responses impossible. The imperative for change is not understood by the wider community
- The Community Satisfaction Survey 2008 shows the "Overall Performance of Council as 51% compared to 60% for Large Rural Shires <sup>(DPCD, Community Satisfaction Survey)</sup>
- The Community Satisfaction Survey 2008 shows the "Advocacy" role of Council as 54% compared to 62% for Large Rural Shires <sup>(DPCD, Community Satisfaction Survey)</sup>



- The Community Satisfaction Survey 2008 shows the “Customer Contact” role of Council as 69% compared to 70% for Large Rural Shires (DPCD, Community Satisfaction Survey)
- The Community Satisfaction Survey 2008 shows the “Engagement” role of Council as 45% compared to 58% for Large Rural Shires (DPCD, Community Satisfaction Survey)
- The Victorian Community Indicators 2007 report that 74% of COS people have participated in a community engagement activity in the previous year compared to 68.1% for the Barwon SW and 53.8 for Victoria. This could indicate a challenge to improve the quality and outcomes of engagement rather than the number of opportunity to engage (DPCD, Community Indicators, 2007)
- The Community Satisfaction Survey 2008 shows the “Enforcement of Local Laws” role of Council as 61% compared to 64% for Large Rural Shires (DPCD, Community Satisfaction Survey)

## Key Result Area

# 2. Physical Infrastructure and Assets

### Objective:

*Council will provide and maintain Council infrastructure and assets that meet community needs now and in the future.*

### Municipal wide challenges:

#### Climate Change Impact on Infrastructure

##### We know this is a challenge because:

- See Section 4 Environmental Management for evidence of Climate Change
- Higher temperature ranges impact on the service life and maintenance schedules of infrastructure such as road surfaces, rail, drains and subterranean pipes including water, gas and sewage
- Sea level rises will mean buildings and infrastructure near the coast may be subject to inundation and/or damage e.g. paths, harbours, jetties, retaining walls and land previously used for recreation and open space may disappear
- Storm events and fires result in damage, destruction to property and infrastructure as well as significant human impact – physical, resources and emotional
- Infrastructure providers will need to consider the effects of climate change and energy conservation with long term assets maintenance and planning
- Buildings, infrastructure and assets may need to be altered or upgraded to cope with the impacts of higher and more extreme temperatures.

#### Public Transport Limitations

Good public transport and transport infrastructure enhances the ability for people to access and move within the municipality for business, tourism, jobs and service provision.

There is evidence of severe limitations in the provision of public transport within the Colac Otway Shire

This situation is common for regional cities and towns that do not have the critical mass of population needed to support higher levels of service.

Critical mass is most often regarded as around 20,000 people or similar populations to Warrnambool. Colac central has approximately half this population.

##### We know this is a challenge because:

The Colac Neighbourhood Renewal Survey 2007 included 300 people surveyed in Neighbourhood Renewal Areas (NRA) and 150 people in Non-Neighbourhood Renewal Areas:

- For "what is your main form of transport" in NRA, there was:
  - a 12% drop in people using a car from 77% in 2004 to 65% in 2007
  - 1% recorded public transport in 2007 compared to 0% in 2004
  - Taxis use dropped from 5% to 3% in 2007
  - Walking stayed the same at 14%

- Cycling is a low 1% in 2007

- For "How would you generally rate public transport services for people in your neighbourhood?"
  - 76% of NRA respondents rated it as Poor or Average in 2007 compared to 73% in 2004
  - 81% of Non NRA respondents rated it as Poor or Average in 2007 compared to 70% in 2004
- For the open question "What do you think needs to be done to improve public transport services for people in your neighbourhood"
  - 48% commented on "having a bus service, more buses and more bus routes"
  - 15% said "improve taxi service/more taxis"
  - 10% said "more information about what (public Transport) is available"
  - 18% of COS people surveyed in the Victorian Community Indicators 2007 said they "experienced limitations or restrictions to their day to day transportation in the previous 12 months". This result compared to 16.4% for the Barwon South West and 20.3% for Victoria

### Council specific challenges:

- The Community Satisfaction Survey 2008 shows the Local Roads and Footpaths for Council as 44% compared to 51% for Large Rural Shires (DPCD, Community Satisfaction Survey)
- The Community Satisfaction Survey 2008 shows the Appearance of Public Areas for COS as 64% compared to 68% for Large Rural Shires (DPCD, Community Satisfaction Survey)
- Providing sufficient funding to maintain the existing assets at levels which are acceptable to the community
- The current asset renewal gap could increase to \$1.2M per year over the next 20 years, if not addressed
- Council will need to work with the community to develop an appropriate set of strategies to minimise the renewal gap to acceptable and affordable levels
- Improve the condition of local roads and footpaths to match community expectations of levels of service
- Balance the needs of current residents/users whilst planning for future generations
- Build new and upgrade existing assets that meet the current and future needs of the community
- Build new Council infrastructure to meet the future impacts of climate change
- Advocate for an increased standard of transport and main road networks that provide connectivity to the community both locally and regionally

## Key Result Area

# 3. Land Use and Development

## Objective:

*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.*

## Municipal wide challenges

### Sustainable Strategic Land Use Planning and Development

Whilst predominantly a challenge for Council, sustainable planning and development is constantly influenced by demographic change but Climate Change has now emerged as a higher profile consideration.

This challenge area involves and affects residents, investors, developers and services providers as the Shire operates in a market driven, supply and demand environment.

## We know this is a challenge because:

- Housing types will need to cater for the forecast increase in the 60 plus age group of 40% or 1870 people by 2031 from a base of 4,634 in 2006 <sup>(Id Profile)</sup>
- Lone person households will increase from 27.5% in 2006 to 32.6% in 2030. This is a net increase of 1163 households by 2030 <sup>(Id Profile)</sup>
- Families with dependants will decrease from 29.2% in 2006 to 25.7% in 2030. This will still see a net increase in the number of households of 280 <sup>(Id Profile)</sup>
- Household sizes are forecast to decrease from 2.43 persons per household average in 2006 to 2.29 in 2030 <sup>(Id Profile)</sup>
- Urban development in the COS generally follows the pattern for Australia of expanding through relatively low density, new greenfield site subdivision development rather than urban infill
- The two largest contributors to Greenhouse Emissions are Energy (electricity) and Transport (vehicles) with both influenced by strategic land use planning <sup>(Greenhouse, 2007)</sup>
- There have been energy efficiency gains in recent years through a combination of increased energy rating requirements for buildings and product energy efficiency improvements
- However, these gains have been offset by population growth characterized by less people, living in larger houses, using increased transport and number of electrical appliances including air conditioning
- Scientific predictions of increased sea levels associated with climate change – the Victorian Coastal Strategy 2008 requires planning to take account of a minimum 0.8m sea level rise
- Long term shift in farming patterns in the northern part of the Shire particularly due to reduced rainfall

Lake Colac dried up early in 2009, with more intense weather events such as drought, flooding and fire

## Managing the Demand for Rural Residential Lifestyle

There is an increased demand on land use from people seeking out the “tree change” or rural residential lifestyle.

This places increased pressure on protecting productive agricultural/rural land and long term economic sustainability.

### We know this is a challenge because:

- Strong demand for rural residential living – numbers of dwellings approved on rural lots in past years
- Ageing farmers retiring and disposing of land in multiple land parcels to maximise financial gain, fragmenting larger farming units
- Increasing numbers of planning applications for dwellings on smaller sub standard lots in rural areas (outside of townships)
- Reduced farm income of 60% or \$70m since 2004 to 2008 and a similar increase of 60% for interest paid per annum, per capita during the same period

## Increased Planning Scheme Complexity and Regulatory Requirements

### We know this is a challenge because:

- Increased extent of controls applying under the Planning Scheme over recent years, partly as a result of local initiatives, but mainly due to State Government decisions reflecting environmental risks such as landslip and wildfire, and policies for coastal and rural protection
- Lack of understanding in the general community about the strategic directions for the Shire and purpose of planning controls
- Lack of understanding of how the Planning Scheme operates and/or the basis for decisions being made

### Council specific challenges:

- Undertaking strategic planning that positions Council for future growth, including planning to accommodate future residential and commercial growth in Colac and Apollo Bay
- Considering the impact of climate change on planning decisions
- Preservation of productive rural areas for agriculture and direct rural residential development to defined areas
- Preservation of scenic and cultural landscapes
- Planning for climate change and development tools to address sea level rise
- Balance coastal growth with township character consistent with the Victorian Coastal Strategy and local structure plans and neighbourhood character studies
- Ensuring high quality development and attractive streetscapes
- Responding appropriately to environmental risks such as landslip, wildfire, flooding, salinity and acid sulfate soils
- Maintain an update to date and streamlined Planning Scheme that effectively conveys local planning policies
- Planning for the long term sustainability of the smaller townships through structure plans

- Educating the community on planning and building controls
- Increase awareness of information requirements and processes in planning and building approvals
- Appropriate resourcing for ensuring compliance with planning and building regulations and discouragement of illegal buildings/works

## Key Result Area

# 4. Environmental Management

## Objective:

*Council will protect and enhance the environment entrusted to us, demonstrate efficient use of natural resources and minimise climate change impacts.*

## Municipal wide challenges:

### Climate Change

The negative consequences of Climate Change are not unique to Colac Otway Shire. However, Climate Change will affect the Shire and community in areas of the economy, agriculture, biodiversity, land use, emergency response, infrastructure provision and maintenance.

Climate Change is characterised by average and extreme temperature increases, lower rainfall, increased storm events and raised sea levels.

This challenge has two elements with the first being the most difficult to influence locally in:

- Minimising the prime cause of Climate Change in greenhouse gas emissions
- Managing and mitigating against the impacts of climate change

There may be positive consequences and opportunities of Climate Change that could include new agriculture opportunities and carbon trading.

## We know this is a challenge because:

- Climate Change is the direct result of greenhouse gas emissions with the following four sectors being the primary contributors for Victoria in 2005:
  - Energy Industries (66.77 Mt CO<sup>2</sup> –e<sub>2</sub>)
  - Transport (20.57 Mt CO<sup>2</sup> –e<sub>2</sub>)
  - Agriculture (15.73 Mt CO<sup>2</sup> –e<sub>2</sub>)
  - Land Use (-3.49 Mt CO<sup>2</sup> –e<sub>2</sub>)<sup>13</sup>
- Whilst the greenhouse emission profile for Colac Otway is not separated from Victoria, it can be assumed transport, agriculture and land use would provide the major regional impacts. (note: land use is positive due to carbon sequestration)
- <sup>ii</sup>The CSIRO Climate Change Report shows there has been a marked decline in the region's rainfall over the past decade. Between 1998 and 2007 the region's average rainfall was 12% below the 1961 to 1990 average<sup>11</sup>
- Reductions in the total average annual rainfall of around 4% are expected, with the greatest reductions occurring in spring (7%)<sup>11</sup>
- CSIRO reports run off into the major waterways in the region are expected to decrease by between 10% and more than 50% by 2070. This includes the Barwon, Moorabool, Cumberland, Wye and Leigh Rivers, Lake Corangamite, Hopkins and Glenelg Rivers<sup>11</sup>
- By 2030, average annual temperatures in the region will be around 0.8°C warmer with winters warming slightly less than the other seasons (0.6°C). The number of hot days (days over 30°C) is also expected to increase<sup>12</sup>



- The average global temperature has increased by 0.6°C over the past century and by about 1.0°C in Victoria since 1950. In the future, the average global temperature is expected to increase by between 1.1 and 6.4°C by 2100<sup>12</sup>
- Bushfire risk is also expected to increase<sup>12</sup>
- Although average annual and seasonal total rainfall is expected to decline, the intensity of heavy daily rainfall is likely to rise in most seasons. However, fewer rain-days are anticipated with more droughts<sup>12</sup>
- Some impact studies have already been carried out, and have identified:
  - increased heat stress on dairy cattle, reducing milk production unless management measures such as shade sheds and sprinklers are adopted
  - heavy rains and winds from storm events will also contribute to crop damage and soil erosion
  - declining rainfall presents a risk to some traditional agricultural industries, tourism ventures and the ability to sustain the growing population<sup>12</sup>
- The Victorian Coastal Strategy 2008 recommends planning for sea level rise of not less than 0.8 metres by 2100
- The Future Coasts Work of the Victorian Government is not yet completed. This work will assess the vulnerability of Victoria's coastline to sea level rises to support the development of strategies to help communities and industry respond and adapt at a local level
- The Annual Cost of Climate Change for the Great South Coast including Colac Otway is \$1,926 per household which Ranks 34/64 Australian Regions<sup>(SoR, State of Region Report, 2008-09)</sup>

## Sustainable Energy and Water Use

Energy produced and used in the form of electricity from coal fire generators and fuels for transport are the two largest contributors to greenhouse emissions. Both are forecast to increase with population growth and the higher reliance on transport and products such as air conditioners, computers and entertainment systems.

Water supply from rainfall and runoff to streams and catchments is forecast to reduce whilst demand due to population growth and industry development is forecast to increase.

The challenge is therefore to reduce water consumption and energy use per capita.

### We know this is a challenge because:

- The Colac Otway municipal district provides a significant proportion of the Barwon Region's water supply catchment capability
- Demand is increasing due to population growth in major urban areas around Geelong and the Surf Coast with annual forecast growth rates to 2021 of 1.55% and 2.66% respectively
- Whilst Colac Otway is expected to grow at 0.6% per annum to 2021, in real terms this is 2200 people compared to 53,000 for Greater Geelong and 11,000 for Surf Coast
- Water supply has decreased and is forecast to decrease due to climate change, less rainfall and below average streamflows into catchments
- Barwon Water Supply Demand Strategy released in August 2007 includes:
  - Urban water shortfall – continued average inflows will mean a 467 ML/year shortfall for Colac's water supply by 2030 however

- Water provided by actions in the Supply Demand Strategy will realise 1,046 ML/year when implemented
- The Supply Demand Strategy includes hierarchy of actions of: Conservation & Efficiency; Augmenting Supply; Reuse & Recycling; Infrastructure/Other options
- Energy profiling is not yet available for Colac Otway as this is a difficult and expensive task for one Council to undertake due to the numerous and private sources of input information e.g. electricity wholesalers and retailers
- However it is expected that, as for suburban Melbourne, energy efficiency gains have been offset by less people living in larger houses that have more appliances than ever before
- Urban development in Colac Otway follows the general pattern for Australia and relies on expanding the urban footprint (Greenfield sites) rather than urban infill at higher density rates. This later approach is a far more energy efficient approach and supports the provision of affordable housing however, planning practices and community attitudes must change to effect this change
- The challenge is that there are entrenched housing supply and demand behaviours reinforced by property buyers and developers that perpetuate 'traditional' housing and settlement patterns that are unsustainable
- Dispersed residential development forces people to travel for work, education and access to general services. It continues the increased reliance on transport and subsequent energy consumption

### **Pest, Plant and Animal Control**

#### **We know this is a challenge because:**

- The DPI Noxious Weed Review for the Corangamite region found 246 noxious weed species in the region
- Serrated tussock, gorse, ragwort and blackberry are all wide spread. All of these weeds are very difficult to control once they have infested an area
- The Corangamite Regional Catchment Strategy 2003-2008 states that rabbits and foxes have thrived on both public and private land in the region and that the Calicivirus did not have the same impact on the rabbit population as seen in the drier parts of Australia

### **Native Plants, Animal and Habitat Protection and Enhancement**

#### **We know this is a challenge because:**

- Over three quarters of the region has been cleared. Habitat destruction is the greatest threat to native fauna
- The Corangamite Regional Catchment Strategy 2003-2008 states that the greatest loss to the region's native vegetation is attributed to land clearing and that habitat destruction results from a wide range of activities including land clearing; cultivation; grazing of stock on roadsides and wetlands; coastal sub-divisions; inappropriate forest management practices; and impacts of public utilities
- NOTE: The Victorian Government DSE is developing a "**Biodiversity White Paper**" due for release in 2009 to:
  - Set the direction for Victorian Government policy and investment priorities in natural resource management, land health and biodiversity for the next 20-50 years
  - Consider how environment and natural resource management activity at the regional, catchment, local and farm scale, and on public land, is contributing to Victoria's overall environmental health

## Waterway Protection and Enhancement

### We know this is a challenge because:

- River condition was reassessed by the Index of Stream Condition in April-May 2004. In the Otway Coast Basin, which has 60 per cent forest cover, the waterways are in good or excellent condition
- Overall, the condition of waterways in the Lake Corangamite Basin is either marginal or poor. This is due largely to past clearing for agricultural pursuits and drainage of wetlands
- In the Barwon Basin most of the waterways are in marginal to poor condition with the few streams in excellent or good condition mainly in the water supply catchment areas
- The Corangamite Regional Catchment Strategy 2003-2008 states the degradation of stream condition is widespread, with removal of streamside vegetation, bed and bank erosion, obstructions to fish passage, extensive woody weed invasion and reduced water flows being the major causes
- The condition of the lakes and wetlands in the region are also degraded. These areas are important habitat for many migratory species
- Management of wetlands on private land is very difficult because many are located on private land where they have been drained to allow agriculture to be undertaken

## Coastal and Marine Protection and Enhancement

### We know this is a challenge because:

- The Great Ocean Road coastline is an internationally recognised icon, the protection of which is made complex due to the amount of tourism and residential development pressure
- The dune systems, estuaries and marine environment along the coast are generally in good condition because of the majority of these areas being located on public land however the Victorian Coastal Strategy has identified that three major issues that threaten this condition is climate change; population growth; and marine ecological integrity

### Council specific challenges:

- The Community Satisfaction Survey 2008 shows the “Waste Management” role of Council as 67%  
(DPCD, Community Satisfaction Survey)
- Advocating on behalf of the community on issues outside of Council’s control
- Protection of environmental values on Council owned and managed land
- Protection of environmental values on private land through provision of planning advice
- Diversity of our built and natural environments
- Diversity of land use across the region
- Recruiting and retaining suitably qualified staff
- The scope of climate change issues and the limitations on Council’s influence
- Development of a Colac Otway Shire Environment Strategy
- Address the future Waste and Recycling needs of the municipality

## Key Result Area

# 5. Economic Development

### Objective:

*Council is committed to facilitating a healthy and resilient economy through effective leadership, advocacy, and partnership.*

### Municipal wide challenges:

#### Improve Economic Performance

The economy of the municipality is comparatively average to below average in the areas of business income, construction investment, average wages and productivity.

#### We know this is a challenge because:

- The State of Regions Report 2008-09 data for COS shows a 33% decline in Total Business Income from \$164m in 2004 to \$110m in 2008
- Farm Income is part of Total Business Income and has recorded a significant decline of 60% from \$120m in 2004 to \$50m in 2008
- The exact reasons for this significant drop in Business and particularly Farm Income need to be established
- The dairy industry is a major producer in COS and these income figures DO NOT include recently announced drops in the farm gate price for milk and milk solids
- The dairy industry has seen average per litre milk prices of 30c/ltr from 2001 to 2007 and 50c/ltr in 2007/08
- Interest Paid per capita has risen 60% between 2004 and 2008 recording \$2,130 and \$3,380 respectively
- The top industries for employment in 2006 are: Retail (1,369); Agriculture (1,337); Health & Community Services (1,031); Manufacturing (1,030); Construction (660); Property and Business Services (617)
- The largest increase in employment between 2001 and 2006 has been in Government Administration and Defence with 50% growth of 239 people
- Property and Business Services grew 34.5% or 213 people followed by Construction with growth of 24.1% or 159 jobs
- Agriculture Forestry and Fishing declined by 170 jobs or 12.7% between 2001 and 2007
- Industry Output and Forecasting is how regional product, value add and efficiency is measured however this data is not yet available for COS. It will come available as part of the Great South Coast Municipalities Strategic Plan development process schedule for 2009
- Average weekly incomes for Colac Otway are 20.5% below the State average at \$32,115
- Average wages per capita have risen 17% between 2004 and 2008 recording \$13,200 and \$15,400 respectively
- During the same period of 2004 to 2008, Business Value Add per Capita has decreased slightly from \$21,000 to \$20,600 respectively

- The total combined value of residential and non residential construction has decreased 10% from \$62m in 2003 to \$56m in 2008. It is forecast to drop to \$42m in 2009
- Impact of the Global Financial Crisis is not known e.g. Retail is vulnerable to rapid economic shifts due to reliance on income and discretionary spending
- The 2007-8 State of Regions Report shows Colac Otway as part of the VIC West Region which was ranked 41 of 64 Regions for Business **Productivity** and 36 of 64 for Business **Value Add**

### Availability of Skilled and Capable Workforce

The short and long term provision of a skilled and capable workforce has a major impact on the Shire's economy as it limits current output and hampers further development and investment.

#### We know this is a challenge because:

- Unemployment rate for the September 2008 quarter for the Colac Statistical Local Area (SLA) was 4.2%, a decrease of 1.5% for the same period in 2007. This is below the Victorian average of 4.5% but higher than the national average of 4%
- When the Colac North and South SLA's are included, the unemployment rate drops to 3.1% for the September 2008 quarter
- Labour Force Participation is 61.9% and higher than the Victorian average of 60.8%
- By 2021, the working age group of 18 to 60 years will grow at a rate that is one sixth the growth to be experienced in the 60 plus age group
- Government (DPCD and DEWR) Surveys show skills shortages in all key industry sectors in the Geelong and Colac Local Government Areas <sup>(Vic Government, 2007)</sup>
- An average of 14 per cent of the 1,078 vacancies in the Geelong and Colac LGA's remained unfilled over the previous 12 months, however this varied significantly across industries
- Vacancies in the Property and Business Services industry were the least likely to be filled, with one quarter (25 per cent) of the 113 vacancies remaining unfilled
- Employers in the Transport and Storage and Manufacturing industries also had significant difficulty filling vacancies with around one-fifth of vacancies in both industries remaining unfilled
- Employers in the Health and Community Services and Construction industries reported that they were able to fill most of their vacancies with less than six per cent remaining unfilled in each industry
- Around one-fifth (22 per cent) of employers had one or more unfilled vacancies in their business

#### Council specific challenges:

- The Community Satisfaction Survey 2008 shows the "Economic Development" role of Council as 59%, the same rating as for all Victorian Large Rural Shires <sup>(DPCD, Community Satisfaction Survey)</sup>
- Council is but one player in the economy of the municipality and has limited funding and ability to directly influence economic outcomes
- Council does however have a powerful leadership and advocacy role that can influence economic outcomes for the Shire
-

## Key Result Area

# 6. Community Health & Wellbeing

## Objective:

*Council will promote community health and wellbeing in partnership with other health services. Through a partnership approach, Council will provide a broad range of customer focused health, recreational, cultural and community amenities, services and facilities.*

## Municipal wide challenges:

### Creating Higher Levels of Community 'Advantage'

The Colac Otway local government area has a long term trend of social disadvantage. The level of disadvantage is measured by the Federal Government ABS Social Economic Index For Areas (SEIFA). It shows the prevalence of disadvantage in the Colac central part of the shire.

Colac's SEIFA Index can be compared to other places in Victoria such as Corio, Whittington, Morwell, Moe and Camperdown.

Socio-economic indicators for Colac Otway show long term negative trends. These trends are consistently below average and likely to continue to decline unless interventions are introduced.

### We know this is a challenge because:

The State of Region Report demonstrates a direct correlation between broadband access, productivity, employment and average weekly incomes.

There is also direct correlation between education levels, broadband use, innovation, value adding, productivity, average wages and social disadvantage with the following providing some headline indicators:

- Average annual incomes for Colac Otway are 20.5% below the State at \$32,115 compared to \$40,393
- 42% of Colac Otway adults have Broadband Internet Access at Home. This is 19% below the Victorian average of 61% and the lowest in the Barwon West <sup>(DPCD, Community Indicators, 2007)</sup>
- The State of Regions Report 2008-09 shows the VIC West Region at 54 of 64 for Business Innovation
- The Colac Otway municipality performs badly for the highest year of school completed. People aged 20 to 24 record (ABS 2006) are: <sup>(Cooke, 2009)</sup>
  - 100% more likely to have completed Year 8 than the average for Victoria
  - 164% more likely to have completed for Year 9
  - 84% more likely to have completed Year 10
  - 125% more likely to have completed Year 11 and
  - 28% LESS likely to have completed Year 12
- The Colac Otway Shire SEIFA Social Disadvantage index of 967.3 is the second worst in the Barwon West behind Glenelg at 962 <sup>(Id Profile)</sup>
- The Great Ocean Road-Otways and Rural South are rated as Socially Advantaged with 1008.8 and 1003.7 respectively

- By contrast, the major population area of Colac Central has a SEIFA Social Disadvantage Index of 921.6
- The State of Region Report 2008-09 shows Business Value add per capita for COS has remained approximately the same from 2002 to 2008 at \$20,600. This is below the average for the VIC West of \$22,642

### **Servicing the Needs of an Ageing and Changing Population**

Service standards and volumes are continually changing as the shires demographic profile and growth forecasts change.

#### **We know this is a challenge because:**

- Whilst the population is not growing significantly at 0.67% per annum there are increases of around 30% expected for the 70 plus age group in just 15 years
- The Department of Human Services estimates that people aged more than 70 years account for nearly one third of separations (29%) and nearly half (47%) of bed days for acute services

### **Improving Population Health**

#### **We know this is a challenge because:**

Department of Human Service data for Colac Otway shows notable differences between COS and the average for Victoria in the following health related areas:

- Male Injuries (+32%)
- Male rate per 1000 -Cancer (+6%), Cardiovascular (+6%), Mental disorder (6.3%)
- Dental conditions per 1000 – +58.6%
- Life expectancy Males – minus 4%
- Life expectancy Females – minus 1.4%
- Death rate per 1000 from cardiovascular disease - +33.7%
- Death rate per 1000 from cancers - +23.6%

32% of residents believe drugs and alcohol are the main reasons that affect people's health and wellbeing

### **Housing Affordability**

Housing Affordability is one of the main reasons people come to live in the COS.

Quality of Life, Jobs and Liveability are some of the other reasons people come to live in the municipality however, current performance data shows they are at risk of becoming challenges rather than competitive advantages.

#### **We know this is a challenge because:**

- <sup>iii</sup>The "reason people come to live in their current house in the shire" for 300 people surveyed in 2007 show that 52% do so for low cost housing (21%), public housing (19%) and no other housing available (12%) (Colac Neighbourhood Renewal)
- Bankwest Ranks the Housing Affordability for all Australian LGAs. Bankwest "House Price to Worker Earning Ratio" shows a ratio for COS of 1:3.4. A ratio below 1:5 is regarded as "affordable"
- The ABS "Percentage of Households with Housing Costs Greater than 30% of Gross Income" records COS at 13.4% which is below the Victorian average of 17.7% but getting close to the Country Victoria average of 14.9%

- The Colac Otway Housing Audit June 2007 shows increased pressure on private rentals with:
  - An increased of 40% in median rents between in June 2001 and June 2006; and
  - Housing and support workers report “high demand and low supply” of private rental properties, and that what is available is “expensive”
- The 2008 Bankwest “Quality of Life” index takes into account 10 factors that rank Colac Otway as 133 of 590 Local Government Authorities in Australia. The lower the ranking number, the better the ranking

### **Council specific challenges:**

- The Community Satisfaction Survey 2008 shows the “Health and Human Services” role of Council as 73%, above the rating of 72% for all Victorian Large Rural Shires (DPCD, Community Satisfaction Survey)
- The Community Satisfaction Survey 2008 shows the “Recreation Facilities” role of Council as 55% compared to 66% for Large Rural Shires (DPCD, Community Satisfaction Survey)
- Recruiting and retaining suitably qualified staff
- Limited local service provider alternatives i.e. service providers both private and government
- Geographically spread community
- Demand on Council provided services and associated cost pressures



OM102306-8

**2010-2011 COMMUNITY FUNDING PROGRAM  
ENDORSEMENT OF APPLICATIONS**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Jodie Fincham                  | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN00374     |

**Purpose**

The purpose of this report is to seek Council endorsement of the recommendations from the Grants Assessment Advisory Committee for Council grants for the 2010/2011 Community Funding Program.

**Declaration of Interests**

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

**Background**

The Council Community Funding Program is available to not-for-profit community organisations. Applications for Council grants closed on 7 May 2010 with a total of 75 submissions being received. The total number of applications is consistent with those received in previous years, although there was an increase in COPACC assistance applications. This scheme remains over subscribed for the amount of allocated funding.

The Community Funding Advisory Committee met on 7 June 2010 to assess applications. Cr Smith, Cr Stephen Hart, Cr Stuart Hart and Cr Russell attended together with Council officers Jodie Fincham, Karen Patterson, Lisa Loughnane and Chris Spalding. Cr Lyn Russell attended in the absence of Cr Brian Crook. No conflicts of interest were declared.

The Committee considered the applications and the preliminary recommendations of the officers.

There were 10 requests seeking a total of \$12,455.36 for assistance with hiring of COPACC on a 50% subsidy rate of hire charges from a total funding pool of \$7,500.

There were 27 requests for Community Projects category seeking \$67,680. These 27 requests are to be funded from a total pool of \$40,000.

There were 38 submissions requesting a total of \$101,435.30 for the maintenance and improvement of recreation facilities from the available Community/Recreation Facilities funding. The total funding pool for this category is \$70,000.

The Community Funding Advisory Committee recommended 64 grants for 2010/2011. Unsuccessful applicants will be referred to alternative funding agencies, encouraged to rework incomplete applications and resubmit in the next round, or be informed that they were ineligible due to not meeting the funding criteria – refer attachments.

At the Council meeting held on 24 February 2010 Council endorsed the Community Funding Program process up to the current funding levels as follows:

|                                 |          |
|---------------------------------|----------|
| Community/Recreation Facilities | \$70,000 |
| Community Projects              | \$40,000 |
| COPACC Assistance               | \$7,500  |

At the same meeting Council also endorsed the Council Community Funding Program and Festival and Events Support Scheme guidelines and application forms.

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

The Council Community Funding Program supports Council's commitment to encouraging community sport, recreation, cultural and arts activities and facilitating the maintenance and improvement of Council sporting and recreation facilities.

The 2006-2010 Colac Otway Recreation Strategy, 2007-2011 Colac Otway Festival and Events Strategy and 2007-2011 Colac Otway Arts and Culture Strategy identify the benefits to community development and the valuable economic input the Council Community Funding Program contributes across the Shire. Each of the three strategies identifies the importance of this funding, which further supports the volunteer input provided to each of the community projects.

### **Issues / Options**

There are two options for Council:

1. Approve the recommendations from the Community Funding Advisory Committee for Council grants from the 2010/2011 Community Funding Program.  
Approval of the recommendations will result in a total estimated value of \$378,446 of works / activities to be undertaken in 64 projects across the Shire throughout the 2010/2011 program.
2. Do not approve the recommendations from the Community Funding Advisory Committee for Council grants from the 2010/2011 Community Funding Program.  
The Community Funding Program assists groups to partner with Council to achieve capacity building projects, membership growth, group development and community development initiatives that would not otherwise occur if either the community groups or Council had to fully finance them.

### **Proposal**

It is proposed that Council approves the attached recommendations from the Community Funding Advisory Committee for Council grants from the 2010/2011 Community Funding Program, recognising the processes applied.

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

The Council Community Funding Program allocated a total of \$117,500 across the three funding categories. The implication of total expenditure for the 2010-2011 program under each of the funding categories is as follows:

- COPACC Assistance \$7,745
- Community Projects and Events \$39,282
- Community Recreation Facilities \$70,449

The total funding allocation amount is included in the Draft Budget for 2010-2011.

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

Grant recipients are responsible for the risk management of their projects. Risk Assessment templates were included with each grant application. Job Safety Analysis (JSA's) sheets will also be requested from contractors prior to commencement of projects. An Internal Referral process was implemented to provide an integrated approach between Departments involved in the process (Building, Planning, Environment and Infrastructure).

**Environmental and Climate Change Considerations**

Some applications responded to current drought conditions seeking to mitigate or provide alternative solutions. Some of the proposed projects add to beautification or improvement of local environs and more sustainable energy use. Council's Environment Department have provided further advice to applicants where relevant.

**Community Engagement**

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method of engagement selected would be inform, collaborate and empower:

- Application forms and guidelines were advertised across the Shire in early March 2010 for Colac Otway Shire's 2010/2011 Community Funding Program.
- Council hosted two information sessions in Colac and Apollo Bay to enable groups to discuss the funding program with Council's Recreation and Events Coordinator.
- Application forms were made available from Council's Customer Service Centres in Colac and Apollo Bay, via the website and through direct database mail.
- Email application lodgement was offered to make the process easier for applicants to submit applications electronically.
- Council officers met with individual applicants as required providing further assistance in progressing applications.

**Implementation**

It is proposed to advise all applicants in writing following Council's adoption of the recommendations. A civic reception will be held at COPACC on July 19 to present the grant cheques to successful applicants or notification of contributions subject to completion of compliance requirements. The timelines are designed to enable the grant recipients to have maximum time to undertake projects and meet project acquittal requirements.

**Conclusion**

The Community Funding Program assists groups to partner with Council to achieve capacity building projects, membership growth, group development and community development initiatives that would not otherwise occur if either the community groups or Council had to fully finance them. Approval of the recommendations will result in a total value of \$378,446 of works / activities to be undertaken in 64 projects across the Shire throughout the 2010/2011 program.

**Attachments**

1. Community Recreation Facilities Recommendations
2. COPACC Assistance Recommendations
3. Community Projects Recommendations

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

1. Approves the recommendations from the Grants Community Funding Advisory Committee for Council grants from the 2010/2011 Community Funding Program, total expenditure under each of the funding categories as follows:

**(a) COPACC ASSISTANCE TOTAL of \$ 7,745**

|                                                |                |
|------------------------------------------------|----------------|
| <i>Colac West Primary School</i>               | <b>\$876</b>   |
| <i>Trinity College</i>                         | <b>\$1,000</b> |
| <i>Colac Neighbourhood House</i>               | <b>\$460</b>   |
| <i>NAIDOC</i>                                  | <b>\$550</b>   |
| <i>Colac Sudanese Community</i>                | <b>\$448</b>   |
| <i>Colac Disability Network</i>                | <b>\$550</b>   |
| <i>FReeZA Colac</i>                            | <b>\$611</b>   |
| <i>Colac Players</i>                           | <b>\$1300</b>  |
| <i>Colac &amp; District 8 Ball Association</i> | <b>\$1200</b>  |
| <i>SWLLEN</i>                                  | <b>\$750</b>   |

**(b) COMMUNITY/RECREATION FACILITIES TOTAL of \$70,449**

|                                                       |                  |
|-------------------------------------------------------|------------------|
| <i>Apollo Bay Football Club</i>                       | <b>\$2100</b>    |
| <i>Apollo Bay Youth &amp; Rec Centre</i>              | <b>\$3900</b>    |
| <i>Barongarook Hall &amp; Tennis Reserve CoM</i>      | <b>\$1725</b>    |
| <i>Barwon Downs Hall Committee</i>                    | <b>\$600</b>     |
| <i>Birregurra Hall Committee of Management</i>        | <b>\$1000</b>    |
| <i>Birregurra Recreation Reserve CoM</i>              | <b>\$2130</b>    |
| <i>Carlisle River Community Group</i>                 | <b>\$1896.50</b> |
| <i>City United Cricket Club</i>                       | <b>\$1105.50</b> |
| <i>Colac Cycling Club</i>                             | <b>\$1500</b>    |
| <i>Colac &amp; District Netball Association</i>       | <b>\$5000</b>    |
| <i>Colac Cricket Club</i>                             | <b>\$1258.50</b> |
| <i>Colac Fire Brigade</i>                             | <b>\$1847</b>    |
| <i>Colac Football Netball Club</i>                    | <b>\$3410</b>    |
| <i>Colac Gun Club</i>                                 | <b>\$600</b>     |
| <i>Colac Legacy Club</i>                              | <b>\$4850</b>    |
| <i>Community Hub Inc.</i>                             | <b>\$5000</b>    |
| <i>Corangamite Pistol Club</i>                        | <b>\$1375</b>    |
| <i>Colac Night Netball – All Abilities</i>            | <b>\$1110</b>    |
| <i>Colac Old Time Dancing</i>                         | <b>\$422</b>     |
| <i>Colac Pony Club Junior Committee</i>               | <b>\$3057</b>    |
| <i>Cororooke Tennis Club</i>                          | <b>\$850</b>     |
| <i>Elliminyt Public Hall</i>                          | <b>\$1897</b>    |
| <i>Elliminyt Tennis Club Inc.</i>                     | <b>\$425</b>     |
| <i>Forrest Cricket Club</i>                           | <b>\$5390</b>    |
| <i>Irrewillipe Sports &amp; Entertainment Complex</i> | <b>\$600</b>     |
| <i>Lavers Hill Hall Committee of Management</i>       | <b>\$1800</b>    |
| <i>Pennyroyal Public hall</i>                         | <b>\$740</b>     |
| <i>Pirron Yallock Recreation Reserve Grounds CoM</i>  | <b>\$2554.50</b> |
| <i>Polwarth CWA</i>                                   | <b>\$1783</b>    |
| <i>Stoneyford Cricket Club</i>                        | <b>\$2023</b>    |
| <i>Stoneyford Hall Committee of management</i>        | <b>\$6000</b>    |
| <i>Warrobie Recreation Reserve</i>                    | <b>\$2500</b>    |

| <b>(c) COMMUNITY PROJECTS</b>                                       | <b>TOTAL of <u>\$39,282</u></b> |
|---------------------------------------------------------------------|---------------------------------|
| <i>Apollo Bay Arts</i>                                              | <b>\$600</b>                    |
| <i>Apollo Bay Sailing Club</i>                                      | <b>\$2742</b>                   |
| <i>Apollo Bay Tuesday Art Group</i>                                 | <b>\$2500</b>                   |
| <i>Apollo Bay Community Garden /Otway Ranges</i>                    |                                 |
| <i>Climate Action group</i>                                         | <b>\$3487</b>                   |
| <i>Apollo Bay Community Pool Committee</i>                          | <b>\$2100</b>                   |
| <i>Beeac Tennis Club</i>                                            | <b>\$480</b>                    |
| <i>Birregurra Historical Society</i>                                | <b>\$2000</b>                   |
| <i>Birregurra tennis Club</i>                                       | <b>\$900</b>                    |
| <i>The Colac Chorale</i>                                            | <b>\$1985</b>                   |
| <i>Colac &amp; District Dog Obedience</i>                           | <b>\$638</b>                    |
| <i>Colac &amp; District Football League Netball Association Inc</i> | <b>\$880</b>                    |
| <i>Colac and District Historical Society</i>                        | <b>\$1500</b>                   |
| <i>Colac Basketball Association Inc</i>                             | <b>\$1200</b>                   |
| <i>Colac Rowing Club</i>                                            | <b>\$1100</b>                   |
| <i>Colac Toy Library</i>                                            | <b>\$2500</b>                   |
| <i>Cressy &amp; District Action group</i>                           | <b>\$2600</b>                   |
| <i>Forrest &amp; District Community group</i>                       | <b>\$5000</b>                   |
| <i>Forrest &amp; District Historical Society</i>                    | <b>\$2850</b>                   |
| <i>Forrest Tennis Club</i>                                          | <b>\$295</b>                    |
| <i>Lavers Hill Blue Light Inc</i>                                   | <b>\$325</b>                    |
| <i>Otway Forum</i>                                                  | <b>\$1200</b>                   |
| <i>St John Ambulance</i>                                            | <b>\$2400</b>                   |

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| | |
|-------------------------------|-------------|
| TOTAL FUNDS | \$70,000.00 |
| TOTAL PROJECT RECOMMENDATIONS | \$70,449.00 |
| AVAILABLE BALANCE | |

COUNCILLOR ASSESSMENT 2010/2011 COMMUNITY/RECREATION FACILITIES

| APP NO | ORGANISATION | PROJECT | AMOUNT REQUESTED | GST REGISTRE RED | TOTAL PROJECT COST | Org Cash Cont | Org In Kind Cont | Previous COS funding? Yes or No | COUNCILLOR RECOMMENDATIONS \$ |
|--------|---|--|------------------|------------------|--------------------|---------------|------------------|---------------------------------|-------------------------------|
| 1 | Apollo Bay Football Club | Plans for Recreation reserve change room refurbishment | \$2,100.00 | NO | \$4,800.00 | \$600.00 | \$600.00 | | \$2,100.00 |
| 2 | Apollo Bay Youth & Rec Centre | Youth Club Hall replacement of hall windows, Eastern side | \$3,900.00 | YES | \$7,964.00 | \$3,914.00 | \$150.00 | | \$3,900.00 |
| 3 | Barongarook Hall & Tennis Reserve Com | Barongarook Hall enhancement - relocation of disused shed from Barongarook school site to Barongarook Hall site and purchase and installation of a reverse cycle split system unit in Barongarook Hall | \$2,615.00 | NO | \$5,735.00 | \$1,160.00 | \$1,460.00 | NO | \$1,725.00 |
| 4 | Barwon Downs Hall Committee | Replace old fridge | \$699.00 | NO | \$1,199.00 | N/A | N/A | YES | \$600.00 |
| 5 | Beech Forest Recreation Reserve | Removal of trees on western boundary and fence at the Reserve | \$2,350.00 | NO | \$4,700.00 | \$2,000.00 | \$350.00 | YES | \$0.00 |
| 6 | Birregurra Hall Committee Of Management | Replacement of old unsafe seating/chairs in the Birregurra Hall. These chairs are regularly used at all Hall Functions and Community meetings and many more are broken, torn, bent legs etc. | \$1,000.00 | NO | \$2,074.00 | \$1,000.00 | N/A | NO | \$1,000.00 |
| 7 | Birregurra Recreation Reserve COM | Kitchen sink upgrade - commercial standard | \$2,130.00 | Yes | \$4,330.00 | \$600.00 | \$1,300.00 | NO | \$2,130.00 |

| APP NO | ORGANISATION | PROJECT | AMOUNT REQUESTED | GST REGISTE RED | TOTAL PROJECT COST | Org Cash Cont | Org In Kind Cont | Previous COS funding? Yes or No | COUNCILLOR RECOMMENDATIONS \$ |
|--------|--|--|------------------|-----------------|--------------------|---------------|------------------|---------------------------------|-------------------------------|
| 8 | Carlisle River Community Group | Football Club rooms refurbishment/ interior painting seating and heating | \$2,691.00 | NO | \$5,671.00 | \$1,100.00 | \$1,760.00 | YES | \$1,996.50 |
| 9 | City United Cricket Club | Upgrade and Refurbishment of clubrooms/ Upgrade carpets supply blinds and chairs | \$1,105.50 | No | \$2,211.00 | \$345.50 | \$760.00 | YES | \$1,105.50 |
| 10 | Colac Cycling Club | Colac Velodrome - maintenance of surface | \$2,000.00 | NO | \$4,200.00 | \$200.00 | \$2,000.00 | YES | \$1,500.00 |
| 11 | Colac and District Netball Association | Shelter sheds at Eastern Reserve netball facility | \$5,000.00 | NO | \$10,930.00 | \$5,930.00 | N/A | YES | \$5,000.00 |
| 12 | Colac Cricket Club | Colac cricket ground -New synthetic pitch | \$1,258.40 | NO | \$2,516.80 | \$1,078.40 | \$180.00 | YES | \$1,258.50 |
| 13 | Colac Fire Brigade | Meeting room upgrade | \$2,750.00 | YES | \$5,500.00 | \$2,750.00 | \$0.00 | NO | \$1,847.00 |
| 14 | Colac Football Netball Club | Concept Plan for Central reserve user facilities | \$3,410.00 | YES | \$6,820.00 | \$3,410.00 | N/A | NO | \$3,410.00 |
| 15 | Colac Gun Club Inc. | New Ride on mower, brush cutter and lawn edger | \$3,654.00 | NO | \$7,308.00 | \$3,654.00 | \$0.00 | YES | \$600.00 |
| 16 | Colac Lawn Tennis Club | Wire the fencing in and around the tennis complex playing area | \$4,770.00 | NO | \$9,540.00 | \$4,770.00 | \$0.00 | YES | \$0.00 |
| 17 | Colac Legacy Club | Legacy House restoration - repair and restore lath and plaster walls, Paint walls ceilings and trim. | \$4,850.00 | NO | \$9,700.00 | \$4,850.00 | \$0.00 | NO | \$4,850.00 |
| 18 | Colac Mallet Sports Club Inc. | Curtain replacement project - Club House | \$516.00 | NO | \$1,432.00 | \$516.00 | \$162.00 | YES | \$0.00 |
| 19 | Community Hub Inc. | Community BBQ at Donaldson street playground | \$5,000.00 | YES | \$29,425.00 | \$1,000.00 | \$12,000.00 | NO | \$5,000.00 |
| 20 | Corangamite Pistol Club | Roof repairs shooting range | \$1,375.00 | No | \$2,750.00 | \$528.00 | \$650.00 | NO | \$1,375.00 |
| 21 | Colac Youth and Recreation Club Inc. | Repairs and painting to exterior of building | \$5,010.00 | NO | \$10,010.00 | \$5,000.00 | \$0.00 | NO | \$0.00 |

| APP NO | ORGANISATION | PROJECT | AMOUNT REQUESTED | GST REGISTRE | TOTAL PROJECT COST | Org Cash Cont | Org In Kind Cont | Previous COS funding? Yes or No | COUNCILLOR RECOMMENDATIONS \$ |
|--------|---|--|------------------|--------------|--------------------|---------------|------------------|---------------------------------|-------------------------------|
| 22 | Colac Night Netball - All Abilities | All Abilities- netball competition stadium hire | \$1,110.00 | NO | \$3,814.00 | \$94.00 | \$1,500.00 | YES | \$1,110.00 |
| 23 | Colac Old Time Dancing | Upgrade music system, including a multi purpose amplifier | \$422.00 | NO | \$844.00 | \$422.00 | \$0.00 | YES | \$422.00 |
| 24 | Colac Pony Club Junior Committee | A dressage Arena | \$3,057.00 | NO | \$6,547.00 | \$3,000.00 | \$490.00 | NO | \$3,057.00 |
| 25 | Colac Summer Netball Association | Shelter sheds at the Eastern Reserve Netball facility | \$5,000.00 | NO | \$10,930.00 | \$5,930.00 | N/A | YES | \$0.00 |
| 26 | Cororooke Tennis Club | Tennis posts and nets for three tennis courts | \$1,494.00 | NO | \$2,494.00 | \$600.00 | \$400.00 | YES | \$650.00 |
| 27 | Elliminyt Public Hall | Mens urinal update | \$1,897.00 | NO | \$3,794.00 | \$1,897.00 | N/A | YES | \$1,897.00 |
| 28 | Elliminyt Tennis Club Inc. | Renew interior window coverings | \$425.00 | NO | \$855.00 | \$430.00 | N/A | YES | \$425.00 |
| 29 | Ferrest Cricket Club | A training facility redevelopment | \$6,000.00 | NO | \$12,847.00 | \$4,627.00 | \$2,220.00 | NO | \$5,990.00 |
| 30 | Irrawillipe Sports & Entertainment Complex | Ceiling insulation and security light installation | \$600.00 | NO | \$1,204.72 | \$604.72 | N/A | YES | \$600.00 |
| 31 | Lavers Hill Hall Committee Of Management | Lavers Hill Hall Seating Replacement Program | \$1,800.00 | NO | \$3,637.00 | \$700.00 | \$1,137.00 | NO | \$1,800.00 |
| 32 | Old Beechy Rail Trail Com | Development design plans | \$5,000.00 | YES | \$10,000.00 | N/A | \$5,000.00 | YES | \$0.00 |
| 33 | Pennyroyal Public Hall | Replacement of hot water service | \$740.00 | NO | \$1,483.65 | \$745.00 | | YES | \$740.00 |
| 34 | Pirron Yallock Recreation Reserve Grounds Committee | New tank and pressure pump to supply water to change rooms | \$2,554.50 | YES | \$5,109.00 | \$2,554.50 | \$0.00 | YES | \$2,554.50 |
| 35 | Polwarth CWA | Colac CWA Hall maintenance - roof repairs, electrical installation, safety exit latches, WC grab rails | \$2,629.00 | NO | \$3,625.00 | \$0.00 | \$996.00 | YES | \$1,783.00 |
| 36 | Stoneyford Cricket Club | Construct practice net alongside existing cricket nets | \$2,022.90 | NO | \$4,645.80 | \$2,022.90 | \$600.00 | NO | \$2,023.00 |

| APP NO | ORGANISATION | PROJECT | AMOUNT REQUESTED | GST REGISTRE RED | TOTAL PROJECT COST | Org Cash Cont | Org In Kind Cont | Previous COS funding? Yes or No | COUNCILLOR RECOMMENDATIONS \$ |
|--------|---|--|---------------------|------------------|---------------------|--------------------|--------------------|---------------------------------|-------------------------------|
| 37 | Stoneyford Hall Committee of Management | Replace Stoneyford Hall roof and spouting with new sheets of colorbond | \$6,000.00 | YES | \$12,243.00 | \$6,000.00 | \$250.00 | NO | \$6,000.00 |
| 38 | Warrowie Recreation Reserve | Reseal interior of hardwood floor of Main Hall at the Reserve | \$2,500.00 | NO | \$5,000.00 | \$2,500.00 | \$0.00 | YES | \$2,500.00 |
| | | | \$101,435.30 | \$0.00 | \$227,891.97 | \$76,733.02 | \$34,165.00 | | \$70,449.00 |

| | |
|-------------------------------|------------|
| TOTAL FUNDS | \$7,500.00 |
| TOTAL PROJECT RECOMMENDATIONS | \$7,745.00 |
| AVAILABLE BALANCE | -\$245.00 |

COUNCILLOR ASSESSMENTS COPACC ASSISTANCE 2010/11

| APP NO | ORGANISATION | PROJECT | AMOUNT REQUESTED | GST REGISTERED | TOTAL PROJECT COST | Org Cash Cont | Org In Kind Cont | COUNCIL RECOMMENDATIONS \$ |
|--------|--------------------------------------|--------------------------------|------------------|----------------|--------------------|---------------|------------------|----------------------------|
| 1 | Colac West Primary School | School Concert | \$875.86 | Yes | \$2,901.75 | \$875.86 | 1825.86 | \$876.00 |
| 2 | Trinity College | Musical Production | \$4,147.50 | Yes | \$30,892.00 | \$15,618.00 | \$14,375.00 | \$1,000.00 |
| 3 | Colac Neighborhood House | Christmas Lunch | \$460.00 | Yes | \$3,740.00 | \$460.00 | \$2,820.00 | \$460.00 |
| 4 | NAIDOC Colac | NAIDOC Week | \$561.00 | Yes | \$1,122.00 | \$561.00 | | \$550.00 |
| 5 | Colac Sudanese Community | World Refugee Day | \$448.00 | No | \$11,600.00 | \$2,000.00 | \$7,100.00 | \$448.00 |
| 6 | Colac Disability Network | Celebration Dance | \$550.00 | | \$3,800.00 | \$1,400.00 | \$1,250.00 | \$550.00 |
| 7 | FreeZA Colac | Battle of the Bands | \$611.00 | Yes | \$10,976.00 | \$7,297.00 | \$2,130.00 | \$611.00 |
| 8 | Colac Players | One amateur theatre production | \$2,122.00 | No | \$11,704.00 | \$1,582.00 | \$46,285.00 | \$1,300.00 |
| 9 | Colac & District 8-Ball Associations | Pool competition | \$1,930.00 | No | \$11,120.00 | \$7,200.00 | | \$1,200.00 |
| 10 | SWILLEN | Careers EXPO | \$750.00 | Yes | \$3,750.00 | \$5,000.00 | \$2,500.00 | \$750.00 |
| | | | \$12,455.36 | | \$91,605.75 | \$41,993.86 | \$76,460.00 | \$7,745.00 |

| | |
|-------------------------------|-------------|
| TOTAL FUNDS | \$40,000.00 |
| TOTAL PROJECT RECOMMENDATIONS | \$39,282.00 |
| AVAILABLE BALANCE | \$718.00 |

COUNCILLOR ASSESSMENTS COMMUNITY PROJECTS 2010/2011

| APP NO | ORGANISATION | PROJECT | AMOUNT REQUESTED | TOTAL PROJECT COST | GST REGISTERED | Org Cash Cont | Org In Kind Cont | Previous COS funding? Yes or No | COUNCIL RECOMMENDATIONS \$ |
|--------|---|---|------------------|--------------------|----------------|---------------|------------------|---------------------------------|----------------------------|
| 1 | Annam Cara House COLAC REC | Install ramping and disabled access to Annam Cara House | \$10,000.00 | \$24,940.00 | YES | \$8,690.00 | \$6,250.00 | No | \$0.00 |
| 2 | Apollo Bay Arts | Artworks to Apollo Bay Foreshore. To update and reprint the 4-color Arts Flyer providing information about the artworks that currently adorn the foreshore. | \$600.00 | \$1,200.00 | NO | N/A | \$300.00 | Yes | \$600.00 |
| 3 | Apollo Bay Sailing Club | Try Sailing' program Keel Boat Trailer Replacement | \$2,742.00 | \$5,483.50 | NO | \$1,041.50 | \$1,700.00 | No | \$2,742.00 |
| 4 | Apollo Bay - Tuesday Art Group | "Open Art Studio" Weekend | \$4000.00 | \$7,975.00 | NO | N/A | N/A | Yes | \$2,500.00 |
| 5 | Apollo Bay Community Garden/Oxway Ranges Climate Action Group | Install 100,000L water tank to fully and permanently supply the Community Garden with all its watering needs | \$3,487.00 | \$11,367.00 | NO | \$1,800.00 | \$1,080.00 | Yes | \$3,487.00 |
| 6 | Apollo Bay Community Pool Committee | Fund a Lifeguard. Fund up to 12 training places at Blue Water Fitness for local high school students | \$2,100.00 | \$4,200.00 | NO | \$2,100.00 | N/A | No | \$2,100.00 |
| 7 | Beeac Tennis Club | Purchase practice Tennis balls and utilize the expertise of an accredited tennis coach | \$480.00 | \$960.00 | NO | \$480.00 | N/A | Yes | \$480.00 |
| 8 | Beech Forest Progress Association | Cliff Young Memorial Monument. To erect on Beech Forrest rock a pair of bronzed gumboots with a plaque for information | \$5,000.00 | \$10,000.00 | NO | \$3,250.00 | \$1,300.00 | Yes | \$0.00 |

| | |
|-------------------------------|-------------|
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COUNCILLOR ASSESSMENTS COMMUNITY PROJECTS 2010/2011

| APP NO | ORGANISATION | PROJECT | AMOUNT REQUESTED | TOTAL PROJECT COST | GST REGISTERED | Org Cash Cont | Org In Kind Cont | Previous COS funding? Yes or No | COUNCIL RECOMMENDATIONS \$ |
|--------|--|---|------------------|--------------------|----------------|---------------|------------------|---------------------------------|----------------------------|
| 9 | Birregurra Historical Society | Develop local history book "Birregurra Businesses Then & Now" | \$2,000.00 | \$4,836.00 | NO | N/A | \$2,036.00 | No | \$2,000.00 |
| 10 | Birregurra Tennis Club | Purchase a laptop computer and water cooler for the club | \$898.98 | \$1,757.96 | YES | \$898.98 | N/A | No | \$900.00 |
| 11 | Colac City Band | Assistance with Band Masters Fees | \$1,000.00 | \$2,300.00 | YES | \$1,300.00 | N/A | Yes | \$0.00 |
| 12 | The Colac Chorale | Purchase "Stage 2" of Choir Stands | \$1,985.00 | \$3,971.00 | NO | \$1,985.00 | N/A | Yes | \$1,985.00 |
| 13 | Colac & District Dog Obedience Club | Purchase trailer | \$637.50 | \$1,275.00 | NO | \$637.50 | N/A | Yes | \$638.00 |
| 14 | Colac & District Football League Netball Association Inc | First Aid Training for Volunteers | \$880.00 | \$1,760.00 | NO | \$792.00 | \$88.00 | Yes | \$880.00 |
| 15 | Colac and District Historical Society | To Purchase three Microfilms. Each microfilm contains four months of the Colac Herald | \$1,500.00 | \$1,500.00 | NO | N/A | N/A | Yes | \$1,500.00 |
| 16 | Colac Basketball Association Inc | Access for All Abilities Basketball Program | \$1,200.00 | \$3,300.00 | NO | \$500.00 | \$600.00 | Yes | \$1,200.00 |
| 17 | Colac Rowing Club | Purchase rowing machines | \$6,000.00 | \$11,200.00 | NO | \$2,200.00 | \$2,400.00 | Yes | \$1,100.00 |
| 18 | Colac Toy Library | Purchase of toys | \$2,500.00 | \$5,000.00 | NO | \$0.00 | \$2,500.00 | Yes | \$2,500.00 |
| 19 | Community Hub Inc. | Documentary - "Building a Brighter Future" | \$5,000.00 | \$37,800.00 | NO | \$20,000.00 | \$7,800.00 | No | \$0.00 |

| | |
|-------------------------------|-------------|
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| AVAILABLE BALANCE | \$718.00 |

COUNCILLOR ASSESSMENTS COMMUNITY PROJECTS 2010/2011

| APP NO | ORGANISATION | PROJECT | AMOUNT REQUESTED | TOTAL PROJECT COST | GST REGISTERED | Org Cash Cont | Org In Kind Cont | Previous COS funding? Yes or No | COUNCIL RECOMMENDATIONS \$ |
|--------|---|---|------------------|--------------------|----------------|---------------|------------------|---------------------------------|----------------------------|
| 20 | Cressy & District Action Group | Tree Stumping/Carving of a broiga. Carved in a three dimensional fashion with some relief carving. There will be no sharp protruding edges for public safety. Seating will be carved at the broiga's feet right around the base of the log, giving it a functional seating. | \$2,600.00 | \$5,200.00 | No | \$2,600.00 | On-going | No | \$2,600.00 |
| 21 | Forrest and District Community Group | To design, build and install two durable sculptures to serve as bike racks at specific locations through the town | \$5,000.00 | \$10,000.00 | NO | \$5,000.00 | N/A | No | \$5,000.00 |
| 22 | Forrest and District Historical Society | Create a computer database to efficiently store the Society's growing collection of photos, maps and documents and to train members in its use | \$2,850.00 | \$5,735.00 | NO | \$480.00 | \$2,405.00 | Yes | \$2,850.00 |
| 23 | Forrest Tennis Club | Purchase two Tennis nets for use by tennis members, members at the Powarth tennis comp members and community members | \$295.00 | \$590.00 | NO | \$295.00 | N/A | Yes | \$295.00 |
| 24 | Lavers Hill Blue Light Inc | Secure Storage Cabinet to store sound equipment | \$325.00 | \$650.00 | NO | \$325.00 | N/A | Yes | \$325.00 |
| 25 | Otway Forum | Develop Apollo Bay Community Web Page for Apollo Bay Community Groups | \$1,200.00 | \$2,500.00 | NO | N/A | \$1,000.00 | No | \$1,200.00 |

| | |
|-------------------------------|-------------|
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COUNCILLOR ASSESSMENTS COMMUNITY PROJECTS 2010/2011

| APP NO | ORGANISATION | PROJECT | AMOUNT REQUESTED | TOTAL PROJECT COST | GST REGISTERED | Org Cash Cont | Org In Kind Cont | Previous COS funding? Yes or No | COUNCIL RECOMMENDATIONS \$ |
|--------|---------------------------------|--|------------------|--------------------|----------------|---------------|------------------|---------------------------------|----------------------------|
| 26 | South West Community Foundation | Community South West Foundation Website Renewal | \$2,400.00 | \$4,800.00 | YES | N/A | \$2,400.00 | No | \$0.00 |
| 27 | St. John Ambulance | Provision and first Aid Kits and Personal Protective Equipment for volunteers in the Coliac Division of St John Ambulance. | \$2,400.00 | \$9,900.00 | YES | N/A | \$7,500.00 | No | \$2,400.00 |
| | | | \$67,680.48 | \$185,400.46 | \$0.00 | \$56,974.98 | \$39,059.00 | | \$39,282.00 |

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OM102306-9 REVIEW OF COUNCIL POLICIES - COUNCIL PROPERTY LEASING POLICY

| | | | |
|-------------|--------------------------------|-----------|-------------------|
| 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 the 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

At the 28 April 2010 meeting, Council endorsed the draft policy No 4.2 Council Property Leasing Policy for public comment. Public comments were to be received until Friday 11 June 2010.

Two submissions on the Draft Policy have been received. A copy of the submissions have been forwarded to Councillors.

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

Policy No 4.2 Council Property Leasing Policy – the revised policy replaces the current “Rental of Community Assets Policy”. The policy has been changed throughout.

As the policy had been significantly revised the policy was submitted for public consultation.

Aims and Principles

The policy sets out the Aim, Principles and Objections.

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.
- Consideration of ownership of land

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.

Changes made to Policy

Adjustments have been made to Section 5.3 to change the name of Colac Community College to Otway Community College

Section 5.4 has been changed to Radio Towers, as there are a numbers of towers that are now leased.

Submission

Two submissions have been received on the Draft Policy. Both submissions have been received from lessees of properties.

Submission No. 1:

The first submission is drawing Council's attention to the list of properties listed in section 5.3 of the policy.

Response:

The comments are noted.

Each new lease is subject to a Council report and takes into account any special extenuating circumstances.

The report would include the details of the organisation who are looking to lease the property and the community benefit and services that are provided by the organisation in assessing the level of the rental amount.

Submission No. 2:

The second submission raises 3 issues:

(a) Rental Levels:

The submission provides details of the amounts that they are required to pay over and above the rental amount.

The submission encourages the council to consider the community benefit and the financial resources that organisations put into properties as considerations when setting the level of rent.

Response:

As noted above a report is provided to Council when leases are renewed.

The policy states that the rental calculation for Group 2 tenants will be assessed at the time of a lease being entered into or renewal of an existing lease. The policy describes a number of factors that are to be taken into account.

These include:

- Capital Contribution;*
- Approved use;*
- Special Needs Group;*
- Limited Revenue Potential;*
- Community Access;*
- Maintenance Ability;*
- User Catchment;*
- Grants and Funding; and*
- Other.*

(b) Lease Negotiation:

The submission notes that longer leases are preferable to offer better security and reduce the burden of renegotiating leases.

Response:

The point is noted.

(c) Advertising:

The submission indicates that advertising should be allowed within the facility without Council's approval if it is for the group's own activities.

The submission also suggests that the policy should allow the group to put up signs outside the building to advertise their activities to the community.

Response:

With respect to advertising inside the facility The point is valid.

It was not the intention of the policy to stop groups from putting up posters to advertise their own events or related activities.

It is suggested that additional words are added to point 9.14 to clarify the point regarding advertising on Council facilities.

Approval should be sought from Council prior to any advertising on the exterior of a building.

Point 9.14 currently states that "Advertising on Council facilities requires the prior approval of Council and in particular, political advertising will not be permitted."

Suggest change clause 9.14 to:

- (a) Internal advertising is allowed in Council facilities without council approval if it is advertising the group's own activities.*
- (b) Other internal advertising on Council facilities Advertising on Council facilities requires the prior approval of Council and in particular, political advertising will not be permitted.*
- (c) Any external advertising on Council facilities requires the prior approval of Council.*

Proposal

It is proposed that Council adopts Policy 4.2 Council Property Leasing Policy with the minor changes noted above to sections 5.3 and 5.4 and suggested changes to clause 9.14.

Financial and Other Resource Implications

There are no direct financial implications in relation to the adoption of the policy. The policy does provide guidelines in setting the rental amount for leases. The policy also provides details of a maintenance schedule and responsibilities.

Risk Management & Compliance Issues

The policy has been reviewed based on appropriate legislation.

Environmental and Climate Change Considerations

No environmental considerations are applicable.

Community Engagement

The policy has been through a comprehensive consultation process in its development.

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

The policy was put out for public comment for a 6 week period. Two submissions have been received from lessees of Council facilities.

Implementation

Once the policy is endorsed by Council the policy manual will be revised. The policy will also be available to the public via Council's website.

Conclusion

The revised Council Property Leasing Policy provides guidelines for the use of the communities assets. The policy will provide a useful tool to ensure the best use of facilities is achieved and a clear relationship established between parties.

Attachments

1. Policy No 4.2 - Council Property Leasing Policy

Recommendation(s)

That Council after considering the submissions received adopts Policy 4.2 Council Property Leasing Policy with changes to Clause 9.14:

- (a) Internal advertising is allowed in Council facilities without council approval if it is advertising the group's own activities.***
- (b) Other internal advertising on Council facilities requires the prior approval of Council and in particular, political advertising will not be permitted.***
- (c) Any external advertising on Council facilities requires the prior approval of Council.***

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# **COUNCIL PROPERTY LEASING POLICY**

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**Policy No: 4.2**

**Date Adopted: 23/6/2010**

**File No: GEN01688**

**Revised:**

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## **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.
- Consideration of ownership of land

#### **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 7.2

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 (Otway Community College)
- 6 Murray Street Colac (Otway Community College)
- Colac Central Bowling Club
- Lake Colac Bowling Club

#### **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 Airfield
- Apollo Bay Service Centre
- Caravan Park, Colac
- Caravan Park, Forrest
- Cinema and Auditorium, COPACC
- Fishing Co-Op, Apollo Bay
- Radio Towers

## **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 outgoings 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.

### **9.14 Advertising on Council Facilities**

Advertising on Council facilities requires the prior approval of Council and in particular, political advertising will not be permitted.

### **9.15 Gaming in Council Facilities**

Council will not generally support gaming facilities in Council owned and managed buildings

## **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 for a period of 6 weeks.
- 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                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Air Conditioning and Heating Appliances</b> | <ul style="list-style-type: none"> <li>• Service and repair when required</li> </ul>                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Replacement of unit and any major parts</li> </ul>                                                                                                                                                                                                                                                                                                                              |
| <b>Building</b>                                | <ul style="list-style-type: none"> <li>• Determine and document the specific needs of the building relating to any requests to Council for building alterations.</li> <li>• Prepare plans and obtain quotes for requests for minor improvements.</li> </ul> | <ul style="list-style-type: none"> <li>• Assess all requests submitted.</li> <li>• 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.</li> <li>• Preparation of long-term development plans, design of major building alterations or major structural works.</li> </ul> |

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

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

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

**OM102306-10      CORANGAMITE REGIONAL LIBRARY CORPORATION  
BUDGET**

|             |                                |           |                 |
|-------------|--------------------------------|-----------|-----------------|
| AUTHOR:     | Colin Hayman                   | ENDORSED: | Rob Small       |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN0592 Library |

**Purpose**

To gain Council endorsement of the Corangamite Regional Library Corporation's 2010/2011 Budget.

**Declaration of Interests**

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

**Background**

The Board of the Corangamite Regional Library Corporation (CRLC) met on 3 June 2010 and approved a draft budget for the 2010/2011 financial year. A draft Budget report for 2010/2011 overview is attached.

As part of the Budget process each Council is to advise the CRLC of its approval of the proposed budget.

**Council Plan / Other Strategies / Policy**

Under the Council objective of Leadership and Governance:

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

**Issues / Options**

The attached overview provides a summary of the CRLC's Budget for 2010/11. It provides information on:

- Service objectives and
- Budget preparation

Council Contribution

The budget format is based on a direct services costing approach that acknowledges the expenditure of each member Council.

The following table provides details of each Council's contribution and the change from 2009/2010.

| Member Council | 2009/2010 | 2010/2011<br>Budget | Change |
|----------------|-----------|---------------------|--------|
| Colac Otway    | \$424,553 | \$528,879           | 24.6%  |
| Corangamite    | \$305,343 | \$362,990           | 18.9%  |
| Moynes         | \$220,162 | \$249,326           | 13.3%  |
| Warrnambool    | \$533,843 | \$603,716           | 13.1%  |

Colac Otway's contribution includes changes to library services:

- New joint-use library at Colac and an annexe/sub-branch at the existing site; and
- Increased hours at Apollo Bay.

#### Collection Replacement

The CRLC Budget does not address the issue for a shortfall in the annual replacement cost of the collection. This issue will be subject to further discussions over the next 12 months between the CRLC and member Councils.

#### Service Level Agreement

The Service Level Agreement provides flexibility for member Councils to alter their service levels to match financial contribution (eg. a reduction in opening hours would lead to a reduced financial contribution).

As noted the CRLC Budget includes an increase in service for both Colac and Apollo Bay.

#### **Option 1.**

Council can endorse the CRLC Budget for the 2010/11 financial year as advised or;

#### **Option 2.**

Council request the CRLC to further review the 2010/11 Budget. It should be noted that a detailed review has already been undertaken to reduce the amounts required from the member Councils.

#### **Proposal**

That Council endorse the Draft Budget 2010/2011 of the Corangamite Regional Library Corporation.

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

As noted above Colac Otway's contribution for 2010/11 increases by 24.6% from \$424,553 to \$528,879. The attached report provides details of the reasons for the increase which includes the service levels for both Colac and Apollo Bay.

Colac Otway's contribution to the CRLC has increased significantly since 2005/2006.

|         |                      |
|---------|----------------------|
| 2005/06 | \$307,900            |
| 2006/07 | \$327,000            |
| 2007/08 | \$365,644            |
| 2008/09 | \$406,271            |
| 2009/10 | \$424,553            |
| 2010/11 | \$528,879 (proposed) |

The amount of \$528,879 is included in Colac Otway's Draft Budget for 2010/2011.

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

Under the Regional Agreement the next step in the preparation of the CRLC Budget is to obtain in writing the approval of each of the member Councils for the proposed Budget.

Subject to all four Councils giving such approval, the Board can then formally resolve to proceed with advertising its Budget.

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

Not applicable.

**Community Engagement**

The Board has held a workshop on the proposed Budget. There has also been discussions with each of the Chief Executive Officers of the 4 Councils on the Budget process.

**Implementation**

Once endorsed a letter will be written to the CRLC advising of Council's approval of the Library Budget for 2010/11.

**Conclusion**

The proposed Budget is in accordance with the direct services costing approach adopted by the CRLC.

The Colac Otway Shire's contribution has increased by 24.6% as a result of a number of factors including an increase in service levels for both Apollo Bay and Colac.

**Attachments**

1. CRLC - Draft Budget Report 2010/2011 Overview

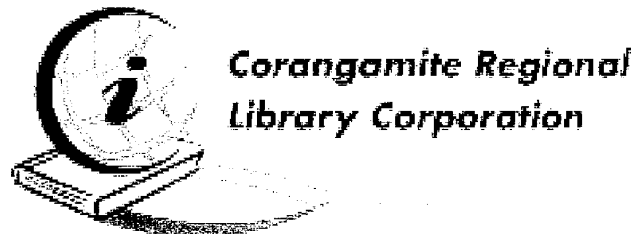
**Recommendation(s)**

***That Council endorse the Corangamite Regional Library Corporation Budget and Council's contribution of \$528,879 for the 2010/2011 financial year and write to the Corporation advising of Council's approval.***

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CRLC Budget Report 2010/2011



DRAFT BUDGET REPORT

2010/2011

Overview

**Board Meeting
3 June 2010**

Page 1 of 5

1. SERVICE OBJECTIVES

The 2010/2011 Budget supports the delivery of the services as set out in the Library Plan;

KEY RESULT 1: Service meets community needs

| OBJECTIVE | GOAL |
|----------------------------------|--|
| Access | Provide convenient services and facilities open at times which meet community requirements |
| Lending Services | Facilitate access to and circulation of resources |
| Reference & Information Services | Deliver relevant information in any format by friendly and competent staff |
| Online Services | Provide reliable technology to deliver online resources on or off-site. |
| Programs & Events | Provide programs to support reader development, literacy and lifelong learning through the use of library services |

KEY RESULT 2: Efficient management

| OBJECTIVE | GOAL |
|--|--|
| Administration | Meet all statutory and financial requirements and manage service delivery professionally and efficiently. |
| Information & Communication Technology | Develop IT resources and provide a reliable integrated library management system. |
| Resource Provision | Develop a quality, organised and well presented collection in a range of formats which is current and responsive to community needs. |
| Marketing | Responding to user feedback provide appropriate library services. Through effective promotion ensure the community is aware of library services and resources. |

2. BUDGET PREPARATION

2.1 Statutory Requirements

The Local Government Act 1989 requires that the Corporation:

- Must prepare a budget each financial year.
- Must include:
 - Standard statements per the Regulations
 - Description of activities and initiatives
 - Statement on how the activities contribute to the strategic objectives (in the Library Plan)
 - Performance targets & measures for key strategic activities
- Must give public notice once prepared and invite submissions
- Must adopt the budget by 31 August each year.
- Submit a copy to the Minister.

The Local Government (Finance and Reporting) Regulations 2004 specify the information required for inclusion in the Budget report.

The Regional Agreement requires that the Budget must be approved in writing by each Council before the Board can proceed with giving notice of its preparation.

A more detailed Budget Report will be prepared to comply with the advertising requirements after all Councils have signed off on the draft budget.

2.2 Budget Influences

External

- Only a minimal increase (3%) in the Public Library Grant Program is expected, based on past trends.
- The end of the Premiers Reading Challenge grant

Internal

- Member Councils contributions are based on an updated funding formula
- Impact of the staff Enterprise Agreement – average wage increases of 4.2%
- Changes to library services
 - New joint-use library at Colac and an annexe at the existing site
 - Increased hours at Apollo Bay
 - New joint use library at Timboon (under consideration by Corangamite Shire)
- Retention of existing open hours at all other libraries
- 10% increase in fees and charges

Council Contributions Formula

- The funding formula applied in the Budget reflects a continuation of the basis of the formula most recently supported by the Board in the 2008/09 budget with a modification to materials apportionment.

2.3. Budget Highlights

The following Budget allocations are highlighted:

Staff

- Employment of full-time Chief Executive (previously 0.6 eft)

ICT upgrade

- Final year (of the 4 year) replacement plan for ICT equipment - \$23,000
- Network improvements and efficiencies - \$23,000

Collection

- Annual collection replacement program - \$323,000

Lending Services

- Courier services between branch libraries - \$36,000

Programs

- Activities, including Reading Club, Book Talks, author visits - \$16,500

Regional Headquarters

- Allocation for rental for the regional staff accommodation - \$30,000
- Provision for fit-out for relocation - \$20,000

A simplified breakdown of the cash spending is shown in the following table:

| Budget breakdown | \$ | \$ | % |
|---|-----------|--------------------|-------------|
| Direct library services staffing | | \$1,080,000 | 44% |
| Collection replacement | | \$323,000 | 13% |
| IT services | | | |
| support | \$127,000 | | |
| staffing | \$65,000 | | |
| capital | \$46,000 | \$238,000 | 10% |
| Regional Head Office | | | |
| CEO | \$120,000 | | |
| staffing | \$360,000 | | |
| non-discretionary – insurance, courier, rent, accounting services, telephone, online resources, postage, printing, subscriptions, audit | \$194,000 | | |
| staff training | \$30,000 | | |
| marketing | \$5,000 | | |
| other | \$53,000 | \$762,000 | 31% |
| Other – office fit out, Local Projects (grant commitment), newspapers | | \$55,000 | 2% |
| Total spending | | \$2,458,000 | 100% |

Unfortunately, the Budget does not satisfactorily address the following matters:

- Full funding for the desired collection replacement program – extra \$200,000+
- Shelving and furniture replacement – Council responsibility
- Increase in public access internet terminals
- Marketing program

2.4 Preparation Note

The Budget has been workshopped by the Board and as a consequence it made changes to the original draft.

The original draft had been prepared on the basis of fully meeting the three key financial sustainability indicators – meeting the 'low' risk rating

| Indicator | Low risk rating | 2008/2009 result | 2009/2010 projected | 2010/2011 budget no.1 |
|-------------------|-----------------|------------------|---------------------|-----------------------|
| Underlying result | >zero | 5.27% | -3.97% | 7.74% |
| Liquidity | >1.5 | 2.20 | 1.65 | 1.57 |
| Investment Gap | >1.5 | 0.57 | 1.11 | 1.56 |

The purpose of this approach was to demonstrate the level of 'real' funding required.

- It required total council contributions to increase by 35%
- It addressed the 'investment gap' – collection acquisition based on standardised replacement cycles
 - Items held = 127,000 Annual replacement cost \$500,000, plus materials

The Board workshop agreed to reductions, mainly reducing collection replacement to this year's level plus 5% and substantially reducing the marketing allocation (only \$5,000 included).

- Requires base council contributions to increase between 13% -14%
- More for Colac-Otway and Corangamite due to service changes (noted above)
- Why the increase above 4% or 5%?

| Factor | Impact on council contributions |
|---|---------------------------------|
| Employing full-time CEO | 4.04% |
| Under estimate of wages in 2009/2010 year | 4.99% |
| Cessation of Premiers Reading Challenge grant | 2.02% |
| | 11.05% |

The impact of the changes on the indicators are shown below

| Indicator | Low risk rating | 2010/2011 budget no.2 |
|-------------------|-----------------|-----------------------|
| Underlying result | >zero | 0.96% |
| Liquidity | >1.5 | 1.56 |
| Investment Gap | >1.5 | 1.03 |

The impacts for Council contributions is shown in the following table:

| Member council | 2009/2010 | 2010/2011 Budget | Change |
|----------------|-----------|------------------|--------|
| Colac Otway | \$424,553 | \$528,879 | 24.6% |
| Corangamite | \$305,343 | \$362,990 | 18.9% |
| Moyne | \$220,162 | \$249,326 | 13.3% |
| Warrnambool | \$533,843 | \$603,716 | 13.1% |

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**OM102306-11 2010-2011 FESTIVAL AND EVENT SUPPORT SCHEME
ENDORSEMENT OF APPLICATIONS**

| | | | |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR: | Vicki Jeffrey | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN00338 |

Purpose

The purpose of this report is to seek Council endorsement of the recommendations made by the Festival and Event Support Scheme Advisory Committee for applications received under the Colac Otway Festival and Events Support Scheme 2010-11. This document also seeks endorsement of funding allocations recommended by the Advisory Committee for the 27 applications received.

Declaration of Interests

- Darren Chirgwin (Otway's Tourism) declared an interest in the GOR Marathon;
- Cr Buchanan declared an interest in the GOR Marathon; and
- Vicki Jeffrey declared a past interest in the Birregurra Weekend Festival.

Background

A total of 27 applications were received under the 2010-2011 Festival and Support Scheme comprising the following events:

1. Naidoc Colac 2010
2. 50th Anniversary of Kanyana 2010
3. Colac Orchid Club 2010
4. Colac Otway Wood Design Exhibition 2010
5. Warrion 100th Flower Show 2010
6. Community BBQ at Donaldson Street Playground 2010
7. Gellibrand Vegetable Competition 2011
8. Forrest 6 Hour Race 2011
9. Forrest MidWinter Festival 2011
10. World Refugee Day 2011
11. Colac Cycling Club 2010
12. Heritage Festival 2011
13. Wye River Big Day Out 2011
14. 8 Ball Competition 2011
15. Camping Expo 2011
16. Birregurra Studio Weekend 2011
17. Rainforest Ride 2010
18. Colac Country Music Festival, Truck & Ute Show 2011
19. Great Ocean Sports Festival 2011
20. Otway Soup Festival 2011
21. Birregurra Weekend Festival 2010
22. Gumboots & Pearls 2010
23. 150th Beeac Celebration 2010
24. Otway Odyssey 2011

25. Colac Kana Festival 2011
26. Apollo Bay Music Festival 2011
27. Great Ocean Road Marathon 2011

A meeting of the Festival and Events Support Scheme Advisory Committee was held 31 May 2010 consisting of Cr Crook, Cr Russell, Cr Buchanan, Cr Stuart Hart, Darren Chirgwin (Otway Tourism), Ian Seuren (Regional Development Victoria) and Vicki Jeffrey (Events officer – Colac Otway Shire) to review the above applications.

Council Plan / Other Strategies / Policy

The development of the Colac Otway Festival and Events Support Scheme 2010-11 is a direct outcome of the recommendations contained in the 2007-2011 Festivals and Events Strategy, endorsed by Council in January 2007.

Issues / Options

There are three options for Council consideration;

1. Oppose the adoption of the recommendations made by the Advisory Committee for applications received under the Colac Otway Festival and Events Support Scheme 2010-11. Adopting these recommendations will enable a growing number and range of events held within the municipality to access funding to assist with the continued growth and development of events.
2. Undertake further assessment of the recommendations and return to Council for further consideration. A delay in adopting the recommendations made by the Advisory Committee for Events Funding and Support will be detrimental to the funding process as it may negatively impact the ability of some organisers to secure funding from other agencies and/or deliver their events on time.
3. Adopt the recommendations made by the Advisory Committee and provide identified funding allocations to the recommended event organisers/groups.

Proposal

It is proposed that Council adopts the recommendations made by the Advisory Committee to provide event funding for the identified event organisers/groups under the Colac Otway Festival and Events Support Scheme 2010-11.

Financial and Other Resource Implications

The proposed Colac Otway Festival and Events Support Scheme 2010-11 has dedicated funds through the development of specific project budget lines under the 2010-11 budget process.

A total budget allocation of \$60,000 has been provided in the draft Budget.

Risk Management & Compliance Issues

Endorsement of the Colac Otway Festival and Events Support Scheme 2010-11 recommendations will reduce the risk to Council by ensuring that a fair, equitable and transparent process is applied to the administering of Council funding for events.

All events funded under this scheme are required to undertake Council's Event Approval process which specifically addresses risk management and compliance issues specific to the event.

Environmental and Climate Change Considerations

The Colac Otway Festival and Events Support Scheme 2010-11 guidelines specify that it is a condition of all successfully funded applicants that their event meets set criteria regarding event waste management. Other environmental considerations are identified throughout the approval process and are dealt with accordingly.

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform, collaborate and empower and include:

- Application forms and guidelines were advertised across the Shire in early March 2010 for Colac Otway Shire's 2010/2011 Festival and Events Support Scheme.
- Application forms were made available from Council's Customer Service Centres in Colac and Apollo Bay, via the website and through direct database mail.
- Email application lodgement was offered to make the process easier for applicants to submit applications electronically.
- Council officers met with individual applicants as required providing further assistance in progressing applications.

Implementation

It is proposed that applicants will be notified immediately of the outcome of their submission, subject to Council endorsement of the recommendations made by the Advisory Committee for applications received under the Colac Otway Festival and Events Support Scheme 2010-11. Funding will be released to successful applicants upon the receipt of a tax invoice.

Conclusion

It is expected that in the future, all applicants must apply under the relevant prescribed event category contained in the application form with relevant funding allocations. The Colac Otway Festival and Events Support Scheme 2010-11 (guidelines, application and acquittal form) will ensure clarity, transparency and accountability in administering future Council funding in relation to events.

Attachments

Nil

Recommendation(s)**That Council:**

Adopts the recommendations made by the Festival and Event Support Scheme Advisory Committee for categories of the various events and funding allocations to events under the Colac Otway Festival and Events Support Scheme 2010-11 totaling \$60,000, as follows:

| | Event | Funding | Category |
|----|--|----------------|------------------------------|
| 1 | Gellibrand Vegetable Competition | \$415 | Seed (Community) |
| 2 | Colac Orchid Club | \$500 | Seed (Community) |
| 3 | Warrion 100th Flower Show | \$585 | Seed (Community) |
| 4 | Naidoc Colac | \$1,000 | Seed (Community) |
| 5 | Colac Otway Wood Design Exhibition 2010 | \$1,000 | Seed (Community) |
| 6 | Forrest 6 Hour Race | \$1,000 | Bronze (Community) |
| 7 | Forrest MidWinter Festival | \$1,000 | Bronze (Community) |
| 8 | World Refugee Day | \$1,000 | Bronze (Community) |
| 9 | Heritage Festival | \$1,000 | Bronze (Community) |
| 10 | Wye River Big Day Out | \$1,000 | Bronze (Community) |
| 11 | Birregurra Weekend Studios | \$1,000 | Bronze (Community) |
| 12 | 8 Ball Competition Colac | \$2,000 | Silver (Community) |
| 13 | Rainforest Ride | \$2,500 | Silver (Commercial) |
| 14 | Colac County Music Festival, Truck & Ute Show | \$2,500 | Silver (Community) |
| 15 | Great Ocean Sports Festival | \$2,500 | Silver (Community) |
| 16 | Otway Soup Festival | \$2,500 | Silver (Community) |
| 17 | Gumboots & Pearls | \$2,500 | Silver (Community) |
| 18 | Otway Odyssey | \$4,000 | Gold (Commercial) |
| 19 | Birregurra Weekend Festival | \$5,000 | Gold (Community) |
| 20 | Colac Kana Festival | \$5,000 | Gold (Community) |
| 21 | Apollo Bay Music Festival | \$7,000 | Platinum (Community) |
| 22 | Beeac 150th Celebration | \$7,500 | Platinum (Community) |
| 23 | Great Ocean Marathon | \$7,500 | Platinum (Commercial) |
| | | | |
| 24 | Kanyana 50th Anniversary | NIL | Seed (Community) |
| 25 | Community BBQ at Donaldson Street Playground | NIL | Seed (Community) |
| 26 | Colac Cycling Club | NIL | Seed (Bronze) |
| 27 | The Camping Expo | NIL | Silver (Community) |

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

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | D | W |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <b><u>INFRASTRUCTURE AND SERVICES</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |   |   |
| <p data-bbox="177 546 1031 680"><b><u>OM102306-12      TRANSFER OF ADMINISTRATION OF LOCAL PORTS PROGRAM TO THE DEPARTMENT OF TRANSPORT - DRAFT MANAGEMENT AGREEMENT</u></b></p> <p data-bbox="177 730 539 763">Department: Infrastructure</p> <p data-bbox="177 804 481 837"><b><u>Recommendation(s)</u></b></p> <p data-bbox="177 875 384 909"><b><i>That Council:</i></b></p> <ol data-bbox="177 943 1031 1514" style="list-style-type: none"> <li data-bbox="177 943 1031 1111">1. <b><i>Note the contents of the report on Transfer of Administration of Local Ports Program to the Department of Transport (DOT) – Draft Management Agreement for 12 months duration commencing 1 July 2010;</i></b></li> <li data-bbox="177 1144 1031 1312">2. <b><i>Support the 12 months Management Agreement with DOT for the Port of Apollo Bay effective from 1 July 2010 and authorise the Chief Executive Officer to Sign and Seal the Agreement subject to any further negotiations with DOT and finalisation;</i></b></li> <li data-bbox="177 1346 1031 1514">3. <b><i>During the 12 months period, continue to negotiate with DOT the long term agreement to be applicable from 1 July 2011, and a further report be provided back to Council in relation to the future Management Agreement with DOT.</i></b></li> </ol> |   |   |

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| <p><b><u>OM102306-13 WASTE COLLECTION FOR COMMERCIAL PROPERTIES</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Write to commercial premises and advise properties that they will be provided a domestic collection service only and advise them that they will need to engage private contractors for multiple collection service;</i></b></li> <li><b><i>2. Provide a collection service for multiple bins at the one (1) property only after the business supplies a Statutory Declaration that it cannot engage a suitable private contractor; and</i></b></li> <li><b><i>3. Charge multiple services where required in accordance with its adopted Fees and Charges.</i></b></li> </ol> |  |  |
| <p><b><u>OM102306-14 REVIEW OF PROCUREMENT POLICY</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Adopt the Draft Procurement Policy No. 3.2 effective immediately;</i></b></li> <li><b><i>2. Introduce an electronic system as soon as practicable;</i></b></li> <li><b><i>3. Ensure the physical tender box ceases operating at close of business on 31 December 2011 and at that time the system will become fully electronic; and</i></b></li> <li><b><i>4. Continue to provide hardcopies of documents and plans to prospective tenderers if requested.</i></b></li> </ol>                                                                                                              |  |  |

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| <p><b><u>OM102306-15      CONVERSION OF ANALOGUE TELEVISION TO DIGITAL</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That an Agreement to the satisfaction of the Chief Executive Officer be developed between Council and users of the Transmission Infrastructure regarding the long term occupation and maintenance responsibilities.</i></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |  |
| <p><b><u>OM102306-16      REVIEWING COUNCIL'S AGREEMENT WITH THE DSE FOR THE REMOVAL OF NATIVE VEGETATION FOR MAINTENANCE OF PUBLIC ROADS.</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p><b><i>1.      Endorse the following actions for reviewing the Agreement with DSE, as follows:</i></b></p> <ul style="list-style-type: none"> <li>• <b><i>Engage with the Sustainable Planning and Development's Environment Unit to compile Super 11 survey questions;</i></b></li> <li>• <b><i>Benchmarking with Super 11 Group of Councils to:</i></b> <ul style="list-style-type: none"> <li>○ <b><i>Determine number of Councils operating under the Agreement;</i></b></li> <li>○ <b><i>Determine current recording and reporting processes;</i></b></li> <li>○ <b><i>Identify issues relating to the operation of the Agreement;</i></b></li> <li>○ <b><i>Gauge support for suggested changes to the Agreement;</i></b></li> <li>○ <b><i>Provide a summary of the survey findings and outline the next phase of actions;</i></b></li> </ul> </li> <li>• <b><i>Meet with the MAV to outline the issue and confirm their support; and</i></b></li> <li>• <b><i>Arrange to meet with the DSE to commence a review of the Agreement.</i></b></li> </ul> |  |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |  |
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| <p><b><u>OM102306-17      DECLARATION OF ROAD AS UNUSED<br/>– ROAD SOUTH OF 25 MT SABINE<br/>ROAD, BEECH FOREST</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Give public notice of its intention to declare the section of road described as the road adjoining Lot 1 on title plan TP667816, Parish of Olangolah as unused;</i></b></li> <li><b><i>2. Subject to a six week notification period, hear and consider submissions should any be received. All submissions are to be considered in accordance with Section 223 of the Local Government Act 1989. The Special Council Meeting, if required, is intended to be held on Wednesday 11 August 2010, 1.00pm in the COPACC Meeting Room. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their written submission and will be advertised in the local print media;</i></b></li> <li><b><i>3. If required, make a final decision following preparation of a report by the General Manager Infrastructure and Services based on the recommendations of the Council meeting; and</i></b></li> <li><b><i>4. Subject to no submissions being received and complying with its statutory requirements instruct the Chief Executive Officer to advise the Department of Sustainability and Environment of Council’s formal consent.</i></b></li> </ol> |  |  |
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**Recommendation**

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

**MOVED** .....

**SECONDED** .....

**OM102306-12      TRANSFER OF ADMINISTRATION OF LOCAL PORTS  
PROGRAM TO THE DEPARTMENT OF TRANSPORT -  
DRAFT MANAGEMENT AGREEMENT**

|             |                           |           |            |
|-------------|---------------------------|-----------|------------|
| AUTHOR:     | Ranjani Jha               | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | GEN00233   |

**Purpose**

The purpose of this report is to update Council on the Transfer of Ports from the Department of Sustainability and Environment (DSE) to the Department of Transport (DOT) and brief Council on the Draft Management Agreement proposed.

**Declaration of Interests**

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

**Background**

The management of Local Ports is going to be transferred from the Department of Sustainability and Environment (DSE) to the Department of Transport (DOT) with effect from 1 July 2010.

To date the process of transfer is on schedule. The transfer process will be more of a gradual transition with an interim agreement proposed to be signed between DOT and the Ports Managers for a period of 12 months during which DOT shall evaluate the operations of the local ports and negotiate a further long term agreement for signing by both the parties.

At the recent Local Ports meeting called jointly by DOT and DSE, Mr Terry Garwood, Executive Director Freight Logistics and Marine (DOT), informed the meeting that as part of the transfer process, the Local Ports budget of \$13.6 million shall be transferred from DSE to DOT. It has been proposed that a Local Ports and Marine Division shall be established within the DOT consisting of three (3) main sections, namely the Local Ports, Safety and Marine Policy. It was mentioned by DOT that there will not be any loss of staff due to this transfer process. The DOT and DSE shall continue to interact with each other during the first twelve months so that all the old ports records can be accessed by DOT and DSE will continue to process the permits.

It was explained that the transfer of Ports to DOT will be beneficial for the Local Ports due to DOT expertise in business planning, focus on outcomes, project management and commercial ventures. Another advantage would be that all the four (4) commercial ports and the 14 local ports would come under the jurisdiction of the same Minister, which is currently Mr Tim Pallas MP, Minister for Roads and Ports.

There are no immediate impacts on Council as this is a transfer between Government departments for the management of Ports.

**Council Plan / Other Strategies / Policy**

The Council Plan 2009/2013 indicates that Council has an ongoing commitment for the management and operations of the Apollo Bay Harbour via:

- Objective 5 Economic Development – Council is committed to facilitating a healthy and resilient economy through effective leadership, advocacy and partnership;
- Strategy – Facilitate the development of infrastructure for business investment, growth and liveability; and
- Support the Apollo Bay Harbour Precinct Development.

### **Issues / Options**

Council has the following options with regards to the Ports transfer and the new Draft Management Agreement:

1. Accept the twelve month Draft Management Agreement with effect from 1 July 2010 with a few amendments. This option appears to be the most suitable option as the 12 month Agreement that has been proposed is similar to the one that was in existence in the past. Under this Agreement, Council will continue to receive similar levels of funding and resources from the DOT. It has been indicated that during the 12 month period, further discussions will be held between the Port Management and DOT for entering into a long term Management Agreement.
2. Do not accept the twelve months Management Agreement – this option does not appear to be the practical option due to the fact by not accepting the 12 month Management Agreement, it will not allow further negotiations with DOT for entering into a long term Management Agreement. The Management of Port of Apollo Bay puts extra demand on Council resources, however, the advantage is that Council can take ownership in the overall development and operation of the harbour, taking into account the local economy and the Apollo Bay Harbour Masterplan.

### **Proposal**

It is proposed that the Colac Otway Shire (COS) in the capacity of being the Manager of the Port of Apollo Bay considers the 12 month Management Agreement and provide any comments to DOT regarding the suitability of the Agreement for Signing and Sealing.

The Draft Agreement has been perused by the Officers and found to be acceptable, as it is similar to the one that has been in place in the past.

Some of the main changes to the Draft Management Agreement are mentioned below and can be seen in detail in the Attachment.

- The Department name has been changed from DSE to DOT wherever applicable throughout the new Agreement;
- From 1 July 2010, DOT will be responsible for managing the overall Local Ports funding program and coordinating the Strategic Planning services for the Local Ports facilities;
- Reference to accounting standards and professional accounting bodies have been revised and updated;
- The commencement date of the Agreement would be from 1 July 2010;
- It has been proposed that for resolving any dispute in relation to this Agreement, the Guidelines for Dispute Resolution between public sector bodies within Victoria shall be brought into practice. A letter from Mr Rob Hulls MP, Attorney General has been provided indicating the Guidelines Criteria;
- Within the Agreement reference has been made for the Safety and Environment Management Plan (SEMP) for ongoing environmental safety and risk management practices for the Port;
- A clause indicating that within the first 12 months both the parties shall negotiate further to reach a long term agreement commencing 1 July 2011;



- By 31 March 2011 a Business Plan shall be developed and submitted to DOT for three (3) financial years. The Business Plan shall be based on the Asset Management Plan which will need to be upgraded each financial year;
- That DOT will provide or will recommend to the other Government entities allocation of funding based on the priorities indicated within the Business Plan, Safety Management Plan and the Asset Management Plan;
- New clauses have been added indicating that all the cash funds held by the Port Manager must be invested with financial institutions which are regulated by the Australian Prudential Regulation Authority (APRA) and are listed by them as Authorised Deposit–banking Institution (ADI);
- Clause incorporated indicating that the Port Manager must invest any funds over \$50,000 or higher amount, as determined from time to time by the Department of Treasury and Finance provided such investment does not delay expenditure of funds for their intended purpose;
- The Port Manager must not invest any new funds in shares or other financial products or with other institutions not specified within the Agreement;
- The date by which the Asset Register must be updated has been changed from 30 September each year to 31 March 2011;
- Clause indicating that the financial annual reports to be provided to DOT must be audited by Council's Auditors;
- The DSE will continue interaction with the Ports Manager in its role as a Committee of Management and with regards to maintaining liability insurance for the Committee as a Declared Committee of Management, under the *Crown Land Reserves Act 1978*;
- A recommendation that indemnities be deleted because the Victorian Government's Policy is that indemnities should not be provided between Government entities;
- All the SEMP actions need to be prioritised for systematic implementation by the Port Manager;
- All the Port Managers to develop and seek approval for the Asset Management Plan by 30 September 2010 utilising the GHD report prepared on behalf of DSE for all the Local Ports; and
- Minor amendment to the Termination clause replacing the reference to '*ceasing to be a Committee of Management*' with '*ceasing to be a Port Manager*'.

The Draft 12 month Contract Agreement has been perused by Officers and found to be acceptable. Certain comments have been made by Council officers on methodology of Asset Management, harbour asset listing update ensuring that all assets are listed in DOT's asset register and funding for replacement of heavy plant and machinery. The points have been noted by DOT and will be clarified in the final agreement.

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

There will not be any financial impact as a result of accepting the 12 month Draft Management Agreement. The funds will be transferred from the DSE to DOT and the budget for the 2010/11 financial year has already been submitted to DSE and accepted in principle. Therefore, the same level of funding shall continue for the next 12 months. A similar level, or greater level, of funding will be negotiated with DOT when signing the long term contract agreement proposed to commence from 1 July 2011. This negotiation will also include the longer term methodology in relation to financial reporting for the Department.

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

The Risk Management and Compliance Issues will be dealt with without change. The risk management and environmental issues are addressed through the SEMP which has been mentioned in the Draft Management Agreement and it has been indicated that consideration shall be given to projects mentioned in the Risk Management Plan while deciding on the budget allocations.

**Environmental and Climate Change Considerations**

There shall not be any impact on the environmental aspects due to the signing of the 12 month Draft Management Agreement.

**Community Engagement**

Regular updates are being received from DOT and DSE advising on the transfer process and the new Draft Management Agreement. The issues are discussed in greater detail at the quarterly Port Managers Forum. The latest Port Managers meeting was held on 21 May 2010. The Honourable Mr Tim Pallas MP, Minister for Roads and Ports, addressed the meeting highlighting the strategic views for the long term management of the local and commercial ports. As the date of transfer to DOT is coming near, being 1 July 2010, the updates will be provided on a weekly basis through the DOT website services. It has also been indicated that the Minister endeavours to visit all the local ports during this transition phase to develop a better understanding of the long term aspirations of local ports.

**Implementation**

It is anticipated that the transfer of local ports from DSE to DOT would be quite a smooth process. The proposed 12 month Draft Management Agreement, forwarded by DSE for Council's consideration appears to be acceptable and fit for Signing and Sealing. Once signed the management will take into account the variations within the Agreement such as the requirement of the Asset Management Plan, the development of the Business Plan, the new financial requirements, indemnity clauses etc and continue to operate the Port to the requirements outlined in the new Agreement.

Another benefit of continuing to manage the Port of Apollo Bay on behalf of the State Government, would be that we could work closely with the community and optimise the harbour operations with the goals mentioned in the Apollo Bay Harbour Masterplan and try to achieve the best outcome for the users and local community. From the preliminary discussions it appears DOT will be able to manage the Ports to a higher standard because of the professional expertise and resources they have and the experience in managing the vast roads and bridges network.

**Conclusion**

The management of all the local ports is being shifted from DSE to DOT from 1 July 2010. DOT has advised that the current management agreements are not suitable for the transfer process and accordingly have proposed a 12 months Draft Management Agreement to commence from 1 July 2010. During the 12 months period DOT will review the ports operations and negotiate with Council a long term agreement to commence from 1 July 2011. The proposed Draft Management Agreement has been perused by Council officers and appears to be fit for Signing and Sealing. DOT aims to manage the ports to a higher standard utilizing their expertise in Business Planning and project management.

It is felt that Council would have greater ownership of the Port if the Port is managed by Council as Port Manager. Therefore it is recommended that Council supports the 12 months Draft Management Agreement and approves its signing and sealing for the new agreement to come into effect from 1 July 2010.

**Attachments**

1. Letter from Terry Garwood, Executive Director DOT 14 May 2010
2. Draft Port of Apollo Bay Management Agreement dated 16 May 2005 with changes
3. Schedule of Amendments Port of Apollo Bay Management Agreement
4. Letter from Rob Hulls MP re Guidelines dated 27 May 2008

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

1. ***Note the contents of the report on Transfer of Administration of Local Ports Program to the Department of Transport (DOT) – Draft Management Agreement for 12 months duration commencing 1 July 2010;***
2. ***Support the 12 months Management Agreement with DOT for the Port of Apollo Bay effective from 1 July 2010 and authorise the Chief Executive Officer to Sign and Seal the Agreement subject to any further negotiations with DOT and finalisation;***
3. ***During the 12 months period, continue to negotiate with DOT the long term agreement to be applicable from 1 July 2011, and a further report be provided back to Council in relation to the future Management Agreement with DOT.***

~~~~~\ ~~~~~

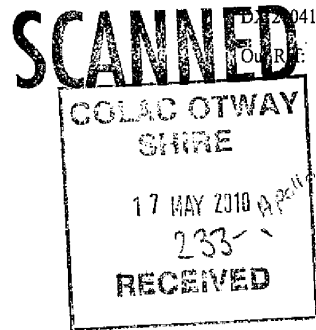
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Department of Transport

PO Box 2797
Melbourne, Victoria 3001
Telephone: (03) 9655 6666
Facsimile: (03) 9095 4096
www.transport.vic.gov.au

Ref: DOC/10/308208
File: TRIM FOL/10/7712



Mr Ranjani Jha
Manager Major Contracts
Colac Otway Shire Council
PO Box 283
COLAC VIC 3250

Dear Mr Jha

TRANSFER OF ADMINISTRATION OF LOCAL PORTS PROGRAM TO THE DEPARTMENT OF TRANSPORT – DRAFT MANAGEMENT AGREEMENT

As you are aware the administration of the local ports program is transferring from the Department of Sustainability and Environment (DSE) to the Department of Transport (DOT) from 1 July 2010 and, that a new Management Agreement is needed between DOT and the Colac Otway Shire Council. Accordingly, please find attached a draft Management Agreement, to operate from 1 July 2010, the date of the transfer.

In drafting the agreement DOT has generally sought to limit changes to:

- reflect the transfer;
- reflect more recent practices in administering the program;
- be consistent with current Government policies in relation to legal agreement provisions; and
- use new accounting and other references.

Also included is a table explaining the substantive amendments, with space for you to respond to the amendments and to make any comments.

The agreement assumes a term of 12 months. During that time DOT expects to become more familiar with the program and to have the opportunity to discuss with port managers and put in place new management agreements. We would greatly appreciate your response by Wednesday 26 May. We hope to arrange signing of the agreements in advance of the transfer.


Please call Ms Karen Pepperell, Project Director Local Ports Transition and Integration on telephone number (03) 9655 6396 or 0411 235 018 to discuss any queries.

I hope you can attend the Port Managers Forum next Friday, 21 May 2010. At the forum you will have the opportunity to hear and meet Tim Pallas MP, Minister for Roads and Ports.



I look forward to working collaboratively with you in regard to the local ports program.

Yours sincerely


TERRY GARWOOD
Executive Director
Freight Logistics and Marine
14 / 5 / 2010



Department of
Sustainability and Environment

8 Nicholson Street
PO Box 500 East Melbourne
Victoria 3002 Australia
Telephone: (03) 9637 8000
Facsimile: (03) 9637 8100
ABN 90 719 052 204
DX 210098

Mr Peter Marshall
Special Projects Co-ordinator
Colac Otway Shire
PO Box 283
COLAC VIC 3250

Peter

Dear Mr Marshall

Port of Apollo Bay Management Agreement

I am writing in response to the issues you raised regarding the new Port of Apollo Bay Management Agreement.

The Department has considered your concerns and amended the Agreement accordingly. Clause 4.2.1 has been amended to include the Department's responsibilities with floating plant used for dredging. Clause 5.1 has been adjusted to enable the Committee to provide a rolling three-year, not five-year business plan. The Council's Sealing clause has also been added to the Agreement.

The base level of funding for the Port of Apollo Bay has been addressed in the recent State Budget announcement of an increase in the port's operating budget.

The Department considered the Council's request for the boat ramp to be included as an asset of the Port. We understand that this is mainly due to the work that the port staff complete on the boat ramp and would like to see this activity "legalised" as a port activity. We are happy to include the boat ramp on the Port's asset register on the provision that funding provided by the Department is not used for major works to the boat ramp. Despite the recent budget increase, the local ports program still does not have sufficient funding to take on-board further asset responsibilities.

I trust that the amendments to the Agreement are acceptable and the Department looks forward to continuing the relationship with Council in the management of the Port of Apollo Bay.

Yours sincerely

Alison Stone

Alison Stone
Director
Coasts, Alps and Recreation

16 MAY 2005



Date / /2010

Draft – 11 May 2010

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**Port of Apollo Bay
Management Agreement**

~~DEPARTMENT OF TRANSPORT,~~

and

~~COLAC OTWAY SHIRE COUNCIL~~

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TO THE DEPARTMENT OF
SUSTAINABILITY
AND ENVIRONMENT

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DRAFT

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DRAFT

Port of Apollo Bay Management Agreement

DATE / /2010

BETWEEN

DEPARTMENT OF TRANSPORT for and on behalf of the Crown in Right of the State of Victoria of 121 Exhibition Street, Melbourne, Victoria, 3000

(DOT)

AND

COLAC OTWAY SHIRE COUNCIL, a port manager of a local port established under the Port Services Act 1995 of 2-6 Rae Street, Colac, Victoria, 3250

(Port Manager)

RECITALS

- A. DOT is responsible for managing the overall funding program for local ports and providing broad strategic planning services for local port facilities across the State.
- B. The Port Manager manages and administers the Port as part of its statutory functions.
- C. DOT has agreed to provide the Port Manager with funding for the administration and management of the Port.
- D. This Agreement sets out the terms and conditions on which the Port Manager will manage and administer the Port and DOT will provide funding for the management and administration of the Port.

THIS AGREEMENT WITNESSES

1. **DEFINITIONS**

In this document unless expressed or implied to the contrary:

Agreement means this Port of Apollo Bay Management Agreement;

Business Day means a day on which banks are open for general banking business in Melbourne, Australia, other than a Saturday, Sunday or public holiday;

Business Plan means a business plan prepared in accordance with clause 5;

Capital Expenditure means expenditure which is required to carry out capital works in relation to the Port;

Commencement Date means 1 July 2010;

Dispute Guidelines means the Guidelines for the conduct of disputes between different public sector bodies within the State of Victoria issued by the Attorney-General, 2008, or any replacement dispute guidelines;

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Financial Year means:

- (a) the period commencing on the Commencement Date and ending on the following 30 June 2011;
- (b) each successive period of twelve months commencing on 1 July and ending on 30 June; and
- (c) the period commencing on 1 July immediately preceding the date of termination of this Agreement and ending on the date of such termination.

Fixed Asset means any asset that is static or immovable within the Port including the items listed in Schedule 3;

Floating Plant means all vessels, boats, barges and associated equipment to be used in relation to the Port including the items listed in Schedule 4;

Indemnity Policy means the Victorian Government's policy titled "Government policy and guidelines: indemnities and immunities, June 2008", or any replacement policy;

Non-Fixed Asset means any asset that is portable or movable other than Floating Plant to be used in relation to the Port and includes plant, vehicles, office equipment and furniture;

Port means the local port specified in Schedule 1;

Representatives means the representatives of each of the parties set out in Schedule 2;

Safety and Environment Management Plan means a management plan prepared in accordance with Part 6A of the *Port Services Act 1995*; and

State means the Crown in right of the State of Victoria.

2. GOVERNING PRINCIPLES AND PURPOSE

2.1 Guiding Principle

The parties will cooperate at all times to ensure that both parties meet their respective obligations under this Agreement.

2.2 Role of this Agreement

The role of this Agreement is to set out the terms and conditions on which:

2.2.1 the Port Manager will:

2.2.1.1 manage and administer the Port; and

2.2.1.2 consult with DOT in relation to the management and administration of the Port; and

2.2.2 DOT will fund the management and administration of the Port.

2.3 Status of Agreement

The parties acknowledge and agree that this Agreement is legally enforceable.

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Deleted: Minister means the Minister responsible for the Crown Lands (Reserves) Act 1978 unless otherwise specified;¶

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Deleted: PRINCIPLES

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2.4 Agreement to Negotiate

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The parties agree to use best endeavours to negotiate the terms of a new management agreement relating to the management and administration of the Port that will commence on 1 July 2011.

2.5 Representatives

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The Representatives of the parties will be responsible for the day to day management of this Agreement and any communications under this Agreement.

3. TERM

This Agreement will commence on 1 July 2010 and continue for 1 year unless this Agreement is terminated in accordance with clause 12.

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4. OWNERSHIP AND MANAGEMENT OF ASSETS

4.1 Fixed Assets

4.1.1 The State owns the Fixed Assets and will retain ownership of the Fixed Assets.

4.1.2 DOT controls the Fixed Assets on behalf of the State.

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4.1.3 The Port Manager will be responsible for the management, maintenance and operational control of the Fixed Assets on behalf of DOT.

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4.1.4 Ownership of the Fixed Assets will not transfer to the Port Manager.

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4.1.5 The Port Manager must not dispose, remove, close or change the use of any Fixed Assets unless it has notified, consulted with and obtained the prior written approval of DOT.

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4.2 Non-Fixed Assets and Floating Plant

4.2.1 Non-Fixed Assets and any Floating Plant are the property of the Port Manager and, subject to clauses 4.2.2 and 4.2.3, may be sold or otherwise disposed of, replaced, repaired or dealt with by the Port Manager as its own property. Funding for any major repairs and replacement of the Floating Plant used for dredging will be the responsibility of DOT.

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4.2.2 If this Agreement terminates as referred to in clause 12.1 or otherwise, the Non-Fixed Assets and the Floating Plant owned by the Port Manager at the date of termination will cease to be property of the Port Manager and will immediately transfer to the property of DOT.

Deleted: is terminated or the Committee is dissolved under the provisions of the Crown Land (Reserves) Act 1978 or otherwise ceases to function,

4.2.3 The Port Manager must not sell or otherwise dispose of a Non-Fixed Asset or Floating Plant with a replacement value exceeding \$50,000 without giving 1 month's prior written notice to DOT and offering first right of purchase to the port managers of all other Victorian local ports.

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4.3 Maintenance

The Port Manager must manage, repair, maintain in good condition and, where necessary, replace all assets to the best of its ability and in accordance with good business practice.

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4.4 Permitted Use of Assets

The Port Manager must only use the Fixed Assets, Non-Fixed Assets and Floating Plant for the management and administration of the Port unless otherwise approved in writing by DOT.

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4.5 Asset Register

4.5.1 The Port Manager must maintain a register of all assets held or managed by it.

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4.5.2 The Port Manager must record the Fixed Assets, Non-Fixed Assets and Floating Plant in the asset register at a fair value.

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- Deleted: (as defined in AAS 27) and annually update the register.

5. BUSINESS PLAN

5.1 By 31 March 2011, the Port Manager must prepare and submit to DOT a Business Plan for the 3 Financial Years commencing 1 July 2011 which establishes a planning framework for the management and administration of the Port term with forward budget estimates.

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5.2 The Business Plan must:

- Deleted: during a four year
- Deleted: for the four years.

5.2.1 be reviewed by DOT by 31 May 2011 and DOT must advise the Port Manager of approval or otherwise by 31 May 2011, and where necessary, provide particulars of items which have not been approved;

- Deleted: approved in writing
- Deleted: DSE

5.2.2 form the basis of budget proposals for the management and administration of the Port;

- Deleted: within 2 months from the date of receiving the proposed Business Plan
- Deleted: and

5.2.3 include proposed capital works for the 3 Financial Years commencing 1 July 2011; and

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5.2.4 be prepared following a review of the previous year's Business Plan with variations reported on and submitted in conjunction with the annual budget submission.

- Deleted: be reviewed annually and

6. FUNDING

6.1 On 1 July 2010, DOT will provide the Port Manager with operating and maintenance funds (net of revenue) for the Financial Year determined within the context of the most recent Business Plan for the Port Manager to manage and administer the Port.

- Deleted: DSE
- Deleted: funds to
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6.2 DOT will provide to the Port Manager or recommend that another Government entity provides to the Port Manager, an amount of capital funding.

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6.3 DOT will determine the amount of capital funding in clause 6.2 by reference to:

6.3.1 the priorities identified in the Business Plan;

- 6.3.2 ~~the priorities identified in the asset management plan prepared in accordance with clause 10:~~
- 6.3.3 ~~the priorities identified in the Safety and Environment Management Plan:~~
- 6.3.4 ~~the priorities identified by DOT across the whole of the Victorian local ports program: and~~
- 6.3.5 ~~available funding under the Victorian local ports program or available funding under other Victorian Government sources.~~ Formatted: Heading 3
- 6.4 ~~The Port Manager will utilise its legislative power to levy fees and charges for services provided, having regard to issues of equity of use and access, to maximise the user pays component of its income.~~ Formatted: Bullets and Numbering
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- 6.5 ~~In the event that storms or other serious unforeseen events result in significant damage to any Fixed Assets, Non-Fixed Assets or Floating Plant, the Port Manager may submit to DOT, no later than 30 days following the storm or other serious unforeseen event, an application to access repairs and maintenance funds for the purpose of repair.~~ Deleted: Committee
Deleted: DSE
Deleted: capital works
- 6.6 ~~Upon receipt of a submission made under clause 6.5, DOT will reassess the state-wide repairs and maintenance program for Victorian local ports and make payments as determined appropriate.~~ Deleted: 6.5
Inserted: 6.5
Deleted: 6.3
Deleted: DSE
Deleted: capital works
- 6.7 ~~The Port Manager must invest any funds provided by DOT as follows:~~ Deleted: Committee
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Deleted: DSE
- 6.7.1 ~~cash funds held by the Port Manager must be invested with financial institutions which are regulated by the Australian Prudential Regulation Authority (APRA), and are listed by them as an Authorised Deposit – taking Institution (ADI):~~ Deleted: provided such investment does not delay expenditure of funds for their intended purpose, and that any interest earned by such investment is including in the annual financial reports.
- 6.7.2 ~~the Port Manager must invest any funds over \$50,000 (or higher amount as determined from time to time by the Department of Treasury and Finance) with Treasury Corporation of Victoria (TCV), provided such investment does not delay expenditure of funds for their intended purpose, and that all interest earned on cash funds and investments is to be included in the annual financial statements: and~~
- 6.7.3 ~~the Port Manager must not invest any new funds in shares or other financial products, or with other institutions not specified in clause 6.7.1 or 6.7.2.~~ Formatted: Heading 3
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- 6.8 ~~The Port Manager is able to reinvest any surplus funds generated by efficiency and productivity gains in the Port's business.~~ Deleted: <#>Under limited circumstances (eg unexpended funds for capital works), funds paid to the Committee can be carried forward into the next financial year. ¶
<#>The amounts of funds to be carried forward under clause 6.7 should be reported to DSE with a timetable for their expenditure.¶
- 7. FINANCIAL REPORTING**
- 7.1 Annual Budget Process**
- 7.1.1 ~~The Port Manager must prepare and submit to DOT by no later than 31 March 2011 a proposed annual budget for the upcoming Financial Year which shows:~~ Deleted: Committee
Deleted: DSE
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Deleted: in each year during the Term
- 7.1.1.1 ~~estimated revenue and sources of revenue of the Port;~~

- 7.1.1.2 other sources of funding of the Port of an operating nature;
 - 7.1.1.3 direct employment expenses and other direct operating expenses of the Port, including any associated overheads;
 - 7.1.1.4 detailed forecast of estimated capital works (including associated dredging) necessary for the Port, including total estimated cost for each capital works project, for the following three years, listed in order of priority;
 - 7.1.1.5 reason for the requirement of any capital works (eg. addresses risk or adds value to the ports business); and
 - 7.1.1.6 details of forecast asset maintenance expenditure.
 - 7.1.2 ~~DOT will, by 31 May 2011, advise the Port Manager of approval or otherwise of the budget submitted and, where necessary, provide particulars of items which have not been approved.~~
- 7.2 Accounts**
- 7.2.1 ~~The Port Manager must maintain a separate cost centre or identifiable charge line in its accounts for its functions as a port manager.~~
 - 7.2.2 ~~The Port Manager must comply with Australian Accounting Standards.~~
 - 7.2.3 Administrative costs (including all staff costs not directly attributable to on-ground works and services), must be separated from direct operating expenditure on facilities and functions.
 - 7.2.4 Expenditure must be allocated to identifiable facilities, assets or services or to administrative job numbers.
- 7.3 Annual Reporting**
- 7.3.1 ~~The Port Manager will, by no later than 30 September 2010, prepare and submit to DOT a report on the outcomes of the previous Financial Year's Business Plan and budget as well as the following annual accounts and statements:~~
 - 7.3.1.1 ~~Financial reports – to be prepared on an accrual basis~~
 - 7.3.1.1.1 ~~An operating statement showing revenue and expenditure by job number (facilities and services).~~
 - 7.3.1.1.2 ~~A statement showing Capital Expenditure.~~
 - 7.3.1.1.3 ~~A statement showing maintenance expenditure (annual cost of asset maintenance for fixed assets and major plant and equipment) for each class of asset (eg. jetties, navigation aids, etc.).~~
 - 7.3.1.1.4 ~~A statement of cash flows.~~

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| Deleted: <#>DSE will provide to the Committee the funds for the approved budget Recurrent Expenditure (net of revenue) on 1 July of the relevant Financial Year. |
| <#>DSE will provide to the Committee the funds in respect of an approved budget Capital Expenditure on receipt of invoice(s) and supporting documents. |
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| Deleted: expenditure on capital works |

7

7.3.1.1.5 A statement detailing cash which is earmarked for specific purposes (eg employee benefits) showing restricted and unrestricted cash.

7.3.1.1.6 A statement of financial position (excluding valuations for Crown Land).

7.3.1.1.7 A statement of the accounting policy employed for the preparation of such accounts.

7.3.1.1.8 Any known contingent liabilities.

7.3.1.2 Program reporting (in respect of capital and recurrent works)

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7.3.1.2.1 Details of operations in comparison to budget.

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7.3.1.2.2 Cash flow details in comparison to budget.

7.3.1.2.3 Details of works progress against works program.

7.3.1.2.4 A commentary in respect of any substantial variation regarding the preceding items.

7.3.1.2.5 Where dredging operations are performed, a statement on the cost of the dredging, an estimate of the amount of dredging performed (either number of days in operation or volumes dredged) and whether access to the Port has been restricted by a failure/inability to dredge.

Deleted: <#>A copy of the updated asset register.!

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7.3.1.2.6 Significant (known or anticipated) events that may adversely impact on the Port Manager's ability to perform its task as port manager.

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7.3.1.3 Incident reporting

7.3.1.3.1 A summary of each and every incident which was reported or recorded in the Port during the course of the year.

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7.3.1.3.2 A separate report on any incident for which further information was requested through the Port Manager's insurers.

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7.3.2 The Port Manager will, by no later than 31 March 2011, submit to DOT a copy of the asset register maintained in accordance with clause 4.5.

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7.4 Auditing

The annual accounts to be provided to DOT in accordance with clause 7.3.1.1 must be audited and signed off by an independent certified company auditor in accordance with the Standards required by CPA Australia or the Institute of Chartered Accountants in Australia.

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8. INSURANCE AND LIABILITY

8.1 insurance

8.1.1 The Port Manager will insure and keep insured the Non-Fixed Assets against damage by theft, fire, explosion, storm and tempest, riots, strikes, accidental and malicious damage, earthquake, impact by vehicles vessels or aircraft, internal water and flood, as appropriate, and in accordance with good business practice.

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8.1.2 DOT will maintain the following insurance cover as appropriate:

Deleted: DSE

8.1.2.1 insurance for the Fixed Assets and Floating Plant (under DOT's Industrial Special Risks policy) and pay for the deductibles or will provide self insurance at an appropriate level in consultation with the Port Manager;

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8.1.2.2 Port Operators Liability; and

8.1.2.3 Marine Hulls (Floating Plant).

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Deleted: <#>Liability insurance for the Committee as a declared Committee of Management under the Crown Land (Reserves) Act 1978.¶

8.2 Indemnities

In accordance with clause 5.3.12 of the Indemnity Policy, the parties acknowledge that the use of contractual indemnities between Government entities is not recommended. The parties agree that this Agreement is an appropriate mechanism to identify and state the respective roles and responsibilities of each of the parties.

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Deleted: <#>DSE indemnifies the Committee from and against any actions or claims which the Committee incurs arising from or in connection to Fixed Assets or Floating Plant.¶

<#>The Committee indemnifies DSE from and against any actions, claims or losses which DSE incurs arising from or in connection to any Non-Fixed Assets. ¶

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9. RISK MANAGEMENT

9.1 The Port Manager must undertake a risk audit as part of its Business Plan preparation and report to DOT by 30 September 2010 on actions taken to address identified risks.

9.2 The Port Manager must develop and seek approval for its Safety and Environment Management Plan, as required in Part 6A of the Port Services Act 1995, and will monitor, report on and update its plan as required. In addition to the requirements set out in section 91D of the Port Services Act 1995, the Port Manager must prioritise the measures and strategies to be implemented by the Port Manager to prevent or reduce risks associated with the operation of the Port in the Safety and Environment Management Plan.

9.3 The Port Manager will provide a monthly report to DOT listing the details of any incident that occurred within the Port during the preceding month that could potentially result in a claim against the Port Manager or DOT.

10. ASSET MANAGEMENT PLAN

The Port Manager must develop as required and seek approval for the asset management plan by 30 September 2010, and will monitor, report on and update the plan as required. The Port Manager must prioritise asset maintenance projects in the asset management plan.

11. DISPUTE RESOLUTION

~~If there is a dispute between the parties related to the Agreement, then the dispute will be resolved in accordance with the Dispute Guidelines.~~

12. TERMINATION

12.1 Termination Events

12.1.1 The parties may agree in writing to terminate this Agreement at any time.

12.1.2 This Agreement will immediately terminate if the Port Manager ceases to be a port manager under the Port Services Act 1995 in respect of the Port.

12.1.3 Either party may terminate this Agreement in the event that the other party commits a breach of this Agreement and fails to remedy the breach within 90 days of notice of the breach and where the breach has not been resolved by the procedure in clause 11 of this Agreement.

12.2 Consequences of Termination

If this Agreement is terminated under clause 12.1:

12.2.1 clause 4.2.2 will apply; and

12.2.2 the Port Manager will return any funds provided to it by DOT under this Agreement which have not been expended by the Port Manager in accordance with this Agreement.

13. GENERAL

13.1 Amendment

This Agreement may only be varied or replaced by a document duly executed by the parties.

13.2 Entire Understanding

This Agreement contains the entire understanding between the parties as to the subject matter contained in it.

13.3 Waiver and Exercise of Rights

13.3.1 A single or partial exercise or waiver of a right relating to this Agreement does not prevent any other exercise of that right or the exercise of any other right.

13.3.2 No party will be liable for any loss or expense incurred by another party caused or contributed to by the waiver, exercise, attempted exercise, failure to exercise or delay in the exercise of a right.

13.4 Assignment

Neither party may assign its rights under this Agreement without the prior written consent of the other party.

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Deleted: <#>If a dispute arises between the parties either party may give a written dispute notice to the other party. ¶
 Deleted: <#>Upon receipt of a dispute notice under clause 10.1, the Representatives of each party must negotiate in good faith to resolve the dispute. ¶
 Deleted: <#>If a dispute between the parties cannot be resolved by the Representatives within 28 days of the date of the dispute notice, the dispute will be referred to the Secretary of DSE and the Chairman (or equivalent) of the Committee. ¶
 Deleted: <#>If the Secretary of DSE and the Chairman (or equivalent) of the Committee are unable to resolve a dispute referred to them under clause 10.1 within 10 days, the matter must be referred to an independent mediator agreed between the parties. ¶
 Deleted: <#>If the parties cannot agree on a mediator under clause 10.4, the Minister will nominate a mediator. ¶
 Deleted: <#>The parties must at all times continue to perform and otherwise comply with their obligations under this Agreement despite the existence of any dispute. ¶

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13.5 Time of the Essence

Time is of the essence as regards all dates, periods of time and times specified in this Agreement.

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14. NOTICES

14.1 Service of Notice

A notice or other communication required or permitted, under this Agreement, to be served on a person must be in writing and may be served:

- 14.1.1 personally on the person specified in clause 14.2;
- 14.1.2 by leaving it at the person's current address for service;
- 14.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;
- 14.1.4 by facsimile to the person's current number for service; or
- 14.1.5 by email to the person's current email address for service.

Deleted: <#>Survival of Indemnities¶
Each indemnity in this Agreement is a continuing obligation, separate and independent from the other obligations of the parties and survives termination of this Agreement.¶
<#>Enforcement of Indemnities¶
It is not necessary for a party to incur expense or make payment before enforcing a right of indemnity conferred by this Agreement.¶

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14.2 Particulars for Service

- 14.2.1 The particulars for service of each of the parties are the particulars for their Representatives set out in Schedule 2;
- 14.2.2 Any party may change the address or facsimile number for service by giving notice to the other parties.
- 14.2.3 If the person to be served is a company, the notice or other communication may be served on it at the company's registered office.

14.3 Time of Service

A notice or other communication is deemed served:

- 14.3.1 if served personally or left at the person's address, upon service;
- 14.3.2 if posted within Australia to an Australian address, two Business Days after posting and in any other case, seven Business Days after posting;
- 14.3.3 if served by facsimile, subject to clause 14.3.5, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile;
- 14.3.4 if served by email, subject to clause 14.3.5 at the time the notice or other communication comes to the attention of the addressee;
- 14.3.5 if received after 6.00pm in the place of receipt or on a day which is not a Business Day, at 9.00am on the next Business Day.

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15. INTERPRETATION

15.1 Governing Law and Jurisdiction

This Agreement is governed by and is to be construed in accordance with the laws of Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Victoria and waives any right to object to proceedings being brought in those courts.

15.2 Persons

In this Agreement, a reference to:

15.2.1 a person includes a firm, partnership, joint venture, association, corporation or other corporate body;

15.2.2 a person includes the legal personal representatives, successors and permitted assigns of that person; and

15.2.3 any body which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the first-mentioned body.

15.3 Legislation

In this Agreement, a reference to a statute includes regulations under it and consolidations, amendments, re-enactments or replacements of any of them.

15.4 This Agreement, Clauses and Headings

In this Agreement:

15.4.1 a reference to this or other document includes the document as varied or replaced regardless of any change in the identity of the parties;

15.4.2 a reference to a clause, schedule, appendix or annexure is a reference to a clause, schedule, appendix or annexure in or to this Agreement all of which are deemed part of this Agreement;

15.4.3 a reference to writing includes all modes of representing or reproducing words in a legible, permanent and visible form;

15.4.4 headings and sub-headings are inserted for ease of reference only and do not affect the interpretation of this Agreement;

15.4.5 where an expression is defined, another part of speech or grammatical form of that expression has a corresponding meaning; and

15.4.6 where the expression 'including' is used, it means 'including without limitation'.

15.5 Severance

15.5.1 If a provision in this Agreement is held to be illegal, invalid, void, voidable or unenforceable, that provision must be read down to the extent

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necessary to ensure that it is not illegal, invalid, void, voidable or unenforceable.

15.5.2 If it is not possible to read down a provision as required in this clause, that provision is severable without affecting the validity or enforceability of the remaining part of that provision or the other provisions in this Agreement.

15.6 Counterparts

This Agreement may be executed in any number of counterparts all of which taken together constitute one instrument.

15.7 Number and Gender

In this Agreement, a reference to:

15.7.1 the singular includes the plural and vice versa; and

15.7.2 a gender includes the other genders.

15.8 Relationship of Parties

This Agreement is not intended to create a partnership or joint venture relationship between the parties.

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EXECUTED by the parties

SIGNED by the **DEPARTMENT OF
TRANSPORT'S REPRESENTATIVE**)
for and on behalf of the **CROWN IN**)
RIGHT OF THE STATE OF)
VICTORIA in the presence of:

Witness (Signature) _____ Jim Betts

Witness (Print name) _____

[Insert execution clause for Port Manager]

On the _____ day of _____ 2010.

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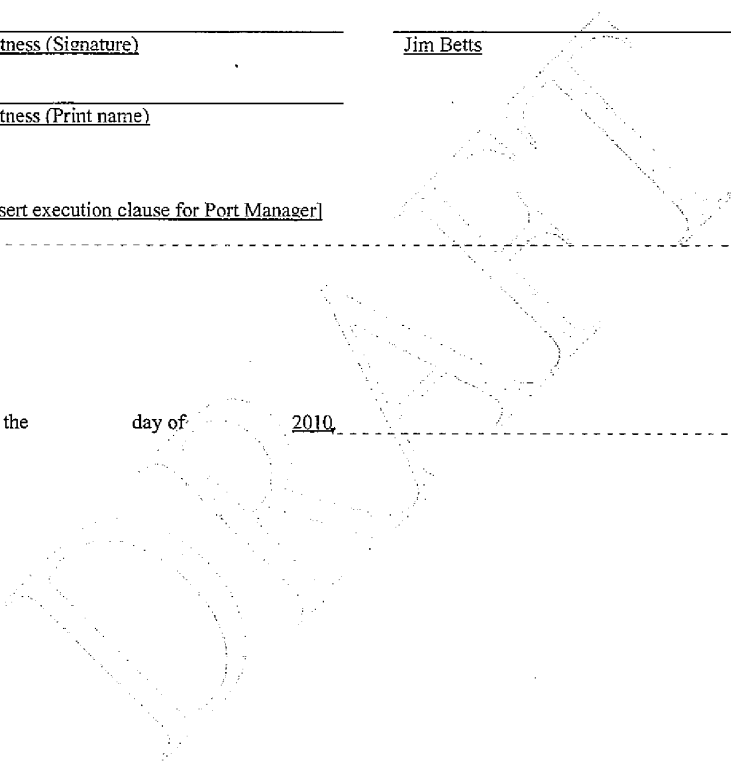
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The Official Seal of the
SECRETARY ¶
TO THE DEPARTMENT OF ¶
SUSTAINABILITY AND
ENVIRONMENT, ¶
a body corporate established
under the ¶
*Conservation, Forests and Lands
Act 1987* ¶
was affixed
on..... [2]

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The COMMON SEAL of the
COLAC OTWAY SHIRE
COUNCIL was hereto affixed in
accordance with its Local Law No
4 dated.....¶

¶
¶
..... Councillor¶
¶

¶
..... Councillor¶
¶
..... Chief Executive Officer¶

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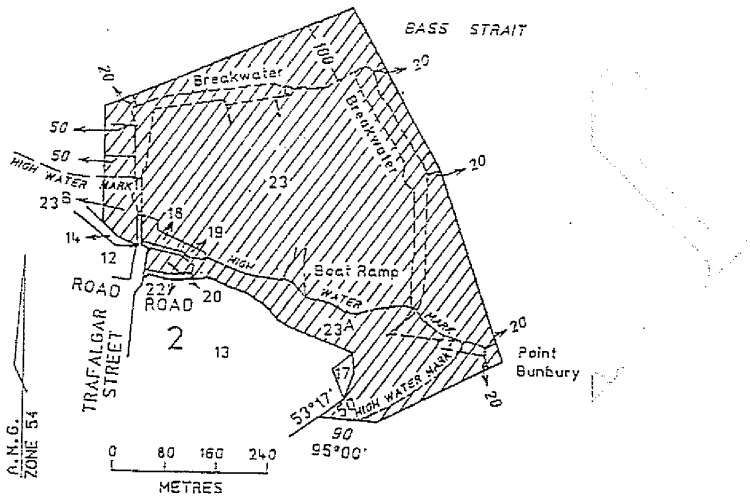


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Schedule 1

Description of Port

All of the lands and waters shown by hatching on the plan below:



Area hatched 23.2ha±

Schedule 2

Representatives

DOT

Person: [To be advised in the final draft]

Title: [To be advised]

Address: [To be advised]

Facsimile number: [To be advised]

Email address: [To be advised]

Deleted: DSE

Deleted: Mr Ryan Bath

Deleted: Local Ports Officer

Deleted: 3/8 Nicholson St, East
Melbourne, Victoria, 3002

Deleted: (03) 9637 8592

Deleted: ryan.bath@dse.vic.gov.
au

Port Manager

Person: Mr Ranjani Jha

Title: Manager Major Contracts

Address: PO Box 283, Colac, Victoria, 3250

Facsimile number: (03) 5232 1046

Email address: Ranjani.Jha@colacotwav.vic.gov.au

Deleted: Committee

Deleted: Mr Peter Marshall

Deleted: Special Projects Co-
ordinator

Deleted: peter.marshall@colacot
wav.vic.gov.au

Schedule 3

Fixed Assets

Wharves, jetties, walls

- East End Jetty wall
- Western Bund wall
- Point Bunbury Grovne
- Main Eastern Breakwater
- Lee Breakwater
- East End Jetty
- New Boat Ramp Jetty
- Western Marina
- Eastern Marina
- Marina walkway
- Marina approach walkway
- Fishermans Landing
- Retaining wall north of Depot
- Boat Ramp

Buildings/Depot/Equipment

- Depot paved area
- Yard surrounds - General yard
- Workshop
- Depot office
- Winch shed
- Store building
- Open shed
- Fencing around yards
- Main gravel carpark
- Main approach road (???)
- Main Eastern Breakwater road (???)
- Approach road western wall (???)

Slipway

- Slipway ?????? Old agreement states the following additional details:
- Steel Framed Track Support
- Concrete Track Support
- Retaining Wall
- Concrete Paved Apron
- Concrete Surrounds
- Winch 35 tonne
- Winch Cable
- Cradles ????????

Navigation aids

- East End Jetty beacon
- Front harbour transit beacon
- Main Eastern Breakwater beacon
- Point Bunbury front beacon
- Harbour rear transit beacon
- Point Bunbury rear beacon
- Hayley Point front beacon

Deleted: Wharves, jetties, walls
 Main Eastern Breakwater
 Point Bunbury Breakwater Groyne
 East End Sheetpile
 Lee Breakwater
 Western Bund
 Approach Road
 Marina Approach Walkway
 Western Marina
 Marina Walkway
 Eastern Marina
 East End Jetty
 Fishermans Landing
 Boat Ramp -
 Buildings/Depot/Equipment
 Winch Shed
 Depot Office
 Open Shed
 Shore building
 Workshop
 Incomplete Steel Frame
 Yard Surrounds
 Slipway
 . Single 50 tonne capacity
 . Steel Framed Track Support
 . Concrete Track Support
 . Retaining Wall
 . Concrete Paved Apron
 . Concrete Surrounds
 . Winch 35 tonne
 . Winch Cable
 . Cradles
 Navigation aids
 . Skenes Creek rear transit beacon-lit-mains supply
 . Skenes Creek front transit beacon-lit-mains supply
 . Main breakwater beacon-lit-solar
 . East End Jetty-daymark
 . Rear Harbour transit beacon-lit-mains supply
 . Front harbour transit beacon-lit-mains supply
 . Bunbury Point rear transit marker
 . Bunbury Point front transit marker
 . Hayley Point rear transit marker
 . Hayley Point front transit marker

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Hayley Point rear beacon
East End Jetty daymark
Skeens Creek front nav beacon
Skeens Creek rear nav beacon

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Schedule 4

Floating Plant

Gannet - dredge
Corsair - workboat
Barrum - workboat
Runabout

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The Official Seal of the SECRETARY)
TO THE DEPARTMENT OF)
SUSTAINABILITY AND)
ENVIRONMENT,)
a body corporate established under the)
Conservation, Forests and Lands Act 1987)
was affixed)
on.....by:

.....
Lyndsay Neilson

Schedule of Amendments for Port of Apollo Bay Management Agreement

DOT = Department of Transport

DSE = Department of Sustainability and Environment

Please note that this document is provided for guidance only and does not constitute legal advice from DOT.

| Amendment No. | Clases in management agreement expiring 30 June 2010 | Clases in new management agreement commencing 1 July 2010 | DOT comments regarding DOT amendments | Accept Y/N | Comments (only if you do not accept DOT's amendments) | DOT response |
|---------------|--|---|--|------------|---|--------------|
| 1 | Various | Various | The parties have been changed from DOT to DSE. References to the Committee have been changed to the Port Manager. | | | |
| 2 | Recitals A and B, clause 2.1 | Recitals A and B, clause 2.1 | Amendments have been made to clarify the role of DOT in relation to local ports. DOT has removed references to DOT having responsibility for overall management and administration of local ports because port managers exercise the port management functions. From 1 July 2010, DOT will be responsible for managing the | | | |

| Amendment No. | Clauses in management agreement expiring 30 June 2010 | Clauses in new management agreement commencing 1 July 2010 | DOT comments regarding DOT amendments | Accept Y/N | Comments (only if you do not accept DOT's amendments) | DOT response |
|---------------|---|--|--|------------|---|--------------|
| 3 | 1, 4.5.2, 7.2.2, 7.4 | 1, 4.5.2, 7.2.2, 7.4 | overall funding program and providing strategic planning services for local port facilities.
References to accounting standards and professional accounting bodies have been revised and updated. | | | |
| 4 | 1 | 1 | The definition of Commencement Date has been changed to 1 July 2010. | | | |
| 5 | 1, 4, schedules 3 and 4 | 1, 4, schedules 3 and 4 | DOT has inserted asset lists based on the GHD report. Please review them and provide us with any amendments as soon as possible. The highlighted assets may require particular checking. DOT is currently checking with DSE the status of ownership of the boat ramp in regard to DSE's letter of 16 May 2005. A copy of that letter is attached. DOT understands from discussion with DSE that DSE has insured the boat ramp. | | | |

| Amendment No. | Clauses in management agreement expiring 30 June 2010 | Clauses in new management agreement commencing 1 July 2010 | DOT comments regarding DOT amendments | Accept Y/N | Comments (only if you do not accept DOT's amendments) | DOT response |
|---------------|---|--|---|------------|---|--------------|
| 6 | Not included | 1 (new definitions) | Definitions of Dispute Guidelines and Indemnity Policy have been added – see explanations at items 20 and 24. | | | |
| 7 | 1 | Deleted | The definition of Recurrent Expenditure has been removed because the definition is no longer used. Clause 7.1.3 which contained the definition has been removed. See explanation at item 16. | | | |
| 8 | Not included | 1 (new definition) | A definition of Safety and Environment Management Plan has been added. | | | |
| 9 | Not included | 2.4 (new clause) | A new clause relating to the parties' agreement to negotiate a new management agreement to commence on 1 July 2011 has been inserted. The clause requires the parties to use best endeavours to negotiate the terms of the new agreement. | | | |

| Amendment No. | Clases in management agreement expiring 30 June 2010 | Clases in new management agreement commencing 1 July 2010 | DOT comments regarding DOT amendments | Accept Y/N | Comments (only if you do not accept DOT's amendments) | DOT response |
|---------------|--|---|--|------------|---|--------------|
| 10 | 3 | 3 | The term has been changed to 1 year. | | | |
| 11 | 5 | 5 | DOT has extended the time for providing the business plan from 6 months after the commencement of the new management agreement to by 31 March 2011. The business plan has been changed from covering a 4 year period to covering the 3 financial years commencing 1 July 2011, consistent with the provisions for other local ports and to include proposed capital works for those 3 financial years. | | | |
| 12 | Not included | 6.2 and 6.3 (new clauses) | New clauses have been added to indicate that DOT will provide or will recommend that another Government entity provides funding based on the priorities identified in the business plan, asset management plan, the safety and environment management plan as | | | |

| Amendment No. | Clauses in management agreement expiring 30 June 2010 | Clauses in new management agreement commencing 1 July 2010 | DOT comments regarding DOT amendments | Accept Y/N | Comments (only if you do not accept DOT's amendments) | DOT response |
|---------------|---|--|---|------------|---|--------------|
| 13 | 6.3 and 6.4 | 6.5 and 6.6 | <p>well as the priorities identified by DOT across the whole of the Victorian local ports program and available funding under the Victorian local ports program.</p> <p>The term "capital works" has been substituted for "repairs and maintenance" to reflect the terminology currently used by the Victorian Government.</p> | | | |
| 14 | 6.5 | 6.7 | <p>Clause 6.7.1 – This clause is a new clause. We assume port managers are already complying with this requirement.</p> <p>Clause 6.7.2 – This clause is a new clause. We assume that port managers are already complying with this requirement.</p> <p>Clause 6.7.3 – This clause is a new clause. It only applies to the investment of new funds provided by DOT.</p> | | | |

| Amendment No. | Clases in management agreement expiring 30 June 2010 | Clases in new management agreement commencing 1 July 2010 | DOT comments regarding DOT amendments | Accept Y/N | Comments (only if you do not accept DOT's amendments) | DOT response |
|---------------|--|---|--|------------|---|--------------|
| 15 | 6.7, 6.8 and 7.1.4 | Deleted | These clauses have been deleted because arrangements for capital works are included in the deeds of grant for those works. | | | |
| 16 | 7.1.3 | Deleted | This clause has been deleted because the provision of operating and maintenance funds (net of revenue) is covered by clause 6.1 | | | |
| 17 | 7.3 | 7.3 | DOT has changed the date by which the asset register must be updated from 30 September in each year to 31 March 2011. The change has been made because it more closely aligns with the timing of renegotiation of insurance arrangements each year by DOT. | | | |
| 18 | 7.4 | 7.4 | This clause has been amended to clarify that the accounts to be provided to DOT in accordance with clause 7.3.1.1 must be audited. | | | |
| 19 | 8.1.2.4 | Deleted | DOT will not be maintaining liability insurance for the committee as a | | | |

| Amendment No. | Clauses in management agreement expiring 30 June 2010 | Clauses in new management agreement commencing 1 July 2010 | DOT comments regarding DOT amendments | Accept Y/N | Comments (only if you do not accept DOT's amendments) | DOT response |
|---------------|---|--|--|------------|---|--------------|
| 20 | 8.2, 12.6 and 12.7 | 8.2 (12.6 and 12.7 have been deleted) | <p>declared committee of management under the <i>Crown Land (Reserves) Act 1978</i>.</p> <p>DSE will provide separate advice about its continuing interaction with the port manager in its role as a Committee of Management.</p> <p>Indemnities have been deleted because the Victorian Government's policy is that indemnities should not be provided between Government entities. The Victorian Government's policy document titled "Government policy and guidelines; indemnities and immunities, June 2008" states that use of contractual indemnities between Government entities is not recommended. Please see attached copy of clause 5.3.12 of the policy.</p> | | | |

| Amendment No. | Clases in management agreement expiring 30 June 2010 | Clases in new management agreement commencing 1 July 2010 | DOT comments regarding DOT amendments | Accept Y/N | Comments (only if you do not accept DOT's amendments) | DOT response |
|---------------|--|---|---|------------|---|--------------|
| 21 | 9.1 | 9.1 | DOT has inserted a date for the report on actions taken to address risks. DOT requires this report by 30 September 2010. | | | |
| 22 | 9.2 | 9.2 | DOT has inserted a requirement for Safety and Environment Management Plans to prioritise the measures and strategies to be implemented by the port manager. These priorities will be taken into account when determining capital and maintenance funding under new clauses 6.2 and 6.3. | | | |
| 23 | Not included | 10 (new clause) | DOT has inserted a requirement for port managers to develop and seek approval for the asset management plan by 30 September 2010. Local Ports must prioritise asset maintenance and renewal projects in those plans. These priorities will be taken into account when determining capital and | | | |

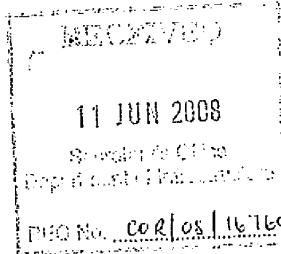
| Amendment No. | Clauses in management agreement expiring 30 June 2010 | Clauses in new management agreement commencing 1 July 2010 | DOT comments regarding DOT amendments | Accept Y/N | Comments (only if you do not accept DOT's amendments) | DOT response |
|---------------|---|--|---|------------|---|--------------|
| 24 | 10 | 11 | <p>maintenance funding under new clauses 6.2 and 6.3. DOT expects that local ports will be able to use the GHD report to prepare the asset management plan. Please let us know if this is an issue.</p> <p>DOT has amended this clause because disputes should be resolved in accordance with the Guidelines for the conduct of disputes between different public sector bodies within the State of Victoria. Please see attached copy.</p> | | | |
| 25 | 11.1.2 | 12.1.2 | <p>DOT has amended the termination clause to replace the reference to ceasing to be a committee of management with ceasing to be a port manager.</p> | | | |



Attorney-General

27 MAY 2008

Mr Howard Ronaldson
Secretary
Department of Infrastructure
Level 16
121 Exhibition Street
MELBOURNE VIC 3000



1 Treasury Place
Melbourne, Victoria 3002
GPO Box 4356
Melbourne, Victoria 3001
Telephone: (03) 9651 1222
Facsimile: (03) 9651 1188
DX 210753

Dear Mr Ronaldson

GUIDELINES FOR DISPUTE RESOLUTION BETWEEN PUBLIC SECTOR BODIES IN VICTORIA

This Government is committed to the use of alternative dispute resolution to solve problems in Victoria. I believe the Victorian Government, including the public sector, have a significant role to play in leading this approach to resolving disputes. I am therefore pleased to enclose a copy of *Guidelines for Dispute Resolution Between Public Sector Bodies in Victoria*.

The Guidelines were developed by the Victorian Government Solicitors' Office and the Department of Justice at the request of the former Premier, the Hon. Steve Bracks MP. They are modelled on similar guidelines that have been in operation in NSW for some time.

The Guidelines aim to assist public sector bodies to resolve civil legal disputes between them by using a step-by-step approach to deploying a range of alternative dispute resolution strategies.

While the Guidelines are not compulsory, I commend the Guidelines to you as best practice in working cooperatively to solve problems across government. I ask you to incorporate these Guidelines into your organisation's policies and procedures and to use them in the event that your organisation is involved in a civil legal dispute. I also welcome feedback on your organisation's use of the Guidelines.

Please direct any queries or feedback to Kylie Kilgour, Legal Policy Officer, Civil Law Policy, Department of Justice on 8684 0851 or kylie.kilgour@justice.vic.gov.au.

Yours sincerely

ROB HULLS MP
Attorney-General



Guidelines for the conduct of disputes between different public sector bodies within the State of Victoria

PREAMBLE

- (a) These Guidelines are based on the general principle that litigation between public sector bodies is undesirable in that it undermines the whole-of-government approach to problem solving. Litigation also narrows the issues to technical points which can obscure more innovative methods of resolving disputes.
- (b) These Guidelines recognise that, in some limited circumstances, the only appropriate course may be to commence civil proceedings. However as far as possible, alternative dispute resolution procedures should be utilised before resorting to the Court system and parties should try to resolve the matter as efficiently as possible.
- (c) In applying these guidelines, Public Sector Bodies should be mindful of the Victorian community's expectation that public bodies act in an open and rational way. In particular, Public Sector Bodies should be mindful that protracted disputes may result in a significant waste of public resources, both in monetary and human terms.

GUIDELINES

Applicable to all public sector bodies.

1. These Guidelines apply to Public Sector Bodies as defined in the *Public Administration Act 2004*.
2. Public bodies that are not subject to these Guidelines are encouraged to follow these guidelines on the basis that the principles underpinning them provide a sound approach to the management of disputes between public bodies.
3. These Guidelines do not affect any statutory requirement for the consent of a particular person or body before proceedings are commenced.
4. These Guidelines are not intended to apply to prosecutorial actions against a Public Sector Body (whether criminal, enforcement or administrative proceedings). In such cases, the decision whether or not to prosecute, or the manner of exercise of such a power, and the ongoing conduct of any prosecution are matters for the prosecuting authority.

1 of 3

¹ Including in circumstances where two or more public sector bodies potentially may be, or are, named as co-defendants to litigation. In these circumstances, the public sector bodies should use these guidelines to resolve any disputes between them related to the litigation (for example issues of proportionate liability).

- General Principles*
5. The aim of these Guidelines is to ensure that public sector bodies act in the public interest, and in this regard they should endeavour to resolve disputes with other public sector bodies as efficiently as possible.
 6. These Guidelines should be read in conjunction with the Model Litigant Guidelines issued by the Attorney-General in 2001¹ which require Public Sector Bodies to avoid litigation wherever possible.

Guidelines on Alternative Dispute Resolution with other Public Sector Bodies

7. Public Sector Bodies should always consider alternative dispute resolution as a means of seeking to resolve disputes with other Public Sector Bodies.
8. In order to ensure that Public Sector Bodies take all possible steps to resolve a matter without resorting to civil proceedings, the following steps should be taken:
 - 8.1 Parties should first try to resolve the dispute by consultation and agreement. Discussions regarding the possibility of such resolution should involve senior officers of the respective Public Sector Bodies. If appropriate, the relevant Ministers should also be informed of the dispute so as to be given an opportunity to seek a resolution of the dispute by agreement at Ministerial level.
 - 8.2 Where actions pursuant to clause 8.1 fail to resolve the dispute, the Public Sector Bodies in dispute should seek to resolve the dispute by way of an alternative dispute resolution process.
 - 8.3 Where the dispute relates to a question of law, parties should consider resolving the dispute by agreeing to accept a determination on the question by a senior lawyer chosen by consent. The Solicitor-General or Crown Counsel (Advicings) may be suitable persons to make such a determination.
 - 8.4 In other disputes, parties should consider mediation or other alternative dispute resolution process.
 - 8.5 The costs associated with such processes would normally be shared equally between the Public Sector Bodies which are parties to the dispute.

- 8.6 If a Public Sector Body proposes a process for resolving a dispute, and this proposal is rejected by another Public Sector Body, then an executive officer of the second Public Sector Body is required to notify in writing the first Public Sector Body of this decision (including reasons). This requirement is to ensure the decision to reject such a process is properly considered by all Public Sector Bodies.
9. Where attempts to resolve a dispute have not been successful and a Public Sector Body is considering commencing legal proceedings, it should first notify the Secretary of the Department of Premier and Cabinet and the Secretary of its auspicing Department (the Secretaries) of the dispute.
10. If the Secretaries are notified of a dispute under clause 9, then the Secretary of the Department of Premier and Cabinet (or his or her nominee) may:
- 10.1 decide to obtain advice, including legal advice, in relation to resolving the dispute; and/or
- 10.2 recommend a process for the parties to resolve their dispute other than by way of legal proceedings.
11. In legal disputes between Public Sector Bodies, no Public Sector Body should take the technical defences available to the Crown (ie defence not available to normal litigants) without first consulting the Attorney-General.
12. These Guidelines are not intended to affect substantive legal rights.

¹ For a copy of the Model Litigant Guidelines, see www.vgso.vic.gov.au.

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OM102306-13 WASTE COLLECTION FOR COMMERCIAL PROPERTIES

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Janet Forbes | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | GEN00202 |

Purpose

To ensure that Council is not in breach with the Trade Practices Act 1974 with respect to commercial businesses for the kerbside waste collection as Council implements it's new waste collection system and the roll out of new bins.

Declaration of Interests

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

Background

Council is required under legislation to provide a domestic waste service to residents. In relation to commercial properties, Council should only provide a domestic level of service and multiple bins should be referred to industry providers to ensure that Council does not breach the provisions of the *Trade Practices Act 1974* where commercial providers can undertake to provide the same service.

Following a best value review and the calling of tenders for the provision of Waste Management Services, Council elected to move forward with a three bin system. The change to a three bin system provides Council with an opportunity to review procedures prior to the roll out of new bins commencing in September 2010.

Council currently supplies a kerbside collection service to 1956 commercial businesses throughout the Shire. Of the 59 businesses that have more than one waste collection service, 11 have more than five bins.

The current divided bin system has allowed for a number of premises to have undivided bins (240ltr of garbage). Undivided bins occurred where the premises did not have a requirement for disposal of green waste, eg shops or farm premises where they were able to dispose of organics on site. Currently we have 203 undivided bins in use this way. It should be noted that not all of these properties would require 240ltr bins for waste.

Council Plan / Other Strategies / Policy

This report is consistent with the Council Plan 2009-13, in the following areas:

- Minimise, recycle and manage residential waste; and
- Implement the Waste Management Plan and review current contractual arrangements.

Issues / Options

The *Trades Practices Act 1974* clearly indicates that Council should not compete with commercial contractors for commercial business. This includes waste and recycling collections. Council should therefore not be involved in industrial kerbside collection.

A number of commercial businesses require only a domestic kerbside collection for recycling and waste to cater for the domestic use of staff. Commercial premises often do not have a need for an organic collection.

Where commercial properties have more than a domestic service level, they will need to be encouraged to engage private contractors to collect multiple bins or provide skips to address their needs.

Where properties can provide a Statutory Declaration that they cannot engage a private contractor, Council will undertake collection for a fee.

Proposal

Council should cease providing a kerbside collection on an industrial level in areas where there is a commercial contractor operating. That the level for recognition as a domestic quantity for a commercial and or industrial property be set at 240ltr of garbage a week and any requirements greater than this be treated as a commercial / industrial collection.

Commercial premises can be provided with a 240ltr garbage bin if required in lieu of a green waste service and 120ltr garbage bin as the domestic component of the collection service.

For multiple service collection, Council will need to work with commercial properties to change the current collection arrangements.

Council will need to write to all commercial businesses who currently have more than one (1) service or who have an undivided bin (240ltr) garbage. The letter would detail the new three (3) bin system that is being implemented and advise that all premises will be supplied with a new 120ltr garbage bin and a 240ltr recycling bin. Where a business requires a 240ltr garbage bin, they can contact the Shire office to arrange delivery.

Writing to businesses by the end of June 2010 will allow them two (2) months in which to make other arrangements if needed for their waste disposal. Along the coast this will allow any changes to take place prior to the beginning of the summer season.

Where a business requires more than 240ltr garbage and or recycling collection they should contact commercial waste companies operating in their area. Council can assist if required.

Should there not be a commercial contractor operating the required service in that area, then on completion of a Statutory Declaration Council can provide the service as per the appropriate charge rate in the schedule of fees and charges adopted by Council in its budget.

Financial and Other Resource Implications

The ability to supply the businesses with the most suitable bin in the first place will reduce cost to Council and ratepayers which may arise from bin changeovers and additional stocks of bins. The data base for the supply of new bins is due to be supplied to the contractor in mid July 2010.

Risk Management & Compliance Issues

No risk management considerations are applicable.

Environmental and Climate Change Considerations

The movement to a three bin system will meet with State preferred service standards for kerbside collection. The selection of bin colours will see Colac Otway Shire move to Australian Standards in bin colours.

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Community Engagement Policy of January 2010, which details five (5) levels of engagement – inform, consult, involve, collaborate and empower.

Consultation has already occurred as part of the Waste Management Best Value Review. The method selected would be to inform as this is part of the bin roll-out program.

Notwithstanding, officers will continue to work with commercial and industrial properties where requested to assist them in the transition process.

Implementation

The commencement of the new waste contract is 5 September 2010. The roll out of new bins will commence mid August 2010 to meet this timeframe. Informing businesses of the new waste system by the end of June will give adequate time to review their existing waste practices and make alternative arrangements where necessary. Officers will write to all affected properties advising of the changes required and work with businesses if required during the transition process.

Conclusion

The *Trade Practices Act 1974* clearly indicates that Council should not enter into commercial type collections from commercial or industrial businesses as part of its kerbside collection. Prior to the roll out of the new three bin system is the most appropriate time to establish guidelines in order to ensure that Council cannot be found to be in breach of the *Trades Practices Act 1974*.

Council should write to current commercial and industrial properties which have additional bins in excess of a domestic bin service used in the kerbside collection, requesting that they investigate commercial collection with private contractors, prior to the introduction of the new waste contract.

Attachments

Nil

Recommendation(s)

That Council:

- 1. Write to commercial premises and advise properties that they will be provided a domestic collection service only and advise them that they will need to engage private contractors for multiple collection service;***
- 2. Provide a collection service for multiple bins at the one (1) property only after the business supplies a Statutory Declaration that it cannot engage a suitable private contractor; and***
- 3. Charge multiple services where required in accordance with its adopted Fees and Charges.***

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**OM102306-14 REVIEW OF PROCUREMENT POLICY**

|             |                           |           |                   |
|-------------|---------------------------|-----------|-------------------|
| AUTHOR:     | Neil Allen                | ENDORSED: | Rob Small         |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | GEN01688 Policies |

**Purpose**

The purpose of this report is to present for Council's consideration a revised Procurement Policy for adoption by Council to replace the existing Policy.

**Declaration of Interests**

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

**Background**

The Minister for Local Government on 5 August 2008 made an Order in Council under Section 186(1) of the *Local Government Act 1989* increasing the Local Government public tender threshold for:

- Goods and Services to \$150,000; and
- Carrying out of works to \$200,000.

In addition, Council has reviewed and adopted a number of Policies over the last 12 months as part of its requirement to review existing policies. At the Council meeting 28 October 2009, Council decided to adopt the existing Procurement Policy 3.1 Tendering & Contracts Policy as the interim Procurement Policy under Section 186(a) of the *Local Government Act 1989*. The adoption of an interim Procurement Policy was to allow for a review of the existing Procurement Policy in particular in relation to the possibility of introducing electronic tendering for the Council.

The opportunity has also been taken to update the Procurement Policy 3.1, in response to legislative changes.

At the Councillor workshop on 9 May 2010, a presentation was provided to Council in relation to electronic tendering. The presentation was provided by Tenderlink who are the MAV contractor for electronic tendering systems for Councils throughout Victoria. Based on the presentation and general support for the introduction of an electronic tendering system, officers are proposing to introduce an electronic tendering system for the 2010/11 financial year. The introduction of the tender system will require a minor modification of the Council policy to incorporate electronic tendering.

**Council Plan / Other Strategies / Policy**

This report is consistent with the Council Plan 2009-2013 and is also consistent with the 2010-2014 revised plan which has been put out for public comment. The Council Plan 2009-2013 under the key area of Leadership and Governance has "*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 Policies".

**Issues / Options**

The major changes in relation to this policy are as follows:

| <b>Summary of Major Changes From the Old Policy to the New Policy</b> |                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Description</b>                                                    | <b>Current Policy</b>                                                                                                                                                                                               | <b>Proposed Policy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1. Electronic Tendering                                               | Electronic tendering is not provided for in the current policy.                                                                                                                                                     | Electronic tendering is proposed to be allowed as part of the tendering requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2. Public Notice                                                      | Public Notice is required when tendering goods and services or carrying out works to the value of \$100,000 or more.                                                                                                | Public Notice is required for the following under Section 186 of the Local Government Act 1989: <ul style="list-style-type: none"> <li>• Goods and Services greater than \$150,000; and</li> <li>• Carrying out of works to \$200,000.</li> </ul> <p>The Policy recommends that all works estimated over \$150,000 be subject to tender and advertised.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3. Quotations                                                         | <p>The policy is silent on quotations. Working on the old Purchasing Procedure which has since expired.</p> <p>Quotations normally 3 required up to \$100,000.</p> <p>Competitive Process required &lt; \$5,000</p> | <p>The new Procurement Policy has a range of documentation control in relation to the level of quotations. Quotations are included in the Procurement Policy with a range of actions required as follows:</p> <ul style="list-style-type: none"> <li>• Quotes under the value of \$10,000.<br/>A minimum of one oral or written (can be by email) quotation must be obtained and the details recorded before placing an order (similar details must be recorded where more than one supplier has quoted). One or more quotes may also be sought from an approved purchasing scheme.</li> <li>• Quotes value \$10,001 to \$50,000 Procurement in this range must be obtained by one or more of the following: <ul style="list-style-type: none"> <li>➢ A Council supply contact/service agreement, or</li> <li>➢ An approved purchasing scheme; or</li> <li>➢ Obtaining a minimum of three written (including email) quotations; or</li> <li>➢ Inviting tenders by public notice.</li> </ul> <p>A brief specification/scope of works including selection criteria is desirable.</p> </li> <li>• Quotes with a value of \$50,001 to \$150,000. Procurement in this range must be obtained by: <ul style="list-style-type: none"> <li>➢ A Council supply contact/service agreement, or</li> <li>➢ An approved purchasing scheme; or</li> <li>➢ Obtaining at least three written quotations; or</li> <li>➢ Inviting tenders or expressions of interest</li> </ul> </li> </ul> |

| <b>Summary of Major Changes From the Old Policy to the New Policy</b> |                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Description</b>                                                    | <b>Current Policy</b>                                                                                                         | <b>Proposed Policy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                       |                                                                                                                               | by public notice.<br>A brief specification must be prepared.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 4. In-house tenders                                                   | In-house tenders are required to be submitted in accordance with a number of criteria based on the previous CCT requirements. | In-house bids have been removed as Council has not undertaken in house tendering since the abolishment of the CCT process. In-house submissions have not occurred over the last two (2) years and are seen as not necessary under the current legislative arrangements.<br><br>Notwithstanding, if there was a requirement to undertake an In-house bid, Council would still be required to abide by legislative requirements under the National Competition Framework and the Competitive Neutrality Requirements under the legislation.<br><br>Given that the submission of In-house bids is not deemed productive officer time this action is not seen as needed and has been removed in the current Procurement Policy. |
| 5. Reporting to Council                                               | Tenders greater than \$200,000 must be reported to Council.                                                                   | Tenders greater than \$250,000 must be reported to Council.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 6. Tender Opening                                                     | Postal Bags required.                                                                                                         | Postal Bags not proposed. Probity is provided through the partial electronic system initially. Once full electronic tendering is introduced, bags will be redundant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

### **Proposal**

It is proposed that subject to the Council decision the policy will become effective with the introduction of the electronic tendering system to commence as soon as practical after the start of the 2010/11 financial year. The physical tender box would be optional until 31 December 2011 whereby the electronic tender box would be the only form of tendering allowed. The interim arrangements allow for prospective tenderers to become accustomed to the new system being introduced both within this Council and across Victoria.

Key outcomes of the new Policy are as follows:

- Electronic system introduced as soon as practical;
- Until the electronic system is fully introduced, the current postal bag system will continue to apply; and
- The physical tender box will cease operating on 31 December 2011 at the close of business;
- Council will provide hard copies of tender documents to all prospective tenderers if requested. Tenders will be required to be submitted electronically when the physical tender box ceases operation.

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

The initial cost of connecting to this system is in the order of \$2,500 as a one off up-front cost. The longer term cost of this service is in the order of \$175 per tender for participation. It is proposed that the participation charges be charged to each project as a part of its overall

project cost. This will capture the true cost of undertaking a particular contract while ensuring the ongoing probity requirements are met.

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

The current risk management practices although adequate would be improved with the introduction of an electronic tendering system and this would ensure that Council has an adequate level of probity in relation to the management implementation of procurement requirements. As part of risk management the review of procurement practices is required on an ongoing basis. In this instance, the revised policy has an increased level of security in relation to tendering in particular and would provide a greater level of certainty.

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

This policy will not have any change to the current practices in relation to Environmental and Climate Change considerations.

### **Community Engagement**

This is an internal Policy review and does not require community engagement.

### **Implementation**

It is proposed that should this policy be adopted then the policy would become effective immediately, with the introduction of the electronic tendering system as soon as possible.

### **Conclusion**

The adoption of this policy will provide a greater level of probity to Councils purchasing and procurement and provide possible savings.

### **Attachments**

1. Procurement Policy (Draft)

### **Recommendation(s)**

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

- 1. Adopt the Draft Procurement Policy No. 3.2 effective immediately;***
- 2. Introduce an electronic system as soon as practicable;***
- 3. Ensure the physical tender box ceases operating at close of business on 31 December 2011 and at that time the system will become fully electronic; and***
- 4. Continue to provide hardcopies of documents and plans to prospective tenderers if requested.***

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PROCUREMENT POLICY

DRAFT

Policy No: 3.2

Date Adopted:

File No: GEN01688

Revised:

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DRAFT

1 PRINCIPLES

1.1 Background

Colac Otway Shire Council:

- Recognises that:
 - Developing a procurement strategy and adopting appropriate best practice tendering and procurement principles, policies, processes and procedures for all goods, services and works by Council, will enhance achievement of council objectives such as sustainable and socially responsible procurement; bottom-line cost savings, supporting local economies; achieving innovation, and better services for communities.
 - The elements of best practice applicable to local government procurement incorporate:
 - broad principles covering ethics, value for money, responsibilities and accountabilities;
 - guidelines giving effect to those principles;
 - a system of delegations (i.e. the authorisation of officers to approve a range of functions in the procurement process);
 - procurement processes, with appropriate procedures covering minor simple procurement to high value complex procurement; and
 - a professional approach.
- Requires that Council's tendering, purchasing and contract management activities:
 - support the Council's corporate strategies, aims and objectives including, but not limited to those related to sustainability, protection of the environment, and corporate social responsibility;
 - span the whole life cycle of an acquisition from initial concept to the end of the useful life of an asset, including its disposal, or the end of a service contract;
 - achieve value for money and quality in the acquisition of goods, services and works by the Council;
 - can demonstrate that public money has been well spent;
 - are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
 - seek continual improvement including embracing innovative and technological initiatives such as electronic tendering processes to reduce activity cost; and
 - generate and support business in the local community.

1.2 Scope

This Procurement Policy is made under Section 186A of the *Local Government Act 1989*.

This section of the Act requires the Council to prepare, approve and comply with a procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

This policy applies to all tendering and procurement activities at Council and is binding upon Councillors, Council Officers and temporary employees, contractors and consultants while engaged by the Council.

The Minister for Local Government on 5 August 2008, made an Order in Council under Section 186(1) of the Local Government Act 1989 increasing the Local Government "public tender threshold" for:

- Goods and Services to \$150,000; and
- Carrying out of works to \$200,000

When undertaking procurement or purchasing, officers must comply with this policy, associated legislation, other Council policies, including delegated limits of authority. The limit of delegated authority for individual officers to undertake procurement and purchases is defined in The Council's "S7. Instrument of Sub-Delegation by the Chief Executive Officer".

1.3 Purpose

The purpose of this Policy is to:

- provide guidance to Council to allow consistency and control over procurement activities;
- demonstrate accountability to rate payers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- increase the probability of obtaining the right outcome when purchasing goods and services.

1.4 Treatment of GST

All monetary values stated in this policy include GST, except where specifically stated otherwise.

1.5 Definitions and Abbreviations

| Term | Definition |
|-----------------------------------|--|
| Act | <i>Local Government Act 1989</i> |
| Commercial in Confidence | Information that, if released, may prejudice the business dealings of a party eg prices, discounts, rebates, profits, methodologies and process information, etc. |
| Contract Management ⁱ | The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money. |
| Council Staff | Includes full time and part-time council officers, and temporary employees, contractors and consultants while engaged by the Council. |
| Probity ⁱⁱ | The dictionary definition of probity refers to uprightness, honesty, proper and ethical conduct and propriety in dealings. Within Government, the word "probity" is often used in a general sense to mean "good process." A Procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably. |
| Standing Offer Arrangements (SOA) | A contract that sets out rates for goods and services which are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services. |
| Sustainability ⁱⁱⁱ | Activities that meet the needs of the present without compromising the ability of future generations to meet their needs. |
| Procurement ^{iv} | Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract. |
| Tender Process | The process of inviting parties to submit a quotation or tender by public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer. |
| Value for Money | Value for Money in Procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> • contribution to the advancement of the Council's priorities; • non-cost factors such as fitness for purpose, quality, service and support; and • cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works. |

2 EFFECTIVE LEGISLATIVE AND POLICY COMPLIANCE AND CONTROL

2.1 Policy Implementation

The implementation of this policy shall be carried out in accordance with Federal and State Law, legislative requirements and Council policy and procedures including but not limited to as follows:

- Local Government Act 1989, in particular Section 186;
- Colac Otway Shire Council - Procurement Policy; and
- Colac Otway Shire Council - Procurement Procedure.

2.2 Ethics and Probity

2.2.1 Requirement

The Council's procurement activities shall be performed with unquestionable integrity and in a manner able to withstand the closest possible scrutiny.

2.2.2 Conduct of Councillors and Council Staff

2.2.2.1 General

Councillors and Council Staff shall at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity and will:

- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of Commercial in Confidence such as Tender prices and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest.
- provide all suppliers and tenderers with the same information and equal opportunity; and
- be able to account for all decisions and provide feedback on them.

Council Staff who are responsible for managing or supervising contracts are prohibited from performing any works under the contract they are supervising.

2.2.2.2 Members of Professional Bodies

Councillors and Council Staff belonging to professional organisations shall, in addition to the obligations detailed in this policy, ensure that they adhere to any code of ethics or professional standards required by that body.

2.2.3 Tender Processes

All tender processes shall be conducted in accordance with the requirements of this policy and any associated procedures, relevant legislation, relevant Australian Standards and the Act.

Tenders and quotes may be received through either the electronic "Tenderlink" tender/quotation system or Councils Tender Box, in accordance with the recommendations specified in the Quotation/Tender documentation.

Until the Electronic Tender system is introduced and fully operational, the current Postal Bag System will continue to apply.

It is proposed that the Physical Tender Box cease operating on Close of Business on 31 December 2011.

Hard copies of documents will be provided to tenders if requested, however, after 31 December 2011, only electronic tenders will be received.

2.2.4 Conflict of Interest

Councillors and Council staff shall at all times avoid situations in which private interest's conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their council duties.

Councillors and Council staff shall not participate in any action or matter associated with the arrangement of a contract (ie, evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a significant interest, or holds a position of influence or power in a business undertaking tendering for the work.

The onus is on the Councillor and the member of Council Staff involved being alert to and promptly declaring an actual or potential conflict of interest to the Council and evaluation panel members must sign a statement that acknowledges that they do not have any conflict of Interest when they are participating in a tender process.

2.2.5 Fair and Honest Dealing

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote.

Impartiality must be maintained in selecting contractors and suppliers so that no action is taken that could evoke criticism of the Council.

The commercial interests of existing and potential suppliers must be protected. Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

2.2.6 Accountability and Transparency

Accountability in procurement means being able to explain and evidence what has happened. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore the processes by which all procurement activities are conducted will be in accordance with the Council's procurement policies and procedures as set out in this policy and related Council policies and procedures.

Additionally:

- all Council Staff must be able to account for all Procurement decisions made over the life cycle of all goods, services and works purchased by the Council and provide feedback on them; and

- all procurement activities are to provide an audit trail for monitoring and reporting purposes.

2.2.7 Gifts and Hospitality

No Councillor or member of Council staff shall, either directly or indirectly solicit or accept gifts or presents from any member of the public involved, with any matter that is connected with the duties of the officer, or in which the Council is interested.

Councillors and Council Staff must exercise the utmost discretion in accepting hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings.

Offers of bribes, commissions or other irregular approaches from organisations or individuals (no matter how flimsy the evidence available), must be promptly brought to the attention of the CEO and dealt with in accordance with the Fraud Policy.

2.2.8 Disclosure of Information

Commercial in-confidence information received by the Council must not be disclosed and is to be stored in a secure location.

Councillors and Council staff are to protect, by refusing to release or discuss the following:

- information disclosed by organisations in tenders, quotation or during tender negotiations;
- all information that is Commercial in Confidence information; and
- pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

Councillors and Council Staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the Tender approval process being finalised other than authorised pre-contract negotiations.

Disclosure of Information is only permissible under certain circumstances in relation to the *Freedom of Information Act 1982* where a request has been received in writing by Council and the information has been assessed as required to be released.

2.3 Governance

2.3.1 Structure

The Council shall:

- establish a procurement management responsibility structure and delegations ensuring accountability, traceability and audit ability of all procurement decisions made over the life cycle of all goods, services and works purchased by the Council;
- ensure that the Council's procurement structure:
 - is flexible enough to purchase in a timely manner the diverse range of materials, goods, works and services required by Council;
 - ensures that prospective tenderers and suppliers are afforded an equal opportunity to tender/quote;

- encourages competition; and
- ensures that policies that impinge on the purchasing policies and practices are communicated and implemented.

2.3.2 Standards

The Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with the:

- Act;
- The Council's policies;
- The Council's Code of Conduct; and
- Other relevant legislative requirements such as but not limited to the *Trade Practices Act*, *Goods Act* and the *Environmental Protection Act*.

2.3.3 Methods

The Council's standard methods for purchasing goods, services and works shall be by some or all of the following methods:

- petty cash;
- credit card;
- purchase order following a quotation process from suppliers for goods or services that represent best value for money under direct quotation thresholds;
- under contract or quotation following a tender process;
- using aggregated purchasing arrangements with other Councils, MAV Procurement, Victorian Government, or other bodies; and
- unless other arrangements otherwise authorised by the Council or the CEO on a needs basis as required by abnormal circumstances such as emergencies.

The Council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders.

Typically a multi-stage tender process will commence with a registration of interest stage followed by a tender process involving the organisations selected as a consequence of the registration of interest stage.

Registrations of Interest (ROI) may be appropriate where:

- the requirement is complex, difficult to define, unknown or unclear;
- the requirement is capable of several technical solutions;
- the Council wishes to consider ahead of formal tender processes such issues as whether those tendering possess the necessary technical, managerial and financial resources to successfully complete the project;
- tendering costs are likely to be high and Council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;
- it is necessary to pre-qualify suppliers and goods to meet defined standards; and
- the requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

Additionally, for highly complex projects the Council may run sequential tenders, the first to solicit solutions, the second to compete to provide the solution selected by Council. Such sequential tenders may or may not be preceded by the registration of interest phase as required by the Council based on the actual needs of the project.

2.3.4 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities.

Accordingly, to give effect to this principle: the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council staff must not authorise the expenditure of funds in excess of their financial delegations.

Council funds, must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

3 PROCUREMENT THRESHOLDS AND COMPETITION

The Council will from time to time decide and publish in this policy clear guidelines for minimum spend competition thresholds. These will be decided by the Council based on the size and complexity of the proposed Procurement activities.

3.1 Minimum Spend Competition Thresholds

3.1.1 Tenders

Council's policy is that the value of all tenders estimated to be over the value of \$150,000 must be undertaken by public tender.

However, should the CEO consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for the Council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below those thresholds.

- Project to be tendered must be approved in the Council budget unless specifically authorised by the CEO;
- Project Brief and estimate must be prepared; and
- Specification must be prepared.

3.1.2 Quotations

Purchase of goods, services and works having a total valuation of \$150,000 or less may be undertaken using the procurement by quotation method as described below.

To establish that the Council is receiving value for money, quotations should be obtained in accordance with the following thresholds:

- **Items with a value up to \$10,000**

A minimum of one oral or written (can be by email) quotation must be obtained and the details recorded before placing an order (similar details must be recorded where more than one supplier has quoted). One or more quotes may also be sought from an approved purchasing scheme.

- **Items with a value \$10,001 to \$50,000**

Procurement in this range must be obtained by one or more of the following:

- A Council supply contact/service agreement; or

- An approved purchasing scheme; or
- Obtaining a minimum of three written (including email) quotations; or
- Inviting tenders by public notice.

A brief specification/scope of works including selection criteria is desirable.

The order must be placed with the supplier offering the “Best Value for Money” for acceptable goods or services and details of quotation recorded.

Details of the suppliers contacted and their quotations must be recorded in the Contracts or Quotation Register. All tenders or quotations received must be recorded in Council's Document Management System.

- **Items with a value \$50,001 to \$150,000**

Procurement in this range must be obtained by:

- A Council supply contact/service agreement; or
- An approved purchasing scheme; or
- Obtaining at least three written quotations; or
- Inviting tenders or expressions of interest by public notice.

A brief specification must be prepared.

Quotations returned by the nominated closing date must be evaluated and a recommendation made in favour of the supplier offering the best “Value for Money” for acceptable goods or services.

The original supplier's quotations and other relevant documentation must be maintained in the contract file including the basis for the selection of the preferred quote. This must be recorded in Council's Document Management System.

Quotations for purchases over \$50,000 inclusive of GST should be assessed by a panel of at least two staff.

Note: Where a contract is less than \$150,000 for goods and services per annum, but totals greater than \$150,000 over the period of the contract (eg 3 plus 2 year maintenance contract) a tender process is required.

3.1.3 Insufficient quotations

The situation may arise where insufficient quotations are received to satisfy the above requirements.

In certain situations the Chief Executive Officer or a General Manager may authorise less than 3 quotations. These may include:

- (a) Emergency orders;
- (b) Shortage of suppliers;
- (c) Procurement effort affects value for money – usual low cost off the shelf items;
- (d) Highly specialised work or services; and
- (e) Demonstrated overall benefit for Council, based on previous experience.

In these cases, the details of the contacted suppliers must be documented and retained in the relevant Council Document Management record and an appropriate comment recorded.

3.1.4 Where preferred Tender/Quote is not the lowest

Where the recommendation is not to award the Tender/quotation to the lowest quote, a brief summary is to be provided by the Responsible Officer to the Manager, General Manager or CEO (in line with purchasing limits) as to the reasoning for the recommendation. This would normally include the signed Evaluation Panel Matrix which would outline the reasons for not accepting a particular tender/quotation.

3.1.5 Preferred Suppliers

Council may establish and use a register of preferred suppliers.

Preferred Supplier status will occur after Council has conducted a formal and comprehensive evaluation process. The benefit of this system is that Council does not need to obtain quotations every time works or goods of a similar type are required, which saves resources and curtails duplication.

Use of Preferred Suppliers is limited to \$10,000 for any one item or service.

Selection of preferred suppliers will involve public advertising for parties interested in undertaking work in a particular area of expertise on an annual basis.

Potential tenderers will be required to submit rates for identified tasks. Council will conduct a formal process assessing rates, qualifications and competence of suppliers.

Some of the factors that will be taken into consideration include:

- Price of goods/services;
- Quality of goods or services provided;
- Warranties offered by supplier;
- Reliability of supply;
- Delivery schedules;
- Payment terms;
- Capability of the organisation or contractor, including experience and track record; and
- Environmental accreditation.

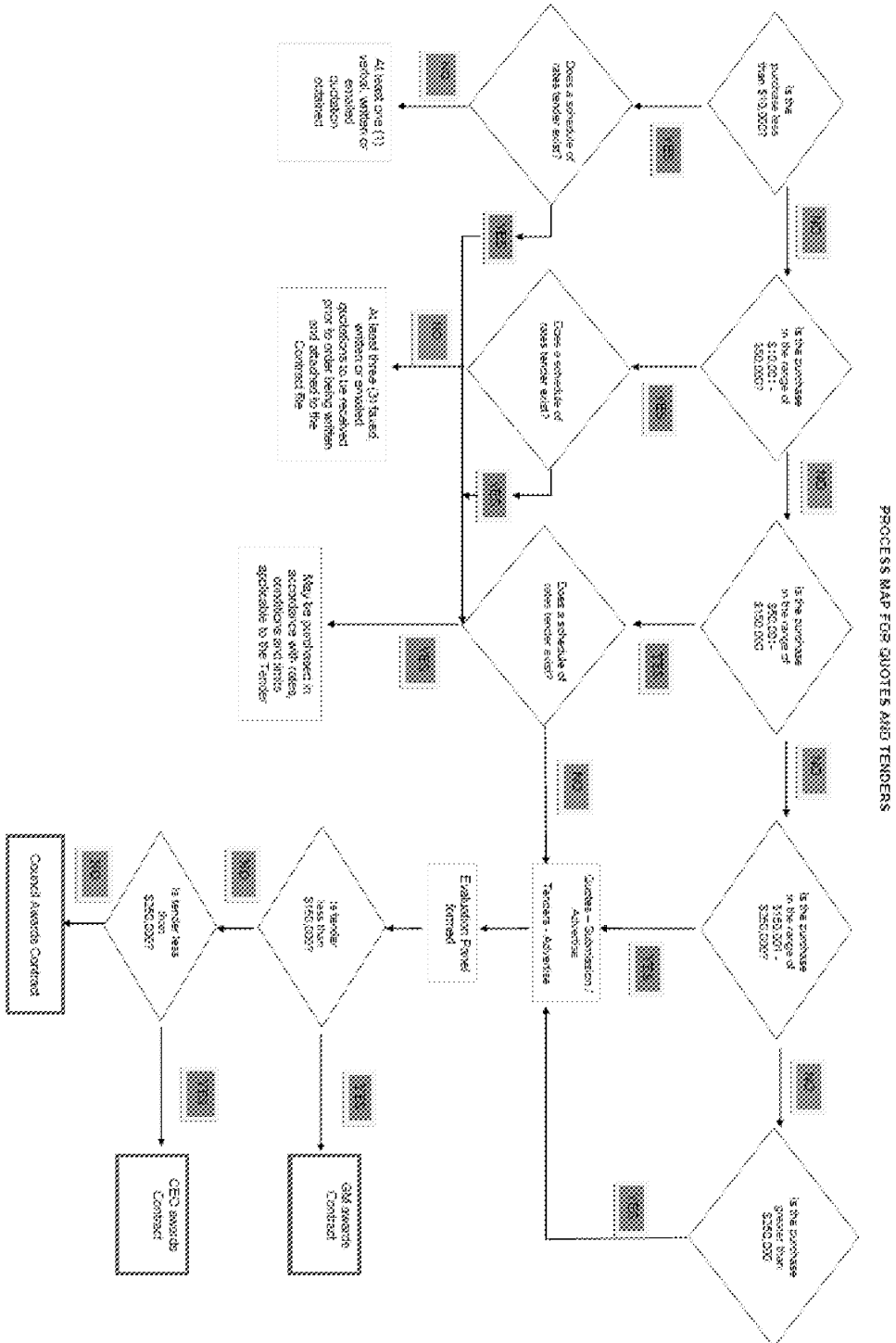
Preferred Supplier lists will be subject to review on an annual basis to ensure that suppliers are providing value for money and quality service to Council.

The Preferred Supplier Register will be co-ordinated by Council's Contracts Co-ordinator.

3.2 Public Advertising

Tenders and Quotations may be advertised at the Council Staff member's discretion in addition to the methods above. This may occur when a field of potential tenderers hasn't been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices, etc.

3.3 Process Map



3.4 Delegation of Authority

3.4.1 Requirement

The limit of delegated authority for individual officers to undertake procurement and purchases is defined in The Council's "S7. Instrument of Sub-Delegation by the Chief Executive Officer".

Delegations define the limitations within which Council Staff are permitted to work. Delegation of procurement authority allows specified Council Staff to approve certain purchases, quotation, tender and contractual processes without prior referral to the Council. This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

As such, the Council has delegated responsibilities relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotes and tenders and for Contract Management activities.

3.4.2 Delegations

3.4.2.1 Council Staff

The Council shall maintain a documented scheme of procurement delegations, identifying Council Staff authorised to make such Procurement commitments in respect of goods, services and works on behalf of the Council.

3.4.2.2 Delegations Reserved for the Council

The following processes and commitments must be approved by the Council:

- Tender documents requiring Council's seal;
- Tender recommendations and all expenditure over \$250,000 in value; and
- Contract term extensions (requiring additional budget).

3.5 Internal Controls

The Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

3.6 Commercial Information

Procurement activities will be carried out in a way that supports Council staff in meeting their obligations - to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with the relevant Council guidelines.

3.7 Risk Management

3.7.1 General

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

3.7.2 Supply by Contract

The provision of goods, services and works by contract potentially exposes the Council to risk.

The Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- requiring security deposits where appropriate;
- referring specifications to relevant experts;
- requiring contractual agreement before allowing the commencement of work;
- use of or reference to relevant Australian Standards (or equivalent); and
- effectively managing the contract including monitoring and enforcing performance.

3.8 Contract Terms

All contractual relationships must be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be obtained from the appropriate member of Council Staff. A request for such an approval should be supported with procurement and legal advice as relevant.

To protect the best interests of the Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose the Council to risk and thus must be authorised by the appropriate member of Council staff.

3.9 Endorsement

Council Staff must not endorse any products or services. Individual requests received for endorsement must be referred to General Manager level or above.

3.10 Dispute Resolution

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes getting out of hand and leading to legal action.

The Superintendent for Council is not to be the Contract Manager.

3.11 Contract Management

The purpose of contract management is to ensure that the Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- establishing a system monitoring and achieving the responsibilities and obligations of both parties under the contract;
- providing a means for the early recognition of issues and performance problems and the identification of solutions; and
- adhering to Council's Risk Management Framework and adhering to relevant Occupational Health and Safety Contractor Compliance Procedures.

All Council contracts are to include contract management requirements. Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure the Council receives Value for Money.

Prior to commencing the preparation of any Tender documentation, a contract or quotation number shall be obtained and included on all documentation.

4 DEMONSTRATE SUSTAINED VALUE

4.1 Integration with Council Strategy

The Council procurement strategy shall support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local.

4.2 Achieving Value for Money

4.2.1 Requirement

The Council's procurement activities will be carried out on the basis of obtaining Value for Money.

This means minimising the total cost over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinant of value for money.

4.2.2 Approach

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout;
- effective use of competition;
- using aggregated contracts and standing offer arrangements where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- developing a cost efficient tender process including appropriate use of e-solutions;
- Council staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements; and
- working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired.

4.2.3 Specification

Specifications shall be provided in accordance with the Procurement Procedure.

Specifications used in quotations, tenders and contracts are to support and contribute to the Council's Value for Money objectives through being written in a manner that:

- ensures impartiality and objectivity;
- encourages the use of standard products;
- encourages sustainability; and
- eliminates unnecessarily stringent requirements.

4.3 Performance Measure and Continuous Improvement

Appropriate performance measures are to be established and reporting systems will be used to monitor performance against metrics and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within the Council and performance against these targets will be measured and reviewed regularly to support continuous improvement.

The performance measurements developed will be used to:

- highlight trend and exceptions where necessary to enhance performance;
- improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- facilitate relevant programmes to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

4.4 Sustainability

4.4.1 General

The Council is committed to achieving sustainability and ensuring it monitors and reports on Council activities and programs that have an impact on or contribute to the environment including but not limited to:

- waste management;
- recycling;
- energy management;
- emission management;
- water conservation;
- green building design; and
- procurement.

4.4.2 Sustainable Procurement

The Council is committed to adopting a Green Procurement approach by supporting the principles of sustainable Procurement within the context of purchasing on a Value for Money basis.

Value for Money purchasing decisions made by the Council are made on the basis of cost and non cost factors including contribution to the Council's sustainability objectives.

The Council prefers to purchase environmentally preferred products whenever they achieve the same function and value for money outcomes.

The Council will therefore consider the following environmental sustainability criteria:

- Reduce, Reuse, and Recycle.

The Council is committed to reducing resources, consumption and minimising waste during the procurement life cycle including:

- The Council shall encourage and prefer Eco-friendly products which are more power efficient;
- Selecting energy, fuel and water efficient products (ideally Energy and Water Star Rating of 4 and above);
- The Council shall prefer to purchase from a source which is less polluting or uses clean technology;
- The Council's procurement projects should automatically consider the provision of re-use and recycling as part of the project planning process, including the consideration of whole-life costs and disposal considerations; and
- Consider locally produced products and services and their relative carbon footprint compared to alternatives.

- Buy Recycled:

The Council is committed to buy recycled/part recycled products to optimise consumption and stimulate demand for recycled products, promoting the collection and reprocessing of waste and working towards zero discharge to the landfill.

- Green the Supply Chain:

The Council shall encourage Council suppliers to adopt good environmental practices.

The Council will actively promote green procurement throughout its supply chain and ensure selection which has minimum environmental impact.

4.5 Diversity

Promoting equality through procurement can improve competition, value for money, the quality of public services, satisfaction among users, and community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible.

4.6 Support of Local Business

4.6.1 General

Council recognises the need to support local industry. Potential suppliers will be given fair and equitable consideration.

- Council is committed to buying from local business where such purchases may be justified on value for money grounds;
- Open and effective competition is important to obtaining the best possible outcomes from dealings with suppliers;
- Council will advertise tenders in local newspaper(s) and actively seek offers from local suppliers where available;
- Competition implies pursuit of best value for money, the opportunity for potential suppliers to do business with Council, absence of bias or favouritism, accountability for results and transparency of process. The extent to which competition may be available and appropriate will vary from case to case, depending upon such things as

the number of potential suppliers and the costs and benefits of promoting competition; and

- All other factors being equal, Council may give preference to local economic benefit when sourcing products. When this criteria is nominated the benefit must be identifiable and reasonable.

These benefits may take the form of:

- retention of local employment;
- increased local employment;
- increased activity and spend in the local economy with identifiable benefits; and
- the application of local content shall have consideration of both: Best Value Principles of the *Local Government Act* 1989; and National Competition Policy (Trade Practices Act).

4.6.2 Light Fleet Vehicle Purchase

All Council light vehicles purchased shall be subject to a competitive process managed by the Fleet Manager. This will involve obtaining competitive prices in writing in accordance with the Councils Procurement Policy. Prices shall be obtained from suppliers based on all suppliers quoting on specific vehicle details as advised in writing by Council.

The tenderer who submitted the lowest price shall always be accepted, subject to the following;

- when evaluating tenders, an allowance discount of \$200 **for service convenience** with local suppliers in the municipality shall be applied to the tendered price.

5 APPLY A CONSISTENT AND STANDARD APPROACH

The Council will provide effective and efficient commercial arrangements for the requisition of goods and services.

5.1 Standard Processes

The Council will provide effective commercial arrangements covering standard products and standard service provisions across the Council to enable employees to source requirements in an efficient manner.

This will be achieved via harmonisation of the following areas:

- pricing where relevant;
- processes, procedures and techniques ;
- tools and business systems (e.g. implementing the e-tendering, e-evaluation, e-catalogue, or e-sourcing arrangements);
- reporting requirements ; and
- application of standard contract terms and conditions.

5.2 Management Information

5.2.1 Performance Indicators

A list of performance indicators will be developed to measure procurement performance.

They may include criteria such as:

- the proportion of spend against corporate contracts;
- user and supplier satisfaction levels;
- knowledge and skill of Council employees in procurement process;
- level of compliance and understanding of Council procurement policies; and
- measuring the success of procurement initiatives eg procurement cards.

5.2.2 Management Information

The Council seeks to improve its performance by capturing and analysing procurement management information in a variety of areas, including:

- volume of spend;
- number of transactions per supplier;
- supplier performance;
- user satisfaction;
- category management; and
- green spend.

The Council will also use external sources of management information to assist with the procurement decision making process including:

- benchmarking data;
- information from professional bodies such as the Chartered Institute of Purchasing and Supply Australia; and
- supplier reports.

6 BUILD AND MAINTAIN SUPPLY RELATIONSHIPS

Council recognises that in order to achieve sustainable value, a strategic assessment of the 'channel to market' should be undertaken – whether to 'do it yourself', participate in regional or sector aggregated projects or panels access State Government panel agreements or other means. Council will consider which supply arrangement delivers best value outcomes in terms of time, expertise cost, value and outcome.

6.1 Developing and Managing Suppliers

Council recognises the importance of effective and open working relationships with its suppliers, and is committed to the following:

- managing existing suppliers, via the appropriate development programmes and performance measurements to ensure the benefits are delivered;
- maintaining approved supplier lists; and
- developing new suppliers and improving the capability of existing suppliers where appropriate.

6.2 Supply Market Development

A wide range of suppliers should be encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations, offering business diversity include:

- local businesses ;
- green suppliers;
- small to medium sized enterprises (SME's);

- social enterprises ;
- ethnic and minority business ; and
- voluntary and community organisations.

6.3 Relationship Management

The Council is committed to developing constructive long-term relationships with suppliers. It is important that the Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- size of spend across the Council;
- criticality of goods / services supplier, to the delivery of the Council's services;
- availability of substitutes; and
- market share and strategic share of suppliers.

6.4 Communication

External communication is very important in ensuring a healthy interest from potential suppliers and partners to the Council. The external website will be updated and provide:

- information about Council and how to become an approved supplier;
- a list of existing and forthcoming Tender opportunities;
- guidelines for doing business with Council;
- standard documentation used in the procurement process; and
- links to other relevant sites.

7 CONTINUAL IMPROVEMENT

The Council is committed to continuous improvement and will review the procurement policy on an annual basis, to ensure that it continues to meet its wider strategic objectives.

8 REFERENCES

- i Ian McPhee, Auditor-General for Australia, "Contract Management in the Public Sector – an ANAO Better Practice. Perspective Paper delivered at the Australian Government Procurement Conference.
- ii Landell Consulting definition.
- iii Adapted from the definition attributed to the World Commission on Environment and Development.
- iv From MAV Procurement Policy Workshop slides – April 2009.
- v Draws from Procurement Policy information provided from several Victorian Councils, as well as comments receive during the MAV Procurement Policy Workshops in April 2009.
- vi Based on MAV workshop slides – April 2009 complemented from information provided from several Victorian Councils.
- vii Landell Consulting 2008, Contract Management Principles p5.

1. Colac Otway Shire Operational Procedure – "Quotations/Tendering and Purchasing Procedure"

9 APPENDIX

Nil Attached

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OM102306-15 CONVERSION OF ANALOGUE TELEVISION TO DIGITAL

| | | | |
|-------------|---------------------------|-----------|-----------------------------------|
| AUTHOR: | Peter Dohnt | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | Telecommunication - TV Black Spot |

Purpose

The purpose of this report is to update Council of the proposal to convert Councils existing analogue television retransmission facilities at Wye River and Apollo Bay to digital transmission.

Declaration of Interests

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

Background

The Federal government funded the installation of analogue television retransmission facilities at Wye River and Apollo Bay. Once established, these facilities became the responsibility of Council to fund and operate. These facilities currently retransmit analogue television signals from five channels (ABC, SBS, 7, 9, Imparja and 10) into Apollo Bay and Skenes Creek (from the Apollo Bay facility) and into Kennett River, Wye River and Separation Creek (from the Wye River facility).

With the change from analogue television to digital television, the existing analogue facilities will become redundant. For regional Victoria, analogue television is expected to be switched off in the first half of 2011. Therefore, for these services to continue, it is necessary for the electronic equipment to be converted from analogue to digital. It is estimated that the cost of the conversion of a typical low power site such as the two in this shire is between \$100,000 and \$150,000 each.

Council Plan / Other Strategies / Policy

This report is consistent with the 2009-13 Council Plan under the Leadership and Governance strategy of *“Advocate for improved infrastructure services and utilities provided to our community by other organisations...”*

Issues / Options

It is proposed that the commercial broadcasters upgrade Council-owned analogue transmission facilities to digital at their expense. Broadcast Transmission Services P/L (BTS) has been engaged by the commercial broadcasters to convert sites to digital broadcasting.

The proposal is that -:

1. BTS will replace the existing analogue transmitter with a new digital transmitter;
2. BTS will then become responsible for the maintenance of the digital transmitter including the payment of the transmitter licence; and
3. Council will continue to provide and maintain the site including –
 - a. Pay for the power;
 - b. Provide and maintain lighting, air-conditioning etc; and
 - c. Maintain access to the facility.

It is anticipated that BTS will be contacting Council in the near future to discuss details of the works proposed. The broadcasters offer is contingent upon Council agreeing to the maintenance of the site in a suitable condition.

While this offer is very positive in that it relieves Council from a very expensive upgrade and responsibility for the quality of the television signal, there are some issues that need to be pointed out. Council will remain responsible for those issues in (3) above. In particular, the access to the Wye River site is along a road maintained by Parks Victoria. This access road is steep, poorly formed and is often inaccessible by vehicles after rain. Council is reliant upon Parks Victoria to maintain the access. Another issue is that the transmission equipment relies on the air-conditioning equipment. One is the responsibility of BTS while the other is Council's responsibility. Failure of the transmission equipment due to failure of the air-conditioning equipment could lead to a dispute as to responsibility.

It is anticipated that Council will have a formal agreement with BTS which clearly defines the responsibility of each party.

Council was also involved in another project for the provision of television reception in the Lavers Hill area. This project (funded by the Federal government) involved the supply of satellite dishes and set-top boxes to a number of properties around the Lavers Hill area. (The equipment became the property of the householder and Council had no further involvement.) This equipment receives television via satellite and gets Central 7, Imparja (Central Australian television) and ABC. As part of the Federal Government's work in upgrading television services to digital this satellite service is also being upgraded to provide digital television with a similar channel selection to land based services. Householders will have to purchase a new set-top box to receive the new service. This new digital satellite television service is already partially operating and is expected to be available to Lavers Hill area later this year.

Proposal

The proposal is that Council enter into an agreement with BTS whereby BTS provide, install and maintain digital television transmission equipment at its two sites at Wye River and Apollo Bay. Council will continue to maintain the sites. A formal agreement will be developed and entered into to define the responsibilities of each party in the long term.

Financial and Other Resource Implications

This proposal relieves Council from the cost of upgrading its existing television transmission sites at Wye River and Apollo Bay – a possible cost of between \$200,000 and \$300,000. Council will, however, remain responsible for the ongoing maintenance of the facility.

In 2009/10 the two facilities have cost Council \$8,350. Of this, the cost of licences and electronics maintenance is \$6,700 (this would become a cost to BTS) while the cost of power and other costs (that would remain with Council) is \$1,650. Therefore it is estimated that the on-going savings to Council will be of the order of \$7,000 annually.

Risk Management & Compliance Issues

Council will no longer be responsible for the quality of the signal and therefore this risk will be transferred to BTS. There will not only be financial savings but also there will no longer be the responsibility of responding to complaints relating to signal quality.

Environmental and Climate Change Considerations

There are no environmental or climate change issues relating to this report.

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be to inform the affected communities and include a notice in local newspapers.

Implementation

BTS will be contacting Council in the near future and it is anticipated that details of the project timelines will be finalised then. The aim is to complete the upgrade of the transmission equipment by the end of this year.

Conclusion

That Council note the above and consider entering into an agreement with BTS such that BTS provides and maintains digital television transmission services at Wye River and Apollo Bay for the foreseeable future and Council maintains the site facility.

Attachments

Nil

Recommendation(s)

That an Agreement to the satisfaction of the Chief Executive Officer be developed between Council and users of the Transmission Infrastructure regarding the long term occupation and maintenance responsibilities.

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

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**OM102306-16      REVIEWING COUNCIL'S AGREEMENT WITH THE DSE FOR  
THE REMOVAL OF NATIVE VEGETATION FOR  
MAINTENANCE OF PUBLIC ROADS.**

|             |                           |           |            |
|-------------|---------------------------|-----------|------------|
| AUTHOR:     | Travis Riches             | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | GEN00016   |

**Purpose**

The purpose of this report is to seek Council's endorsement for the recommended actions to be undertaken by Council officers when reviewing the requirements of the Agreement with the Department of Sustainability and Environment (DSE) for the management of native roadside vegetation.

**Declaration of Interests**

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

**Background**

Over the past two (2) years the Colac Otway Shire has been involved in ongoing discussions with the DSE in relation to the Agreement for the Removal of Native Vegetation for the Maintenance of Public Roads (the Agreement).

The Agreement is a precondition to Council's reliance upon the public roads exemptions for native vegetation removal under clause 52.17-6 of the Victorian Planning Provisions. Without the Agreement, Council would be required to obtain planning permit, and in some cases provide offsets, for native vegetation removal works along road reserves.

Two types of works are listed under the Agreement:

- Maintenance Activities – e.g. drainage maintenance, sign and guidepost maintenance, reach arm mowing etc.; and
- Safety Treatments – e.g. safety barrier installation, shoulder sealing/widening, etc.

It is important to note that Council supports the intent of the Agreement as it provides a streamlined process for managing roadside vegetation. However during the Agreement's development and implementation Council repeatedly raised concerns in relation to the following issues:

- The onerous reporting requirements related to Councils vegetation maintenance program under the Agreement;
- The inconsistent approach being applied to various road management authorities in relation to recording vegetation losses through maintenance;
- The Agreement provides no detail on what information or timeframes are anticipated with the notification process required by Council prior to works commencing;
- There is no indication as to those issues which are of 'significance' to DSE;
- No provision in the Agreement for municipal road authorities to undertake minor road improvements such as intersection upgrades, installation of bus stops, etc;
- Removal of hazardous vegetation, under the Agreement, is covered under the exemption for safety treatments. It is questionable that this exemption is necessary

as this type of work can be defined as 'emergency works' which are already exempt under the planning scheme; and

- The inclusion or definition of a 'maintenance envelope' with respect to maintenance activities would provide a clear outline of areas associated with maintenance. This would also assist field staff in determining limits of work, etc.

In October 2009, Council chose to enter into the Agreement due to increasing pressure to undertake vegetation clearance and roadside maintenance activities in accordance with its responsibilities under the *Road Management Act 2004* and the *Country Fire Authority Act 1958* in preparation for the 2009-2010 fire season. As stated in the Agreement, and which Council noted prior to entering into the Agreement, a review may be undertaken if required by either party after twelve months from entering into the Agreement.

The following documents can be referenced to provide for further information in relation to this issue:

- Memo - Local Government Agreement on the Removal of Native Vegetation for Maintenance of Public Roads (4 March, 2009);
- Memo - Memorandum of Understanding for the Removal of Native Vegetation for Maintenance of Public Roads (26 June, 2009);
- Council Report – Native Vegetation on Roadsides (23 September, 2009); and
- Memo - Notification and Reporting Requirement for the Agreement with the DSE for the Removal of Native Vegetation for Maintenance of Public Roads (7 January 2009).

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

This report is consistent with Council's Corporate Plan under 'Physical Infrastructure and Assets' with the strategy to ensure that Council's assets are protected and maintained. This is further supported by the Road Management Plan that requires Council to maintain the nominated vegetation control envelope free of growth to ensure the safety of road users.

### **Issues / Options**

In essence, there are three main road management authorities that are responsible for the majority of the roads throughout Victoria: the Department of Sustainability and Environment, the Department of Transport (including VicRoads) and Local Councils. Although, not required by the *Road Management Act 2004*, each authority has opted to develop and implement a Road Management Plan (RMP), which provides a policy defence against claims of negligence.

A RMP enables a road authority to define standards in relation to its road management functions, including maintenance standards. These maintenance standards include vegetation (i.e. trees, grass etc.) and although definitive terminology is not provided in each of the plans, the maintenance area is generally referred to as the Vegetation Control Envelope (VCE) (attachment 1) and is comparable between road authorities.

The following provides background in relation to the various road management authority's requirements prior to undertaking vegetation removal works along roads for which they are responsible for.

#### *Department of Sustainability and Environment*

The DSE are not required to obtain planning permission prior to vegetation removal works as they are exempt under the *Planning and Environment Act 1987*. However, it was unknown to Council until recently, if the DSE were required to record vegetation losses, as they require Councils to carry out.

Council recently wrote to the DSE requesting a copy of their process they employed for the recording of vegetation losses (attachment 2). The intention of this request was to assist Council in developing its own internal systems and process for doing the same. The response received from DSE (attachment 3), stated that '*DSE does not currently maintain records or report on vegetation clearance resulting from these maintenance activities*'.

This was interesting to note given that through Council's previous representations the DSE has maintained that this type of reporting is important to enable the tracking of vegetation removal, in line with '*Victoria's Native Vegetation Management: A Framework for Action*'. The DSE also indicated in the same correspondence that '*vegetation losses as part of public land maintenance activities is currently under review*'. It is unclear to Council if this current policy will change in the near future as no further detail is provided in relation to the timeframes for the review, stakeholder involvement, etc.

#### Department of Transport

A review of the Agreement the DSE developed for the Department of Transport (DOT), which includes VicRoads, illustrates that a different level of requirements apply to this road management authority. Although the DOT Agreement includes consultation requirements prior to undertaking works (referred to as notification under Council's Agreement) with local DSE officers, there are no provisions for them to record and report vegetation losses incurred through either maintenance activities, minor improvements, or road safety treatments.

However, recent conversations with VicRoads staff has revealed that, although they are not required to by the Agreement, they still record and report vegetation losses incurred through minor improvements and safety treatments. This task is also completed for maintenance activities but only where trees are removed. This obligation is identified in the '*VicRoads Native Vegetation Removal Guidelines 2009*', which were developed in consultation with DSE.

Unlike Council's Agreement, the DOT Agreement includes a minor improvements works exemption (e.g. intersection and junction improvements, duplication of roads and installation of signage, bus stops, driveways, etc.). Council has raised the possibility of including such a clause in the Agreement with Local Governments but this was rejected by DSE, stating that '*the agreement with the DOT differs in this regard as DOT manages extensive networks of road and rail corridors. A decision was therefore made in July 2008 to trial such a provision with DOT*'. Recent discussion with local VicRoads staff suggests that this trial has been completed without incident. Therefore, it would be appropriate for Council to request this clause to be included in the Local Government Agreement when it is reviewed.

#### Local Government

At the other end of the spectrum, Councils are required to notify the DSE prior to any works occurring, record all vegetation removed and provide an annual report to the DSE detailing the vegetation removed.

Council believes that recording vegetation losses incurred through safety treatments is a reasonable and justifiable requirement. This is because the data produced will give Council and DSE an accurate picture of permanent losses (i.e. area and types of vegetation) occurring through these works. However, vegetation losses incurred through maintenance activities are not considered permanent, and therefore the value in recording this as a 'loss' is questionable.

Understandably, Council has serious concerns over the validity and intent of the data being collected particularly for vegetation removed within the VCE, as it distinctly different from vegetation losses incurred through minor works and safety treatments. Council supports the

notification and reporting requirements for safety treatment and minor works, as the vegetation loss is permanent and long term. However, vegetation removed within the VCE has been ongoing for an extensive period of time, and most importantly, it is not considered a permanent loss for it will re-grow and need to be removed again in the future. On this basis, recording vegetation losses through maintenance activities has the potential to misrepresent Council's total vegetation removal result.

If this data is important to DSE then why don't they record it themselves when they carry out the work or require the DOT to do so?

#### Case Study

As highlighted, there are clear inconsistencies between road management authority requirements in relation to roadside vegetation removal. To illustrate the varying requirements the following example is provided.

Hargreaves Track and Gellibrand River Road form an intersection in the south west of the Colac Otway Shire, close to Carlisle River. As illustrated on the attached map (attachment 4), the first 3.5 km of Hargreaves Track is managed by Council and DSE are responsible for the remainder of this roads length. The Gellibrand River Road is managed exclusively by VicRoads. Also attached are two vegetation maps: one illustrating the similar Ecological Vegetation Class (EVC) (attachment 5), the other the conservation status of the roads (as determined by an independent botanist) (attachment 6). In essence, these maps show that there is no real difference in the quality or the value of the vegetation between the areas managed by the three agencies.

Tabled below are the various scenarios for vegetation removal works and the requirements of the road management agencies prior and post works. As illustrated, the toughest requirements are applied to roads under the management of Councils, followed by VicRoads and then the DSE.

| <b>Activity</b>                                                               | <b>Council</b>                                                      | <b>VicRoads</b>                                                                                                                                               | <b>DSE</b>       |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Vegetation removed for maintenance purposes within the VCE.                   | Required to notify DSE, record losses and provide an annual report. | Required to notify DSE (consult) but not record or report vegetation losses. However, only recording and reporting on trees removed, in line with guidelines. | No requirements. |
| Vegetation removed for safety treatments (e.g. safety barrier installation).  | Required to notify DSE, record losses and provide an annual report. | Required to notify DSE (consult) but not record or report vegetation losses. However, recording and reporting in line with guidelines.                        | No requirements. |
| Vegetation removed for minor improvement works (e.g. signage, bus stop etc.). | Not covered by the Agreement, planning permit required.             | Required to notify DSE (consult) but not record or report vegetation losses. However, recording and reporting in line with guidelines.                        | No requirements. |

Hypothetically, if VicRoads needed to remove native vegetation to undertake an intersection upgrade at the junction of these two roads, they would only be required to notify the DSE under their Agreement (and record and report in line with their guidelines). Whereas, if Council needed to do the same activity at the exact same location, removing the same vegetation they would be required to obtain a planning permit and possibly provide offsets. This is because Council's Agreement does not provide for minor improvements, unlike the VicRoad's Agreement.

As a working example, Council will soon be undertaking routine maintenance works to remove vegetation from the VCE along Hargreaves Track. This work will be completed with Council's reach arm slasher and as such the vegetation removal will need to be recorded. The DSE have recently completed similar works on their section of this road (with the same EVC's) and did not record the losses, as per their current operating procedure.

#### Agreement Review

As discussed, Council is supportive of the Agreement as it streamlines the process for managing roadside vegetation. However, given the obvious discrepancies between road management authorities undertaking identical tasks, Council believes that a review is required. This review should ensure that a common and consistent approach is adopted by each authority, in balancing road safety issues and natural values, when managing roadside vegetation.

To meet this aim the following issues need to be addressed in the review:

- Formal recognition of VCE for all authorities;
- Notification, recording and reporting requirements should not apply for vegetation removed within the VCE, except for tree/s removed with a circumference greater than 500mm at 1m above ground level;
- Inclusion of the minor improvement clause into the local government Agreement;
- Formalisation of a notification process for minor improvements and safety treatments involving vegetation removal;
- Vegetation losses only be recorded and reported for losses incurred through minor improvements and safety treatments, as this loss is considered to be permanent and long term;
- Removal of the hazardous vegetation clause from the Agreement; and
- A consistent approach be followed by all road management authorities.

At this point in time, Council is investing significant amounts of officer time towards recording and reporting on its maintenance activities within the VCE. This resource cost was acknowledged when this reporting process was selected by the Executive Team to meet the requirements of the Agreement. Although other options are available (some requiring less resource), this option was selected as it best balanced officer time and resource capacity with the quality of data being produced and required.

Implementing the recommendations above will allow Council (as well as the DSE) to concentrate resources on works that will result in the permanent loss of vegetation, specifically those areas of high conservation, as opposed to the current arrangement, where significant resources are invested to record vegetation losses from maintenance activities irrespective of conservation status.

#### Options

There are a number of options available to the Council in relation to reviewing the Agreement. Four possible options are presented below for consideration. Each option has its own unique set of advantages and disadvantages which are outlined.

| Options                                                                                                                                                                                                                                       | Advantages                                                                                                                                                                                                                                                 | Disadvantages                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Option 1.</b><br/>Continue to operate under the current Agreement.</p>                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Exempts Council from onerous planning permit requirements.</li> <li>System in place to record and report on Councils vegetation losses.</li> <li>No additional resources required to continue Agreement.</li> </ul> | <ul style="list-style-type: none"> <li>Considerable resources required to meet notification, recording and reporting requirements.</li> <li>Various issues highlighted above not addressed (e.g. validity of reports detailing vegetation losses misleading).</li> </ul>                                                                                                         |
| <p>While this option would have a continued negative impact on the delivery of Councils works program and available resources, it allows Council to operate under the Agreement which is less burdensome than the planning permit system.</p> |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>Option 2.</b><br/>Exit the Agreement and revert back to acquiring planning permits prior to undertaking works.</p>                                                                                                                      | <ul style="list-style-type: none"> <li>Surety of process (i.e. notification, response from DSE etc.)</li> </ul>                                                                                                                                            | <ul style="list-style-type: none"> <li>Considerable resources required to assimilate information required for planning permit applications.</li> <li>Offsets may be requested by DSE, with significant cost implications.</li> <li>Increase in planning permit application for Councils Planning Department.</li> <li>Delay in delivering Councils maintenance works.</li> </ul> |
| <p>Given this option will require a long term increase in the resource for the delivery of Councils works program, it is not favoured above the other options at this stage.</p>                                                              |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>Option 3.</b><br/>Council to discuss review of the Agreement directly with DSE.</p>                                                                                                                                                     | <ul style="list-style-type: none"> <li>Ensures the DSE understands Councils concerns</li> <li>A small amount of effort required to coordinate the planning and undertake review.</li> </ul>                                                                | <ul style="list-style-type: none"> <li>DSE has aimed at having consistent Agreements across Local Governments and may not consider changes for one individual Council.</li> </ul>                                                                                                                                                                                                |
| <p>This option will require minimal effort from Council staff to coordinate. However it is unknown whether it will illustrate to the DSE the seriousness of the issue to Local Governments.</p>                                               |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>Option 4.</b><br/>Coordinated approach to DSE involving other Councils and MAV.</p>                                                                                                                                                     | <ul style="list-style-type: none"> <li>A united sector position may drive change.</li> <li>If single Agreement/Policy developed, then a consistent approach to be followed by all road management agencies.</li> </ul>                                     | <ul style="list-style-type: none"> <li>A moderate amount of effort required to coordinate the planning and undertake review.</li> </ul>                                                                                                                                                                                                                                          |
| <p>While this option will require a moderate increase in effort from Council staff to coordinate, it will ensure the seriousness of the issue is accurately represented to both the DSE and MAV.</p>                                          |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                  |

**Proposal**

That Council support a review of the Agreement with the DSE to provide for a consistent approach for all road management authorities. Significant improvements in resource efficiency and data accuracy can be achieved should the DSE support the proposed changes.

**Financial and Other Resource Implications**

The review of the Agreement will not have any financial costs for Council. However, a moderate increase in effort from Council staff to coordinate the review is expected. This increase is not expected to have an impact on the delivery of Councils projects and programs at this stage.

The outcome of the review may reduce Council's reporting requirements and hence reduce future costs.

**Risk Management & Compliance Issues**

There are no risk management or compliance issues identified with the recommended actions in this report.

**Environmental and Climate Change Considerations**

There are no environmental or climate change issues identified with the recommended actions in this report.

**Community Engagement**

Community consultation is not required, given that the report only recommends actions to review the Agreement with DSE.

Colac Otway will be engaging with other similar rural Councils through the Super 11 survey process to determine how they are managing this issue and confirm their support for a review of the Agreement. Depending on the results of this survey, Colac Otway will be engaging the MAV to confirm their support prior to the review with DSE.

**Implementation**

Council officers are poised to begin the recommended actions, when support is confirmed by Council. The implementation of these actions is not considered to be challenging or onerous.

**Conclusion**

A coordinated approach to DSE involving other Councils and MAV (Option 4) is considered the most favourable and beneficial, as it ensures similar Councils are engaged early in the review process and highlights the inconsistencies being applied to various road management authorities. It is hoped that through this engagement a group of Councils can be formed for the discussions with the DSE. The weight of this consortium should not be understated, as it will place further pressure on DSE to develop a consistent approach for all road management authorities.

The outcomes of this Agreement will most likely be the benchmark for setting agreements between DSE and all Councils in Victoria.

**Attachments**

1. Vegetation Control Envelope
2. Ltr to Kimberley Dripps, DSE dated 11 January 2010
3. Ltr from DSE to Mr Rob Small dated 3 February 2010

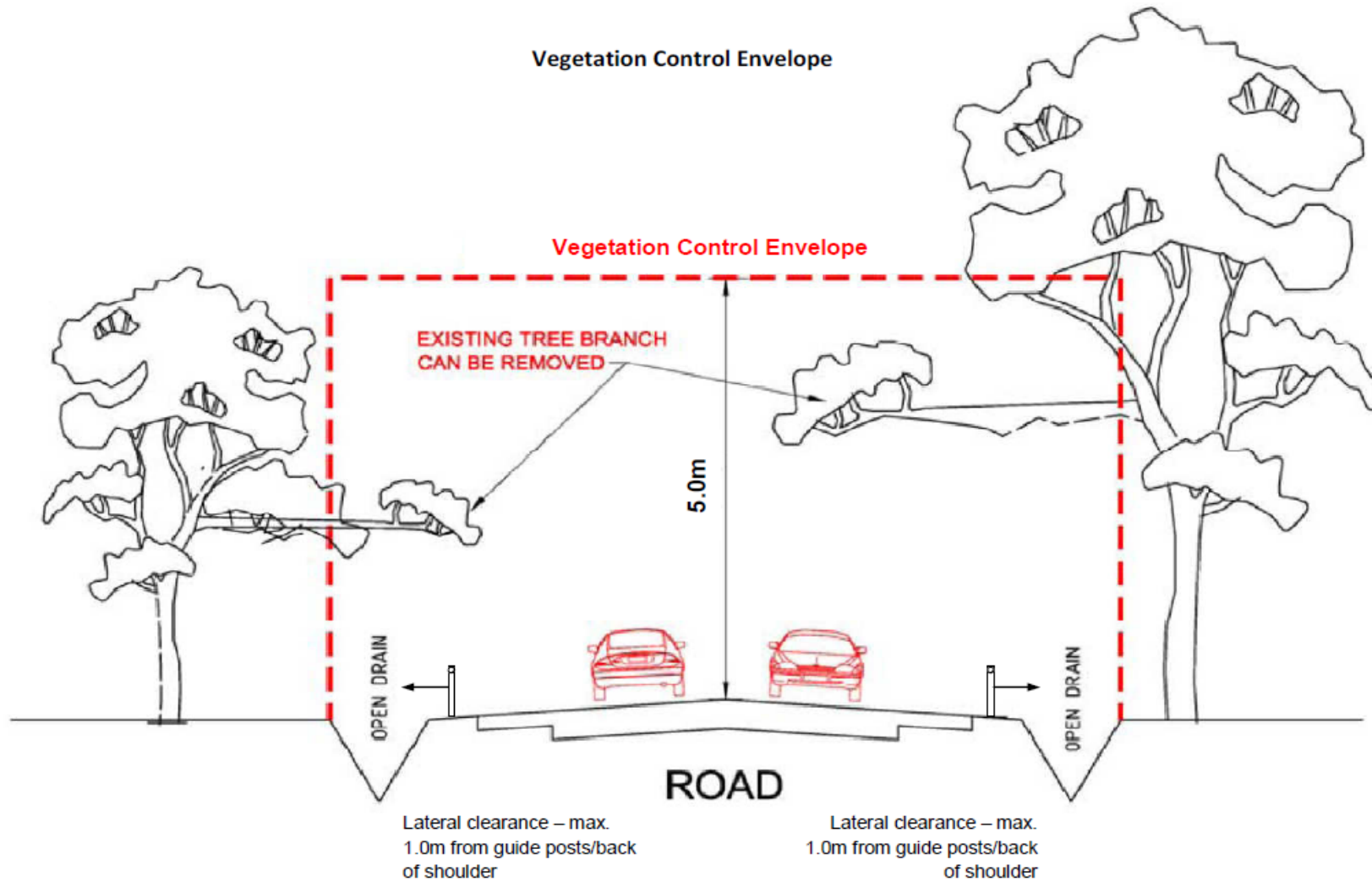
4. Road Management Agencies
5. Hargreaves Track: Vegetation Types
6. Roadside Conservation Status
7. Timelines for Reviewing Councils Agreement

**Recommendation(s)**

***That Council:***

1. ***Endorse the following actions for reviewing the Agreement with DSE, as follows:***
  - ***Engage with the Sustainable Planning and Development's Environment Unit to compile Super 11 survey questions;***
  - ***Benchmarking with Super 11 Group of Councils to:***
    - ***Determine number of Councils operating under the Agreement;***
    - ***Determine current recording and reporting processes;***
    - ***Identify issues relating to the operation of the Agreement;***
    - ***Gauge support for suggested changes to the Agreement;***
    - ***Provide a summary of the survey findings and outline the next phase of actions;***
  - ***Meet with the MAV to outline the issue and confirm their support; and***
  - ***Arrange to meet with the DSE to commence a review of the Agreement.***

~~~~~U ~~~~~

Doc Ref: GEN00137 -- Native Plants & Animals (Clearing)
Contact: Travis Riches

ATTACHMENT 2



Colac Otway
SHIRE

Naturally Progressive

11 January 2010

Ms Kimberley Dripps
Executive Director, Biodiversity & Ecosystem Services
Department of Sustainability and Environment
PO Box 500
MELBOURNE VIC 3002

Dear Kimberley,

Roadside Vegetation Reporting Process and Road Management Act Requirements.

As part of the Agreement for the Removal of Native Vegetation for the Maintenance of Public Roads, the Colac Otway Shire are required to keep a record of all maintenance activities and safety treatments undertaken and provide the Department of Sustainability and Environment (DSE) an annual report of the aggregate losses that have occurred under the exemption.

Although the Colac Otway Shire has repeatedly expressed its concerns in relation to this requirement, we recognise that the DSE believe this reporting is important to enable the tracking of vegetation removal, in line with *'Victoria's Native Vegetation Management: A Framework for Action'*. As discussed in the Agreement this information is important to facilitate voluntary offsets.

To meet this requirement, Council is considering a range of processes that will enable the on ground works crews to maintain an accurate record of vegetation removed. Recently a site visit was held at Hargreaves Track, Carlisle River, to discuss a recording process for proposed reach arm slashing works. This road is considered especially important as it contains the rare species Dwarf Silver Wattle (*Acacia nano-dealbata*).

During this visit it was noted that significant vegetation removal, which may have included this species, had already occurred along this road (attachments 1 and 2). Council understands that this work was undertaken by DSE and is interested in the process that the DSE have in place to record the vegetation that they remove. Access to the process, and to a report for this site, will assist Council in developing its own process to record vegetation removal to satisfy the requirements of the Agreement.

Further investigation has revealed that further vegetation removal works have also been undertaken by the DSE along Ridge Road and Sayers Track. Council is the coordinating road authority for all of these roads within the meaning of the Road Management Act 2004 (the 'Act'). A search of Council records indicates that there has been no notification or consent given to these vegetation removal works.

Both the Road Management Act 2004 and Road Safety Act 1986 place specific duties on individuals and agencies conducting works on roads. These duties require that a person ensures that:

Colac Otway Shire
PO Box 283
Colac Victoria 3250
www.colacotwayvic.gov.au
info@colacotwayvic.gov.au

Colac Service Centre
2-6 Roe Street
Colac Victoria 3250
Ph: (03) 5232 9400
Fax: (03) 5232 1046

Apollo Bay Service Centre
63-71 Nelson Street
Apollo Bay Victoria 3233
Ph: (03) 5237 6504
Fax: (03) 5237 6734

Organisation: Department of Sustainability and Environment



Page 2

- A traffic management plan is in operation;
- Appropriate warning is given to road users;
- Qualified and appropriately trained persons are engaged to carry out the works and are used to manage or direct traffic;
- Risks to the safety and property of road users and general public are minimised; and
- Damage to roads and related infrastructure is minimised.

Council understands that the DSE are planning similar works along the Benwerrin – Mt. Sabine Road. It is our expectation that these works and all other works on Council managed roads will be conducted in order to meet the requirements of all relevant legislation.

As such Council requests that DSE comply with the requirements of the Road Management Act (2004) with respect to notifying Council of works, unless relevant exemptions can be provided.

Council would appreciate a response regarding the methodology of reporting aggregate losses implemented by the DSE as soon as possible to formalise our reporting process.

If you have any enquiries concerning this matter please contact me on 5232 9454.

Yours faithfully

A handwritten signature in black ink, appearing to read "Rob Small".

Rob Small
Chief Executive Officer

cc: Alison Lyon, MAV Legal Advisor
Neil Allen, General Manager Infrastructure and Services
Jack Green, General Manager Sustainable Planning and Development

enc: Attachment 1. Photographs illustrating undisturbed roadside vegetation.
Attachment 2. Photographs illustrating vegetation removed.

Attachment 1. Photographs illustrating undisturbed roadside vegetation.



Figure 1. Undisturbed roadside vegetation on east side of Hargreaves Track.



Figure 2. Undisturbed roadside vegetation on west side of Hargreaves Track.

Attachment 2. Photographs illustrating vegetation removed.



Figure 3. Vegetation removed on west side of Hargreaves Track (2 metre width).



Figure 4. Vegetation removed on west side of Hargreaves Track (2 metre width). Note *Xanthorrhoea australis* reshooting in foreground.



Figure 5. Vegetation removed on east side of Hargreaves Track (4 metre width). Note vegetation removed on west side of track.



Figure 6. Vegetation removed on east side of Hargreaves Track (5 metre width). Note vegetation removed on west side of track.



Figure 7. Large old tree removed and pushed into existing roadside vegetation.

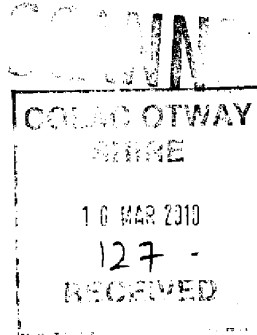


Department of
Sustainability and Environment

ATTACHMENT 3

3 February 2010

Mr Rob Small
Chief Executive Officer
Colac Otway Shire
2-6 Rae Street
COLAC VIC 3250



8 Nicholson Street
EAST MELBOURNE
VIC 3002
Telephone: 136 186
ABN 90 719 052 204

Dear Mr Small

DSE'S ROAD MAINTENANCE VEGETATION CLEARANCE REPORTING PROCESSES

Thank you for your letter dated 11th January 2010 requesting information on the Department of Sustainability and Environment's (DSE) roadside maintenance program and native vegetation loss reporting processes.

Each year DSE undertakes an extensive road maintenance program within the Great Otway National Park and Otway Forest Park as part of annual fire and park management. Road and roadside vegetation maintenance works were recently carried out on Hargreaves Track, Ridge Road and Sayers Track as part of this program. Due to the historical nature of these works, DSE does not currently maintain records or report on vegetation clearance resulting from these maintenance activities, but does maintain a database of the roads subject to the annual works program. The requirements to report and account for native vegetation losses as part of public land maintenance programs is currently under review by DSE. The records maintained by DSE for these works can form the basis of loss-reporting where that is required.

New works that involve the removal of native vegetation older than 10 years, is assessed by DSE in accordance with the Victoria's Native Vegetation Management: *A Framework for Action*. Consideration of the 'avoid' and 'minimise' principles, and information such as Ecological Vegetation Class, conservation status, total area, and the number of large, medium and small trees to be removed is required to quantify the losses and determine the native vegetation offset requirements. Such requirements are in place for the approximately 124 kilometres of strategic fuel breaks currently being constructed by DSE on public land along existing roads and access tracks in the Otways.

Historically, DSE has maintained a number of government roads within the Otways for which Local Government Authorities are the coordinating road authority under the *Road Management Act 2004*. DSE has agreed road management arrangements in place with Surf Coast Shire and is currently finalising road management arrangements with the Corangamite Shire. I am advised that local DSE Land and Fire staff have commenced discussions on road management responsibilities and roadside maintenance programs in the Otways with Colac Otway Shire Council staff.

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Information Privacy Act 2000*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Manager Privacy, Department of Sustainability & Environment, PO Box 500, East Melbourne, 3002.



If you have any further questions regarding this matter, please contact Mr Andrew Morrow, District Land and Fire Manager Otways, on telephone 5226 4694.

Yours sincerely

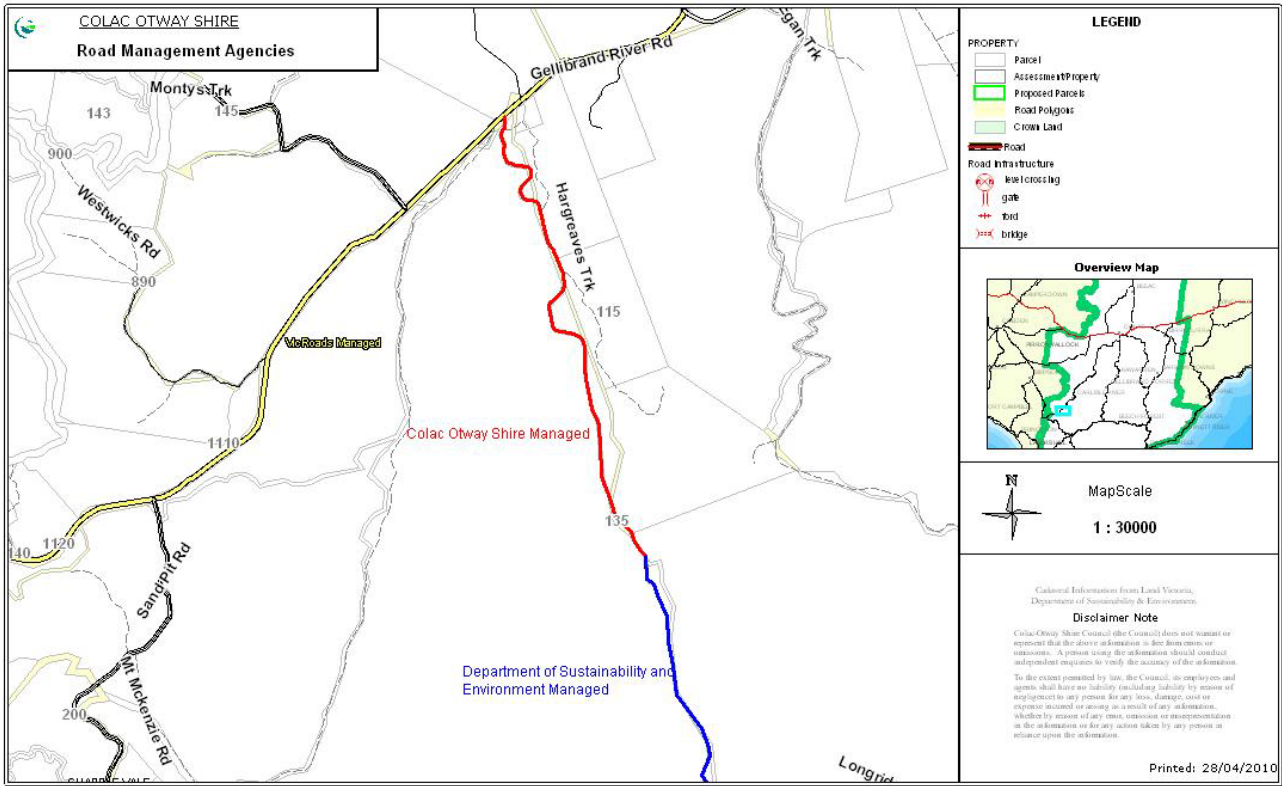


KIMBERLY DRIPPS
Executive Director
Biodiversity & Ecosystem Services

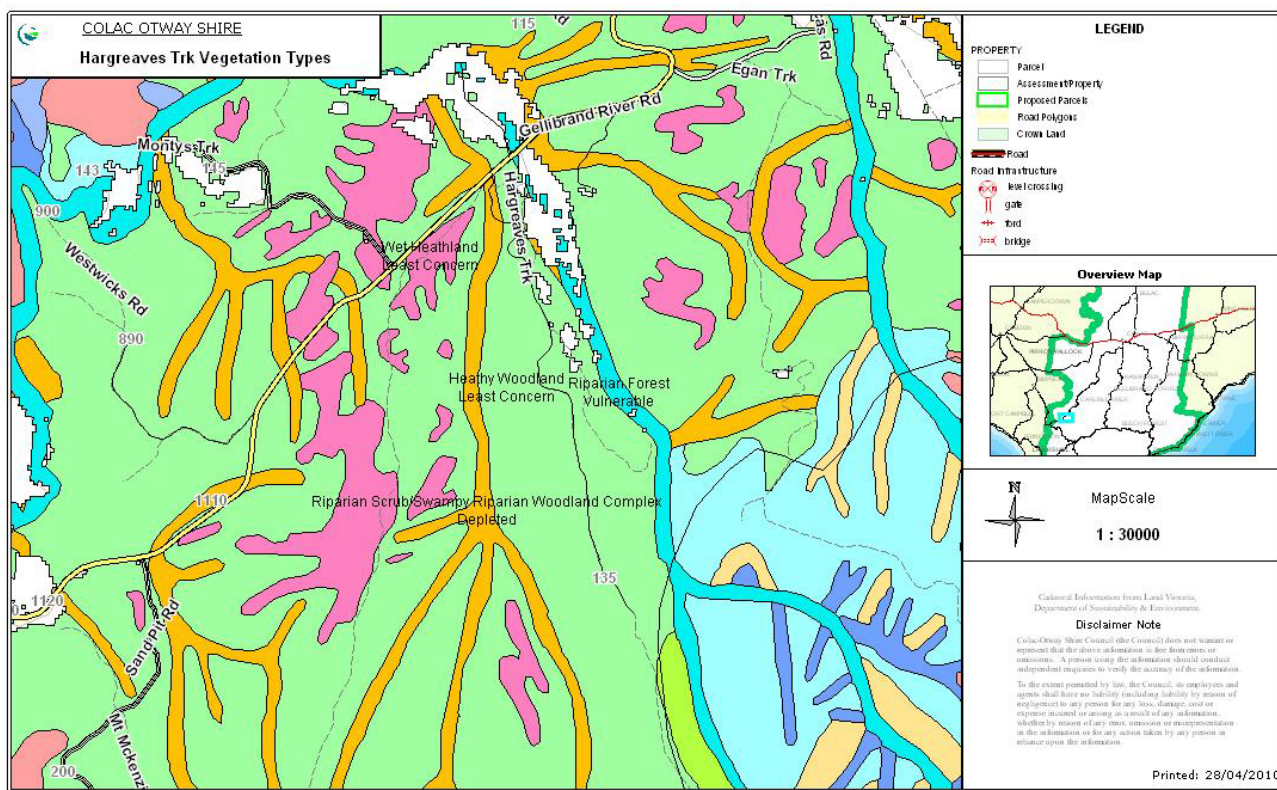
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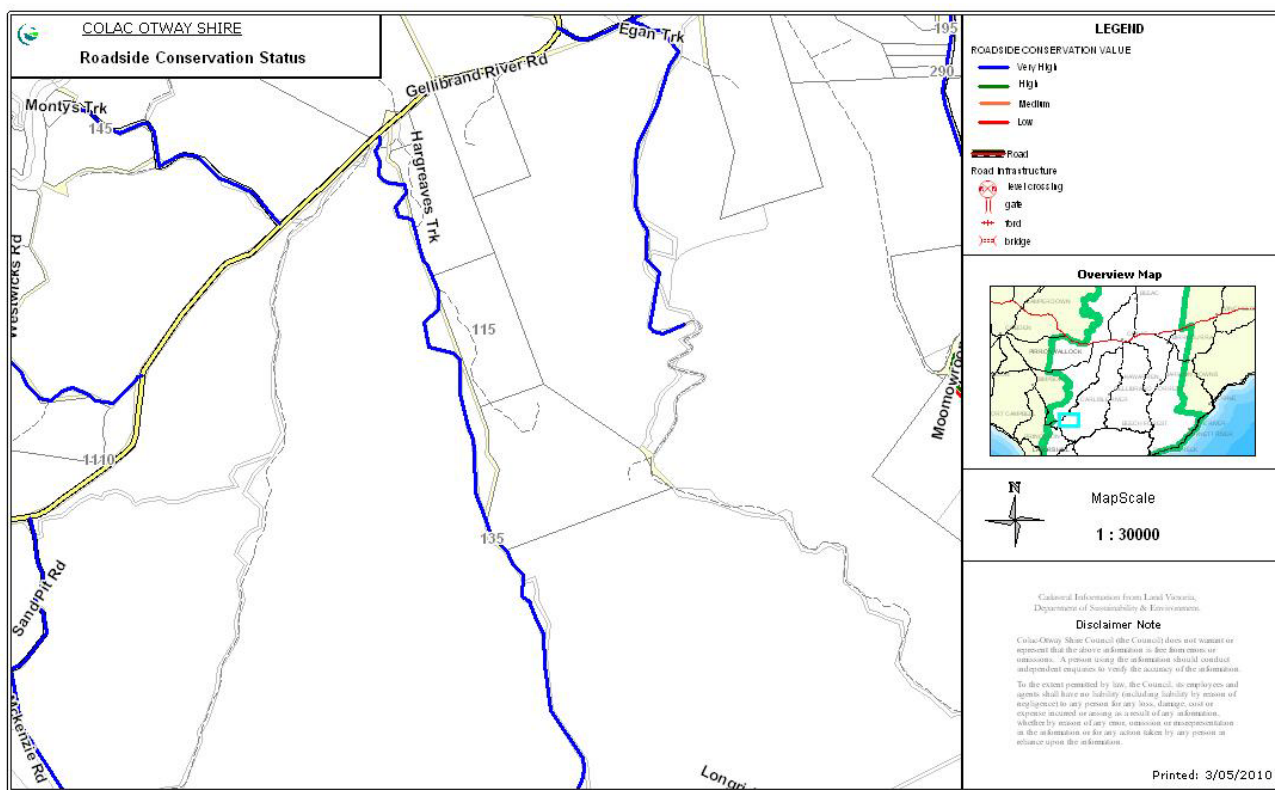
ATTACHMENT 4

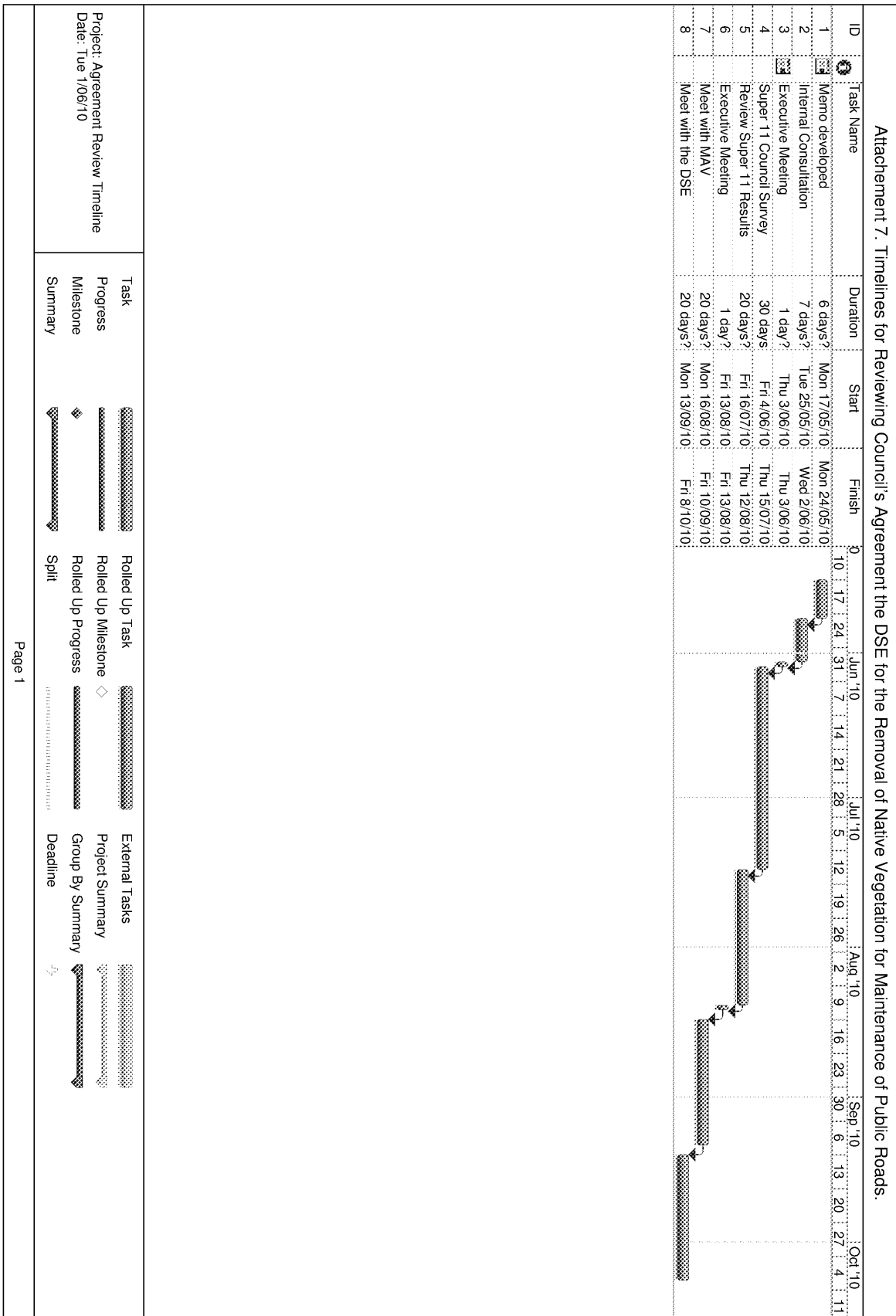


ATTACHMENT 5



ATTACHMENT 6





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**OM102306-17 DECLARATION OF ROAD AS UNUSED – ROAD SOUTH OF
25 MT SABINE ROAD, BEECH FOREST**

| | | | |
|-------------|---------------------------|-----------|-------------------------|
| AUTHOR: | Clive Brooker | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | GEN00016 – Unused Roads |

Purpose

The purpose of this report is to provide Council the opportunity to consider declaring a section of government road as unused.

Declaration of Interests

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

Background

Council has recently received a request from the owners of 25 Mt Sabine Road to consider declaring the government road south of the property as unused. If Council considers it appropriate to do so then this will enable the Department of Sustainability and Environment (DSE) to issue an unused road licence for this area.

The government road to be licensed directly abuts the southern boundary of this property. The area of land measures approximately 0.10 Ha and is fully described as the unused road south of Lot 1 on title plan TP667816, Parish of Olangolah.

Council Plan / Other Strategies / Policy

This proposal has been considered in accordance with Council's Closure of Unused Government Roads, Licensing of an Unused Road or Water Frontage Policy.

Issues / Options

There is a formed roadway along this section of the road however Vic Roads, as the relevant road authority, has advised that the road usage has been discontinued and the subject land has previously been rescinded as part of the arterial road network (Vic Roads). Licensing of this section of the road will not adversely affect access to adjoining properties and it is not presently required for future expansion of the road network in this area.

Declaration of this road as unused will not compromise access to any other abutting private property in the foreseeable future (refer attached locality plan).

Under Section 400 of the *Land Act 1958* (the 'Act'), DSE requires agreement from Council that it considers the road is not reasonably required for public traffic. Upon the giving of any such notice any road or part of a road specified therein shall be an unused road and is then able to be licensed to the adjoining landowner.

Should it be considered that this road is reasonably required for public use in the future, Section 407(1) of the Act provides Council the authority to instruct DSE to cancel or amend the unused road licence. Where a licence has been cancelled or amended, the land to which that licence related to shall cease to be classified as an unused road and reverts back to the management of Council enabling the provision of access.

Proposal

It is recommended that Council seek further community feedback in relation to this matter and should advertise its intention to declare the section of road abutting the southern boundary of 25 Mt Sabine Road, Beech Forest as unused.

It is proposed that Council would meet to consider and hear any person who wishes to be heard in support of their submission.

Financial and Other Resource Implications

There are substantive costs to Council in performing its legislative functions under the *Land Act 1958*. Council officer time will be required for the preparation of public notices. It is considered that this will have minimal impact on the performance of core duties.

Risk Management & Compliance Issues

No risk management considerations are applicable.

Environmental and Climate Change Considerations

No environmental considerations are applicable.

Community Engagement

Relevant policy and operational procedures requires that Council give public notice of its intention to declare a road as unused. Notices will be arranged to be published in the newspapers generally circulating in the area. In addition to this all abutting property owners will be written to advising them of Council's intention and their right to make submission.

The submission period will be for six weeks with all submissions received being considered following Section 223 of the *Local Government Act 1989*.

Applicable utility companies will also be advised of Council's intention to provide consent to declaring this road as unused. This is to ensure consideration is given to the potential impacts on the management of services which may exist in the vicinity of this road.

Implementation

Advertising advising of Council's intention will be prepared upon resolution. This will also include the forwarding of required correspondence to all abutting property owners and utility agencies.

Conclusion

It is considered that the declaration of the section of government road abutting the southern boundary of 25 Mt Sabine Road, Beech Forest will not impact on service delivery and Council should advertise its intention to declare this area of road as unused pursuant to the provisions of the *Land Act 1958*.

Attachments

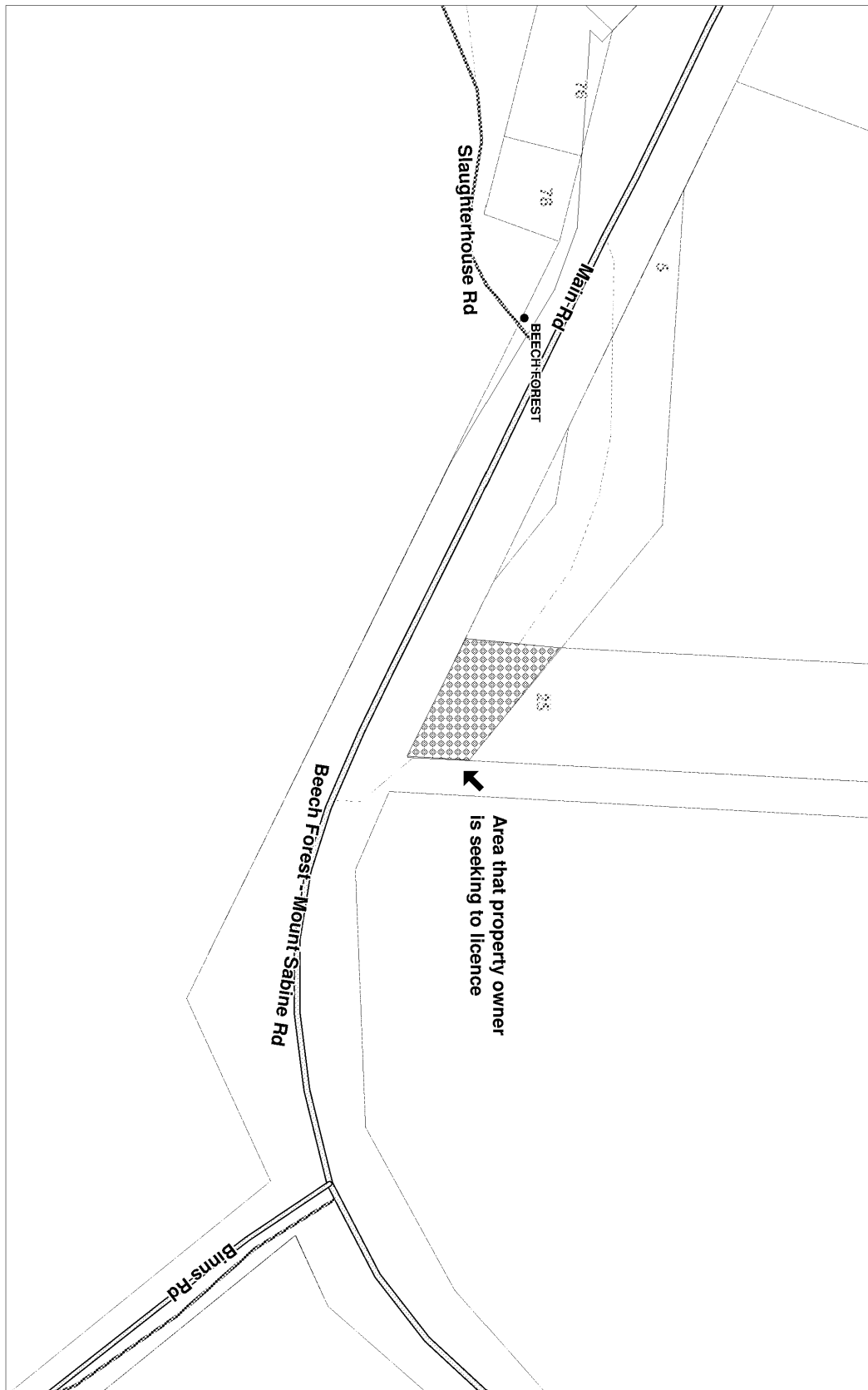
1. Locality Map - 25 Mt Sabine Road

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

- 1. Give public notice of its intention to declare the section of road described as the road adjoining Lot 1 on title plan TP667816, Parish of Olangolah as unused;***
- 2. Subject to a six week notification period, hear and consider submissions should any be received. All submissions are to be considered in accordance with Section 223 of the Local Government Act 1989. The Special Council Meeting, if required, is intended to be held on Wednesday 11 August 2010, 1.00pm in the COPACC Meeting Room. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their written submission and will be advertised in the local print media;***
- 3. If required, make a final decision following preparation of a report by the General Manager Infrastructure and Services based on the recommendations of the Council meeting; and***
- 4. Subject to no submissions being received and complying with its statutory requirements instruct the Chief Executive Officer to advise the Department of Sustainability and Environment of Council's formal consent.***

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Proposal to licence unused road, 25 Mt Sabine Road Beech Forest

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

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | D | W |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p> <p><b><u>OM102306-18 ADOPTION OF AMENDMENT C12 TO THE COLAC OTWAY PLANNING SCHEME</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council adopt Amendment C12 to the Colac Otway Planning Scheme as exhibited, with changes in accordance with the recommendations of the Panel including:</i></b></p> <ul style="list-style-type: none"> <li><b><i>a) The removal of the schedule to the Floodway Overlay (FO);</i></b></li> <li><b><i>b) A reduction in the scope of permit exemptions contained within the schedule to the Land Subject to Inundation Overlay (LSIO) in accordance with the revised Land Subject to Inundation Overlay (LSIO) schedule at Attachment 2;</i></b></li> <li><b><i>c) The inclusion of all uncovered 'islands' less than 5 hectares in area in the Land Subject to Inundation Overlay (LSIO);</i></b></li> <li><b><i>d) The smoothing out of the jagged edges to the boundary of the Land Subject to Inundation Overlay (LSIO).</i></b></li> </ul> |   |   |
| <p><b><u>OM102306-19 PETITION FROM RESIDENTS IN CAMPBELL COURT APOLLO BAY REGARDING FUTURE MEDIUM DENSITY DEVELOPMENT IN CAMPBELL COURT</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> <ul style="list-style-type: none"> <li><b><i>1. Receives the petition from residents in Campbell Street, Apollo Bay.</i></b></li> <li><b><i>2. Writes to the head petitioner advising of the current planning controls and processes, that Councillors are obligated to follow.</i></b></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |   |   |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                   |                 |               |                 |                |                 |                      |                |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------|---------------|-----------------|----------------|-----------------|----------------------|----------------|--|--|
| <p><b><u>OM102306-20</u>      <u>2010 - 11 SMALL TOWN IMPROVEMENT PROGRAM ALLOCATIONS</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>1.      <i>Approve the annual funding allocations of the 2010/11 Small Town Improvement Program (STIP) recommended by the STIP Advisory Committee as follows:</i></b></p> <table data-bbox="287 604 798 784"> <tr> <td><i>Birregurra</i></td> <td><i>\$20,000</i></td> </tr> <tr> <td><i>Cressy</i></td> <td><i>\$25,000</i></td> </tr> <tr> <td><i>Forrest</i></td> <td><i>\$25,000</i></td> </tr> <tr> <td><i>Beech Forrest</i></td> <td><i>\$3,100</i></td> </tr> </table> <p><b>2.      <i>Approve the expenditure of \$6,900, being the balance of the unallocated funds from the 2010/11 STIP program, to the installation of new town entrance signs for Irrewillipe, Johanna, Murroon and Warrion.</i></b></p>                                                                                                                                                                                                     | <i>Birregurra</i> | <i>\$20,000</i> | <i>Cressy</i> | <i>\$25,000</i> | <i>Forrest</i> | <i>\$25,000</i> | <i>Beech Forrest</i> | <i>\$3,100</i> |  |  |
| <i>Birregurra</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <i>\$20,000</i>   |                 |               |                 |                |                 |                      |                |  |  |
| <i>Cressy</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>\$25,000</i>   |                 |               |                 |                |                 |                      |                |  |  |
| <i>Forrest</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <i>\$25,000</i>   |                 |               |                 |                |                 |                      |                |  |  |
| <i>Beech Forrest</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <i>\$3,100</i>    |                 |               |                 |                |                 |                      |                |  |  |
| <p><b><u>OM102306-21</u>      <u>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> <p><b>1.      <i>Endorses the Neighbourhood Safer Places Plan.</i></b></p> <p><b>2.      <i>Endorses the Neighbourhood Safer Place Site Assessment Report for Carlisle River Recreation Reserve.</i></b></p> <p><b>3.      <i>Notes the fact that there are no locations in the eight Extreme risk townships in the Colac Otway Shire that currently meet the assessment criteria to enable their designation as Neighbourhood Safer Places.</i></b></p> <p><b>4.      <i>Notes the fact that the next Neighbourhood Safer Place investigations will be focused on the townships assessed as having a risk rating of Very High and a priority ranking of 2A that include Apollo Bay, Skenes Creek, Beech Forest and Gellibrand.</i></b></p> <p><b>5.      <i>Notes that the approach taken above may need to be reconsidered depending on the final report of the 2009 Bushfire Royal Commission, which is due to be released on 31 July 2010.</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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OM102306-18

**ADOPTION OF AMENDMENT C12 TO THE COLAC OTWAY PLANNING SCHEME**

|             |                                    |           |                           |
|-------------|------------------------------------|-----------|---------------------------|
| AUTHOR:     | Paul Marsden                       | ENDORSED: | Doug McNeill              |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | GEN00451<br>Amendment C12 |

**Purpose**

To provide Council with a summary of the Panel Report into Amendment C12 and to propose adoption of the amendment with changes in accordance with the recommendations of the Panel.

**Declaration of Interests**

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

**Background**

In 2007 Council undertook a review of the areas within the municipality which are subject to flooding. The review recommended variations to the extent of the Land Subject to Inundation Overlay (LSIO) and the introduction of the Floodway Overlay (FO) into the Planning Scheme. The review also recommended the introduction of a schedule to the Floodway Overlay and changes to the Schedule to the Land Subject to Inundation Overlay to specify buildings and works that are exempt from the requirement of a planning permit.

This background strategic work and the recommendations contained within the review underpin the form and content of Amendment C12. The Amendment was prepared in conjunction with the Corangamite Catchment Management Authority (CCMA) and forms part of a state wide approach aimed at ensuring flood information contained in planning schemes is as relevant as possible.

The Amendment was publicly exhibited from 12 September 2008 to 27 October 2008 and proposed to:

- Modify the Land Subject to Inundation Overlay maps to align with updated flood mapping provided by the Corangamite Catchment Management Authority (CCMA) and amend the Schedule to specify buildings and works that are exempt from the requirement of a planning permit.
- Introduce the Floodway Overlay to areas of the Shire identified as having the greatest risk and frequency of being affected by flooding, including a schedule to specify buildings and works that are exempt from the requirement of a permit.

A total of 18 submissions were received by Council. Some of the issues raised included:

- The coverage of the LSIO over the Barham River Floodplain and the appropriateness of the small 'islands' that were excluded from the LSIO in this area.
- The appropriateness of the exemptions included in the Schedule to the FO and LSIO.

In response to the submissions, officers recommended a number of changes to the exhibited amendment documentation and mapping. These changes were presented to Council at a workshop in June 2009 and included:

- Removal of the schedule to the FO;
- A reduction in the scope of exemptions contained within the schedule to the LSIO; and
- The inclusion of all 'uncovered' islands' less than 5 hectares in area in the coverage of the LSIO.

At its meeting on 24 June 2009 Council resolved to request that the Minister for Planning appoint an independent panel to consider submissions received in relation to the Amendment. The resolution also required Council officers to advocate for the above changes to the exhibited amendment documents.

A two member Planning Panel was appointed in September and the hearing took place on 13 November 2009. The Panel report was received by Council on 3 December 2009 and released to the public. Its contents and recommendations are discussed in more detail under the *Issues/Options* section of this report.

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

The 2009–2013 Council Plan identifies the following objective for Land Use and Development: *'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 to achieve this objective is to: *'Ensure all Council land use plans are current and responsive'*. One of the Actions to implement this strategy is a commitment to *'Regularly update and improve the Colac Otway Planning Scheme through Planning Scheme Amendments.'*

### **Issues / Options**

During the hearing the Panel heard submissions from Council, the CCMA, Mr Stephen Branwhite, Mr Phillip Lawson and Ms Fox on behalf of Mr Stephen McMaster.

Throughout the Panel Hearing Council officers advocated for revisions to the exhibited amendment documentation in line with Council's position as resolved at the June Council meeting. The proposed revisions included the removal of the schedule to the Floodway Overlay, a reduction in the extent of exemptions contained within the schedule to the LSIO and the inclusion of all uncovered 'islands' in the LSIO.

In addition to the above, Council officers sought the Panel's advice as to how best to deal with the jagged edges appearing along the boundary of much of the exhibited LSIO. It was felt that in some areas these jagged edges could make it difficult for planning officers and landowners to identify the extent of the LSIO coverage.

The Panel supported the amendment in its entirety, including the additional changes proposed by officers at the Panel hearing. The report deals with concerns raised by submitters in relation to the likely impacts of anticipated future sea level rise, the absence of the FO on certain coastal waterways, the scope of exemptions contained in the LSIO Schedule and the presence of uncovered 'islands' in the coverage of the LSIO. A copy of the report can be viewed at Attachment 1.

Each recommendation made by the Panel is numbered and outlined in bold below. Officers have considered the findings of the Panel report and comments are included beneath each of the Panel's recommendations:

**1. Amendment C12 be adopted with changes proposed by Council with the CCMA to update mapping, received by Council from the CCMA on 20 October 2009 and as presented to the Panel by Council.**

The Panel found that the modelling used for Amendment C12 is credible and sufficient to justify adoption of the Amendment. The Panel acknowledged that further modelling and consideration of sea level rise will be required as new information becomes available to Council. However, it was suggested that the potential future availability of such information did not in any way diminish the technical accuracy of the current Amendment.

At the Panel hearing Council advocated for changes to the exhibited LSIO mapping in accordance with the June 2009 Council resolution. The proposed changes involved the inclusion of all uncovered 'islands' smaller than 5 hectares in area within the coverage of the LSIO. The Panel supported this recommendation and found that it was a prudent approach given that a serious flood event would render the 'islands' inaccessible by land.

Officers support the Panel's recommendation and are currently awaiting receipt of updated planning scheme maps from DPCD. It is proposed that once received, these updated maps will replace the exhibited LSIO and FO.

**2. LSIO maps be updated prior to approval to smooth out jagged edges to the outer edge of the LSIO areas thereby including minor indents of non-LSIO areas into the LSIO areas where modelling has provided too detailed an edge to the LSIO to be practically implemented.**

Much of the existing coverage of the LSIO is based on topographical maps with 10m contour intervals whereas the exhibited mapping for Amendment C12 utilises more precise, 1m contours. The availability of this refined data led to an increased level of detail along the borders of the proposed LSIO and a jagged edge to much of its coverage.

Council officers considered that in some areas these jagged edges would make it difficult for planning officers and landowners to identify whether or not areas are included in the LSIO coverage. During the panel hearing officer's sought the Panel's guidance as to how best to deal with this issue.

The Panel agreed with officer concerns and recommended that the mapping be amended to smooth out the boundary to the LSIO coverage. Council officers support the Panel's recommendation and are currently awaiting receipt of updated planning scheme maps from DPCD. It is proposed that, once received, these updated maps will replace the exhibited LSIO and FO.

**3. The proposed schedule to the LSIO be changed to accord with changes outlined by Council to the Panel to Amendment C12.**

The exhibited schedule to the LSIO introduced exemptions from the need to obtain a planning permit for certain minor buildings and works. As a result of concerns raised by submitters, and discussions with Council at its briefing session in May 2009, officers undertook a review of the exhibited schedules.

A number of changes to the exhibited schedules were recommended as a result of this review. Whilst it was considered appropriate to exempt some minor works within the schedule to this overlay, both the CCMA and Council officers agreed that the scope of exemptions in the exhibited schedule was too great given the potential impacts of a significant flood event.

The Panel supported all of the changes proposed by Council. A copy of the revised LSIO schedule can be viewed at Attachment 3.

**4. *The proposed schedule to the FO be deleted so as to be left blank.***

The exhibited schedule to the FO introduced exemptions from the need to obtain a planning permit for certain minor buildings and works. Concerns were raised by submitters and Council in relation to the inclusion of permit exemptions within an overlay designed to identify high hazard areas which have the greatest risk of flooding.

Following a review of submissions in 2009 officers agreed it would be inappropriate to exempt any buildings and works in these areas given the significant flood hazard, and this was the position put to the Panel. It was felt that the best option would be to remove the exhibited FO schedule entirely. The Panel supported this change.

The Panel has recommended that Council adopt the amendment, including the changes proposed by Council officers at the Panel Hearing in November 2009. Officers have considered the Panel report and support all of the recommendations made by the Panel. In accordance with Section 27 (1) of the Planning and Environment Act 1987 Council must now decide whether or not to adopt the amendment. In making this decision Council can choose to adopt the Amendment, with or without changes, or abandon the Amendment. It is the recommendation of Council officers that the Amendment be adopted in accordance with the Panel's recommendations.

**Proposal**

It is proposed that Council adopt Amendment C12 to the Colac Otway Planning Scheme in accordance with the Panel's recommendations and submit the amendment to the Minister for Planning for approval.

**Financial and Other Resource Implications**

Work on the project commenced in 2008 and is now being carried out as part of the 2009-10 Strategic work program in accordance with the departmental budget.

**Risk Management & Compliance Issues**

The LSIO mapping in the current scheme is in some cases incomplete or inaccurate. The proposed new flood mapping utilises the most accurate and up to date data currently available to Council. There is a risk of inappropriate development occurring within known flood prone areas if Council chooses not to implement the revised flood mapping.

The Amendment complies with all relevant State and Local planning policies as well as the broader objectives of planning in Victoria as outlined in the *Planning and Environment Act 1987*.

**Environmental and Climate Change Considerations**

The issue of sea level rise has been identified as the primary environmental and climate change consideration associated with Amendment C12. It is considered that the coverage

of the LSIO and FO effectively addresses the issue of potential sea flooding stemming from anticipated future sea level rises based on known information.

The flood mapping has been designed to accommodate a future sea level rise of 0.8 metres and an estimated 1 in 100 year storm surge level with a sea height of 3 metres AHD at Apollo Bay/Marengo and satisfies the requirements of both the Victorian Coastal Strategy and Clause 15.08 of the State Planning Policy Framework.

It is also worth noting that Amendment C12 has not been designed as a tool to map the future impacts of climate change. Rather, it seeks to place appropriate controls on areas identified as liable to flooding to ensure inappropriate development does not occur. Other Local, State and Federal government initiatives such as the Future Coasts Project will develop specific tools and mapping data required to effectively manage the impacts of climate change.

It is likely that, once available, the work of the Future Coast's project and resultant coastal terrain and bathymetric modelling will update flood information along the entire coast including the Barham River Floodplain. Whilst this could lead to changes to the overlay coverage proposed under Amendment C12, it is the opinion of Council officers and the Panel that the possible future availability of new information does not justify delaying the implementation of the current amendment. The flood mapping in all coastal areas will be reassessed by Council and the CCMA as new information becomes available and then amended as required.

#### **Communication Strategy / Consultation**

Amendment C12 was exhibited in 2008 with a total of 18 submissions. All submissions were considered by the Panel and submitters were provided with an opportunity to be heard at the Panel Hearing. A letter was sent to all submitters notifying them of the release of the Panel report in December 2009.

All submitters will be notified by mail of Council's decision relating to adoption of the Amendment and notices will be placed in local media upon gazettal of the Amendment.

#### **Implementation**

Should Council adopt Amendment C12, with or without changes, it will be forwarded to the Planning Minister for approval. When approved, it will be gazetted and at that time would officially replace the current Planning Scheme provisions.

#### **Conclusion**

Amendment C12 updates planning scheme relating to flood prone areas and implements more up to date flood mapping from the CCMA. An independent panel has heard submissions relating to the amendment and has supported the adoption of the amendment in its entirety subject to the changes proposed by Council at its June 2009 meeting, including the removal of the schedule to the FO, a reduction in the scope of permit exemptions contained within the schedule to the LSIO and the inclusion of all uncovered 'islands' in the LSIO. It is therefore recommended that the Amendment be adopted in accordance with the Panel's recommendations.

#### **Attachments**

1. Attachment 1 - Panel Report
2. Attachment 2 - Revised LSIO and FO Schedule proposed for adoption

**Recommendation(s)**

***That Council adopt Amendment C12 to the Colac Otway Planning Scheme as exhibited, with changes in accordance with the recommendations of the Panel including:***

- a) The removal of the schedule to the Floodway Overlay (FO);***
- b) A reduction in the scope of permit exemptions contained within the schedule to the Land Subject to Inundation Overlay (LSIO) in accordance with the revised Land Subject to Inundation Overlay (LSIO) schedule at Attachment 2;***
- c) The inclusion of all uncovered 'islands' less than 5 hectares in area in the Land Subject to Inundation Overlay (LSIO);***
- d) The smoothing out of the jagged edges to the boundary of the Land Subject to Inundation Overlay (LSIO).***

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**COLAC OTWAY PLANNING SCHEME
AMENDMENT C12
FLOOD OVERLAYS**

PANEL REPORT

DECEMBER 2009

**COLAC OTWAY PLANNING SCHEME
AMENDMENT C12
FLOOD OVERLAYS**

PANEL REPORT



.....
Alison Glynn, Chair



.....
Christine Forster, Member

DECEMBER 2009

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1. Background

1.1 The Amendment

Amendment C12 to the Colac Otway Planning Scheme proposes to:

- modify the Land Subject to Inundation Overlay (LSIO) maps to align with updated flood mapping provided by the Corangamite Catchment Management Authority (CCMA);
- introduce the Floodway Overlay (FO) to areas identified as having the greatest risk and frequency of being affected by flooding;
- amend the Schedule to the Land Subject to Inundation Overlay (LSIO) to specify buildings and works that are exempt from the requirement of a planning permit; and
- introduce a schedule to the Floodway Overlay (FO) to specify buildings and works that are exempt from the requirement of a permit¹.

The planning authority and proponent of the amendment is Colac Otway Shire Council.

1.2 The Panel

This Panel was appointed under delegation on the 27 August 2009 pursuant to Sections 153 and 155 of the *Planning and Environment Act 1987* to hear and consider submissions in respect of the Amendment.

The Panel consisted of:

- Chairperson: Alison Glynn; and
- Member: Christine Forster.

Hearings and inspections

A Directions Hearing was held on 5 October 2009 and the Panel hearing was held on 13 November 2009, both at Colac Performing Arts Centre.

We stated at the directions hearing that due to the technical nature of the amendment we would not make inspection of all areas, but would make informal inspection of relevant areas as required. Both members of the Panel made informal inspection of Apollo Bay, separately, prior to the hearing.

¹ Changes proposed after exhibition remove exemptions from the schedule to the Flooding Overlay.

Exhibition

The amendment was exhibited between 25 September and 27 October 2008. Notices were placed in the Colac Otway edition of the Echo newspaper. In accordance with Section 19(1A) of the Planning and Environment Act 1987 notice of the Amendment was not sent to all affected landowners as it was deemed impractical to notify them all individually.

Submissions

We have considered all written and oral submissions and all material presented to us in connection with this matter.

We heard the parties listed in Table below.

Table 1

| Submitter | Represented By |
|--|--|
| Colac Otway Shire Council | Mr Paul Marsden Strategic Planner with Mr Doug McNeill, Manager Planning |
| Corangamite Catchment Management Authority | Mr Tony Jones, Floodplain Manager |
| Mr Stuart Branwhite | In person |
| Mr Phillip Lawson | In person |
| Mr Stephen McMaster | Ms Fox |

A list of all written submissions to the Amendment is included in Table 2.

Table 2

| Submitter | Organisation (if any) |
|----------------------------|---|
| Jeanette Martin | |
| Llewellyn Johns | |
| John Spencer | |
| Judi Forrester | Friends of Otway National Park |
| Fiona Nelson | |
| Stephen McMaster | |
| Philip and Margaret Lawson | |
| Cate Cousland | |
| Kathryn Mullins | Weering / Beeac Conservation Group inc. |
| Elizabeth Stone | |
| Stephen Branwhite | |
| Elizabeth Stone | The Country Nitrogen Fire Fighting Agency |
| Steve Blackley | Western Coastal Board |

2. Background

2.1 The Amendment

The Advisory Committee assessing the new format Colac Otway Planning Scheme in 1998 acknowledged that the coverage of the LSIO would need to be re-assessed in light of future flood-plain management studies to be undertaken by Council and the Corangamite Catchment Management Authority (CCMA).

Since then various strategic studies have been undertaken.

Colac Otway Shire Flood Mapping Study - 1998, undertaken by Egis Consulting. Based on available contour information, historic flood levels, anecdotal flood information, interpretation of soil and geological maps and visual interpretation of aerial imagery.

This mapping was based largely on anecdotal evidence. The final report acknowledged the flood extents had a 'low reliability'. It was recommended that more detailed investigations within townships, including Apollo Bay, Birregurra and Colac, be undertaken to provide high reliability flood extents and levels for the Shire's Planning Scheme.

Flood Data Transfer (FDT) Project (2000). This study collected and reviewed all flood data information currently available from the former DNRE, CCMA, local Government and rural water authorities:

- hydrological data from stream flow gauges;
- historical records and flood mapping of past events;
- detailed contour information and topographic maps;
- photographs of past flood events;
- aerial photography;
- geology mapping;
- local knowledge; and
- previous flood studies including the 'Colac Otway Shire Flood Mapping Study 1998'.

Amendment C29 and the CCMA's Barham River Flood Study. Amendment C29 to the Colac Otway Planning Scheme proposed the rezoning of approximately 170 hectares of land on the Barham River Floodplain between Marengo and Apollo Bay to facilitate development of an 18 hole golf course, club house, associated tourist facilities and 537 residential lots commonly

known as Great Ocean Green. The amendment has since been abandoned, but flood information forming part of the amendment was used by the CCMA in updating flood mapping in Apollo Bay as this work had been supported by the Panel to Amendment C29 as a reliable basis for modelling flood mapping in the area.

CCMA Review of Flood Mapping. In 2006 the CCMA commenced a further review of all existing flood mapping throughout the Shire. The review was initiated as a result of ongoing discussions with DSE and Council in relation to the implementation of recently available flood data as well as the results of the FDT Project.

The review built on the work already completed in the FDT Project and incorporated the findings of more recently completed studies including:

- Barongarook Creek Study;
- Flood modelling undertaken for Amendment C29;
- Modelling undertaken for Deans Creek;
- Shire wide review of regional drainage systems;
- The availability of new LiDAR data based on 1m contours;
- Review of flood extent for Wye and Kennett Rivers using new LiDAR survey data; and
- Pirron Yallock Creek Drainage Scheme.

This was translated into updated mapping adopted by Council at its meeting on 27 May 2008 as its map of Land Liable to Flooding under section 802 of the Building Regulations 2006 and the final basis for Amendment C12.

In some areas of the Shire the extent of the LSIO has been reduced and in other parts of the Shire it has expanded to align with the more precise, refined data available being translated into more accurate application of the LSIO throughout the Shire.

In addition to changes to the LSIO the amendment introduces a FO to some waterways, flood paths, drainage depressions and high hazard areas.

As a result of submissions Council is advocating for some further revisions to the exhibited LSIO maps and exemptions to works proposed in schedules to both overlays. This is discussed further in relevant chapters of this report.

2.2 Policy and statutory framework

Both the state and local planning policy framework recognise the need to identify and protect life, property and community infrastructure from flood hazard.

Clause 15.08 of the State Planning Policy Framework (SPPF) recognizes the need to facilitate the natural flood carrying capacity of rivers, streams and floodways, the flood storage function of floodplains and waterways as well as the environmental significance of these areas.

Likewise Clause 21.04 – 6 of the Local Planning Policy Framework (LPPF) includes strategic direction to promote floodplain management policies, which minimise loss and damage, maintain the function of the floodway to convey and store floodwater and protect areas of environmental significance.

The Colac Otway Planning Scheme currently includes LSIO maps and overlay provisions, but no specific exemptions to these provisions. No areas are currently identified as FO areas in the existing planning scheme.

2.3 What are the issues?

From our review of written submissions and presentations made at the hearing we understand the issues affecting this amendment are:

- Do the revised flood overlays adequately address potential future flooding in the municipality, most notably the impact of sea level rise at Apollo Bay?
- Does the amendment unreasonably apply a flooding overlay to any land?
- Does the amendment appropriately apply the Victorian Planning Provisions? In particular,
 - Do the overlay schedules provide appropriate exemptions from works? and
 - Are the maps too detailed?

3. Flood Overlays and future sea level rise

3.1 What is the issue?

Submitters, most notably Mr Lawson, raised concern that the amendment had not adequately accounted for future sea level rise in determining flood level areas. This particularly related to the Barham River floodplain where the former Great Ocean Green development was proposed².

Written submissions from Ms Johns, Mr Spencer, Ms Nelson and Ms Cousland also questioned the modelling of the Barham River floodplain.

Some submissions also raised concern that the amendment failed to address other environmental issues associated with the Barham River floodplain such as acid sulphate soils.

3.2 Evidence and submissions

In his presentation to the Panel, Mr Lawson took us through a plotted history of concerns that flood modelling undertaken for Amendment C29 had been initially flawed and that current flood modelling failed to adequately address potential future changes including sea level rise, subsequent coastal erosion issues, changes in rainfall patterns and vegetation planting programs all of which may alter the floodplain regime between Apollo Bay and Marengo.

Mr Jones explained the CCMA had based the LSIO mapping of Amendment C12 on the modelling undertaken for Amendment C29 and the review of this modelling undertaken by Professor Russell Mein. This included a model using a static sea level of 3.0m (rather than a current assumed 2.0m) to account for sea level rise.

Mr Lawson disputed the 2.0m current static sea level and whether sufficient consideration had been given to cumulative effects of sea level rise and other changes that may occur in the floodplain in coming years.

Mr Jones also referred to the most recent CSIRO report for the South West coast of Victoria that estimates the 100 year peak sea surge level for Apollo Bay is 2.25m AHD and therefore the proposed LSIO extent is conservative in its assessment of potential impacts from sea level rise.

² Amendment C29 which has now been abandoned.

3.3 Discussion

The CCMA's Barham River Flood Study and subsequent re-runs of the modelling undertaken by WBM Oceanics took into account a sea boundary height of 3 metres, which includes a sea level rise of 0.8 metres by 2100. This is in accordance with current government policy (Victorian Coastal Strategy 2008) and Clause 15.08 of the State Planning Policy Framework (SPPF).

Council advised us that a peer review of the CCMA's Barham River Flood Study was undertaken by Professor Russell Mein, former director of the Cooperative Research Centre for Catchment Hydrology. The review was completed in October 2007 and stated the hydrological work undertaken by the CCMA and WBM Oceanics had been competently done and was in accordance with current best practice.

The proposed LSIO for maps 29 and 30 in Amendment C12 comes from the modelling undertaken by WBM Oceanics for the purposes of Amendment C29. We accept this modelling and mapping of LSIO is based on a conservative approach including some further revision after exhibition to include back in areas along Barham River Road and north of Ocean Park Drive.

The Barham River floodplain and Wye River are the only areas within the municipality where anticipated sea level rise has been factored into the flood mapping.

We are aware that the Future Coasts project being undertaken by the Department of Sustainability and Environment is currently developing high resolution coastal terrain and bathymetric models for all Victorian coastal areas. These models will facilitate an analysis of coastal vulnerability based on sea level rise and storm surge predictions and should provide more accurate flood modelling to be undertaken in all coastal areas.

We agree with Council's submission that once available, the work of the Future Coast's project and resultant coastal terrain and bathymetric modelling, a further review of flood mapping along the entire coast including the Barham River Floodplain will need to occur.

We do not see that this makes the information underpinning amendment C12 incorrect or fundamentally flawed only that further work and updating of information is required based on technical modelling as it becomes available.

We acknowledge Mr Lawson has undertaken extensive monitoring of his own. From information he provided we understand that initial modelling

for Amendment C29 was indeed reviewed and updated as a result of his inquiries.

We also agree that further updating will be required as additional modelling is undertaken. This should include broader understanding of coastal vulnerability as is being modelled in the future coasts program to address issues such as coastal erosion.

Amendment C29 was abandoned by the Minister for Planning in June 2009 partly as a result of concerns regarding sea level rise. We note the comments of the Minister at the time stating that:

I considered that the increasing risk of flooding due to climate change and the excessive scale of engineering works required in this sensitive location outweighed the potential benefits of the proposal for this site. I have determined that the zoning of the amendment C29 land will remain as rural conservation, public park and recreation.

However, I want to qualify that slightly. I have nominated two sites that were within the amendment C29 area as being suitable for potential residential development and inclusion within the coastal settlement boundaries of the Apollo Bay and Marengo area. These two sites could provide up to 100 lots adjacent to existing urban developments — so they are basically an extension of the town boundary — and, particularly importantly, they are elevated above the modelled 1-in-10-year flood event level³.

Whilst Mr Lawson submitted it would be prudent to extend the LSIO mapping a further 1m AHD higher and therefore more broadly across the Barham River floodplain we find no immediate need for this. The modelling undertaken for Amendment C29 did include consideration of sea level rise. This work is now being further updated as part of the Future Coasts program and we understand will include consideration of broader coastal vulnerability impacts such as coastal erosion.

Whilst Mr Lawson suggested there are other unknown impacts such as a possible water storage location, golf course development or other proposals possible to occur in the floodplain we agree with comments put to us by Council that these are matters that need to be addressed individually if and when such developments are proposed. The land is zoned Rural Conservation or public purposes both of which restrict development. Clause 15.08 now requires a planning authority to consider the impacts of sea level rise in any development where this may be an issue.

³ Parliament Hansard records – 11 June 2009, comments of Minister for Planning.

Given the extensive history around the Barham River floodplain regarding flooding and potential impact of sea level rise we find Council as a planning authority will be bound by these provisions and the associated Ministerial Direction to consider sea level rise in assessment of future development in this area.

We acknowledge that some changes to the flood mapping are proposed to take a more conservative approach to flooding, most notably in the Barham river floodplain. This includes removing some "islands" of higher ground surrounded by LSIO or FO.

We agree with the comments of the CCMA that this is prudent given poor access to these sites in times of flood and enabling a trigger point for a permit to be simpler to determine than if small areas were left out of mapping. We understand that in most areas, and particularly around Barham River the inclusion of the islands only replicates areas already covered by LSIO but were partly taken out in the exhibited amendment. Their inclusion back in only reverts the planning provisions back to closer to how they were prior to Amendment C12.

Finally, we note that whilst there may be other environmental issues surrounding the Barham River floodplain such as potential acid sulfate soils these are issues that are beyond the scope of the amendment and not matters that can be addressed in an LSIO. If such soils exist in the area other controls need to be considered by Council if needed.

3.4 Conclusions and recommendations

We accept the modelling used, as the basis of mapping in Amendment C12 is credible and sufficient to justify adoption of the Amendment. We acknowledge further modelling and consideration of sea level rise is required, but this is being undertaken as a separate strategic exercise and can be incorporated into the planning scheme via a separate amendment. The need for changes that may occur out of this current work does not make the existing modelling or mapping invalid.

We support the changes proposed by Council and the CCMA to include slightly larger areas of LSIO than exhibited so as to include back in some areas currently affected by LSIO thereby removing some islands arising from more accurate modelling of areas.

The Panel recommends that:

Amendment C12 be adopted with changes proposed by Council with the CCMA to update mapping, received by Council from the CCMA on 20 October 2009 and as presented to the Panel by Council.

4. Application of Overlays over individual sites

4.1 What is the issue?

Some submitters including Mr Branwhite, Ms Stone and Ms Campbell supported the changes the amendment proposed to their land. Given their support we do not make any further comment regarding their submissions.

Some individual submitters questioned the application of the LSIO over their land. The relevant sites are identified in discussion below.

4.2 Discussion

4.2.1 Use of LSIO rather than FO

Some submitters, including Mr Spencer, Mr Lawson and Ms Forrester questioned why a Flood Overlay was not used in areas of deep water flow such as river beds in a number of rivers such as Barham River as well as Aire River and Wild Dog Creek.

Mr Jones submitted the CCMA had not undertaken sufficient detailed mapping to define the edges of river banks so as to discern where an FO could or should apply rather than an LSIO. He accepted that further work could be done to define such an edge and that a basic review could be done prior to adoption based on a defined AHD level.

He qualified, however, that none of the areas of concern to submitters, including the Barham River floodplain were in areas of urban development. He stated the CCMA was satisfied the LSIO provided sufficient trigger in the scheme for a planning permit in these areas to be referred to the CCMA for comment and that if the development affected an area of deeper water this could be addressed by the CCMA. He also noted that it was highly unlikely that development would be proposed in the areas of deeper water given the underlying zoning, ownership and capacity to develop in or along water ways. Finally we note that such development in a waterway is managed through the State Planning Policy Framework and the relevant Section of the Water Act.

We agree that whilst it may be more technically correct to have identified the river and creek beds as FO rather than LSIO we do not see that this makes the amendment fundamentally flawed or that their identification as LSIO only will result in unnecessary risk to communities. We find that there is

insufficient need to review the mapping of these areas at this stage to define an edge between FO and LSIO with resourcing of the CCMA being better put to more pressing tasks.

4.2.2 LSIO over land at 53 – 65 Pound Road, Colac

Mr McMaster and his partner Ms Fox submitted their property was not currently affected by flood overlays and that the imposition of a flood overlay over that part of their land where their house is will impact on any future development of their house or any possible need to reconstruct their house.

Our review of the existing flood mapping is that the entire property at 53 – 65 Pound Road, Colac is currently affected by LSIO. The exhibited amendment will remove this overlay from part of their property, including part of the land where their existing house is. As we explained to Ms Fox at the hearing, the amendment will not prohibit future development of a house on the site, only that a planning permit will be required for the house with referral to the CCMA. Mr Jones advised at the hearing that this part of the floodplain was shallow and broad. As such the likely response of the CCMA would be to enable future development but require any dwelling to be constructed at 300mm above the flood level. This is consistent with the existing flood overlay that affects the land.

The amendment does not alter the existing need for a planning permit for a dwelling on much of the land and no evidence was put to us that the modelling for this land was incorrect, simply that the overlay may establish an additional impost to development, which we do not see is substantiated. The amendment in fact reduces the area of LSIO on their land. We find the amendment should be supported as exhibited in relation to this land.

4.2.3 LSIO over land at Pierces Road, Beeac

Ms Mullins on behalf of the Weering / Beeac Conservation Group Inc. submitted in writing that the LSIO should not be removed from land in Pierces Road Beeac. She stated all the land identified on a map attached to her submission should be included in the LSIO area. A copy of this map was not attached to the written submission provided to the Panel. Ms Mullins did not attend the Panel hearing.

At the hearing we asked Council to clarify the issue surrounding this submission. Council advised the amendment applied an LSIO over land where no overlay currently exists. We therefore are unsure as to what area Ms Mullins considers was to be removed from the LSIO as we cannot

identify any land in the Pierces Road area that currently has LSIO that is proposed to be removed.

On the basis of information provided to us we agree with Council that the exhibited amendment includes new areas of LSIO based on modelling undertaken by the CCMA for this area.

4.3 Conclusions

We find no need to alter the amendment as a result of submissions made regarding individual parcels identified by Mr McMaster or Ms Mullins.

We also find no substantive need to warrant changing the amendment to delineate between areas of creek or river bed that technically could be identified as FO rather than LSIO as the areas are adequately protected due to the LSIO, underlying zoning and ownership of land.

5. Overlay exemptions and map corrections

5.1 What is the issue?

The exhibited amendment included new schedules to the LSIO and FO areas to enable some works to occur without a planning permit. Submitters raised concern that some exemptions were too broad or would enable inappropriate works without referral to the CCMA.

At the hearing the CCMA and Council also identified a need to potentially further change the exhibited maps to remove “jagged edges” to some flood areas where detailed modelling had led to overly complicated mapping of areas affected by potential inundation.

5.2 Discussion

Overlay exemptions

Council provided us with a detailed description of exemptions proposed in the exhibited amendment and changes proposed. This includes direction from Council to now remove all exemptions from FO areas. Appendix 1 details a table provided to us from Council with our additional comments on these changes proposed.

In summary we support the exemptions and changes to these proposed by Council having had regard to the potential flood issues associated with the exemptions and the wording of the exemptions to accord with the Victorian Planning provisions and relevant direction notes from the Department of Planning and Community Development.

Map corrections

In addition to the corrections identified prior to the Panel hearing (as discussed above in Chapter 3.3) the CCMA and Council submitted to the Panel that further refinement of exhibition maps may be appropriate prior to approval of the amendment to remove fine detail of maps.

The exhibited maps have been based on detailed flood modelling that can pinpoint contour points in a GIS base plan. This has led to some areas of very detailed map edges in a fiord type look or “jagged edges”. An illustration of this is provided as an example in figure 1 below.

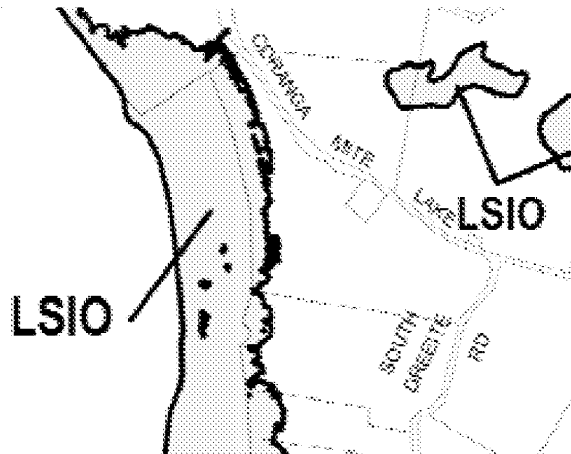


Figure 1 Part of LSIO Map 1 - as exhibited

This example clarifies why an “island” of a small size becomes irrelevant in mapping as it simply becomes black spot on the planning scheme map. The jagged edges also become a black scribble rather than a smoother defined edge to the LSIO area. We agree with Council that interpreting these maps on the ground will be too difficult and not the intent of an LSIO.

The Overlay should provide a trigger to identify an area that may be liable to flooding or inundation. A cautious approach to the edge of an area can ensure that the area of likely inundation can be captured. This may result in some minor areas that modelling has identified will not flood, but this can be assessed by the CCMA upon referral. In reality, the distance between the areas of non-LSIO and LSIO in these jagged edges is so small that little to no development could occur in the indents of unaffected land between the fingers of LSIO. We are therefore satisfied that in these fiord or jagged edge areas the mapping should be amended to smooth out the edges to the outer edge of the LSIO map prior to approval of the amendment. Whilst technically this will expand some areas of mapping of LSIO we are satisfied this is an appropriate expansion of the amendment as it will enable practical interpretation of flood mapping.

This is an issue we are satisfied can be resolved by Council in consultation with GIS mapping officers of the Department of Planning and Community Development as part of adoption and approval of the amendment.

5.3 Conclusions and recommendations

The Panel recommends that:

- the proposed schedule to the LSIO be changed to accord with changes outlined by Council to the Panel to Amendment C12;
- the proposed schedule to the FO be deleted so as to be left blank; and
- LSIO maps be updated prior to approval to smooth out jagged edges to the outer edge of LSIO areas thereby including minor indents of non-LSIO areas into the LSIO areas where modelling has provided too detailed an edge to the LSIO to be practically implemented.

6. Recommendations

Based on the reasons set out in this Report, we recommend:

Amendment C12 to the Colac Otway Planning Scheme should be adopted subject to the following recommendations:

1. **Amendment C12 be adopted with changes proposed by Council with the CCMA to update mapping, received by Council from the CCMA on 20 October 2009 and as presented to the Panel by Council.**
2. **LSIO maps be further updated prior to approval to smooth out jagged edges to the outer edge of LSIO areas thereby including minor indents of non-LSIO areas into the LSIO areas where modelling has provided too detailed an edge to the LSIO to be practically implemented.**
3. **The proposed schedule to the LSIO be changed to accord with changes outlined by Council to the Panel to Amendment C12.**
4. **The proposed schedule to the FO be deleted so as to be left blank.**

Appendix 1 Table of changes to overlay schedules

| Exhibited LSIO | Proposed LSIO (November 2009) | Reason for Change | Panel Comment |
|--|---|--|--|
| <ul style="list-style-type: none"> A non-habitable building (other than industrial and commercial) with a floor area less than 100 square metres. | <ul style="list-style-type: none"> A non-habitable building (other than industrial and commercial) with a floor area less than 20 square metres. | <p>It was considered that 100 sqm was an excessive exemption for a building in a flood prone area.</p> <p>Upon review, the CMA indicated they would like to see applications for anything larger than 20sqm.</p> | <p>We accept change made post exhibition. This is a reduction in the scope of amendment and therefore not a transformation of the amendment.</p> |
| <ul style="list-style-type: none"> An extension to a non-habitable building (other than industrial and commercial), provided that the total ground floor area of the building is less than 100 square metres. | <ul style="list-style-type: none"> An extension to a non-habitable building (other than industrial and commercial), provided that the total ground floor area of the building is less than 20 square metres. | <p>It was considered that 100 sqm was an excessive exemption for an extension to a building in a flood prone area.</p> <p>Upon review, the CMA indicated they would like to see applications for anything larger than 20sqm.</p> | <p>We accept change made post exhibition. This is a reduction in the scope of amendment and therefore not a transformation of the amendment.</p> |
| <ul style="list-style-type: none"> An extension to an existing dwelling provided that the floor area of the extension is less than 40 square metres and is less than 50% of the existing floor area. | <ul style="list-style-type: none"> Alterations to an existing dwelling provided that the ground floor foot print of the building does not increase by more than 20 square metres. | <p>It was considered that the wording of the original exemption was confusing. The revised wording is easier to understand and also effectively exempts any first floor alterations.</p> <p>Upon review the CMA indicated they would like to see applications for any alterations larger than 20sqm.</p> | <p>We agree revised wording is clearer and reduced scope of exemption.</p> |
| <ul style="list-style-type: none"> A pergola, verandah, carport or swimming pool. | <ul style="list-style-type: none"> An open sided deck, pergola or verandah. | <p>Swimming pool has been removed from this exemption and included in a separate, stand alone exemption that makes the distinction between above and below ground swimming pools.</p> | <p>We agree</p> |
| <ul style="list-style-type: none"> A hay shed with open sides | <ul style="list-style-type: none"> A hay shed open on all sides. | <p>The wording of the condition was refined to ensure that all sides of the hay shed need to be open to qualify for the exemption. The original exemption did not make this clear.</p> | <p>We agree</p> |
| <ul style="list-style-type: none"> Earthworks that do not raise ground level topography by more than 200 millimetres. | <p>No change to exhibited Schedule</p> | <p>No change to exhibited Schedule</p> | <p>We agree</p> |

COLAC OTWAY PLANNING SCHEME AMENDMENT C12
 PANEL REPORT: DECEMBER 2009

| Exhibited LSI0 | Proposed LSI0 (November 2009) | Reason for Change | Panel Comment |
|--|--|---|---|
| <ul style="list-style-type: none"> Repairs and routine maintenance that do not affect the height, length or location of a levee, embankment or road. | Deleted | Already exempt under Clause 62.02-2 which states that repairs and routine maintenance to an existing building or works does not require a permit unless specifically required by the Planning Scheme. The LSI0 parent provision does not require a permit for this type of works, therefore the exemption is unnecessary. | <i>Noted</i> |
| <ul style="list-style-type: none"> Open type fencing (excluding paling fencing, brick and concrete walls) and a replacement fence of the same type and materials as the existing fence. | Deleted | This has been deleted as it was considered that the exemption under 44.04-1 of the parent provision for post and wire and post and rail fencing achieves this objective already. | <i>We agree</i> |
| <ul style="list-style-type: none"> Works associated with appliances and vine horticultural trellises or watering systems. | No change to exhibited Schedule | No change to exhibited Schedule | <i>Noted</i> |
| <ul style="list-style-type: none"> Sports grounds with no grandstands or raised viewing areas. | Deleted | A 'sports ground' is considered too broad of an exemption. Much of the works associated with formalizing a sports ground could require a permit. | <i>We agree – exemption in exhibited amendment is too broad</i> |
| <ul style="list-style-type: none"> Golf courses, playgrounds, picnic shelters and barbecues. | <i>Playgrounds, picnic shelters and barbecues.</i> | Given the extent of cut and fill required to create and landscape a golf course, it is considered important that the potential flood impacts of these applications are reviewed by the CCMA and require a permit. | <i>We agree – exemption in exhibited amendment is too broad</i> |
| <ul style="list-style-type: none"> A protective wall or levee bank around an existing dwelling and its carlage, providing it protects an area (including the foot print of the protective wall and levee bank) less than 200 square metres. | Deleted | Upon review the CCMA indicated concerns with exempting earthworks of any depth as this could include wholesale filling on the land to reduce the depth of the flooding. There are also environmental implications associated with exempting such works. | <i>We agree</i> |

COLAC OTWAY PLANNING SCHEME AMENDMENT C12
 PANEL REPORT: DECEMBER 2009

| Exhibited LSIO | Proposed LSIO (November 2009) | Reason for Change | Panel Comment |
|----------------|---|--|--|
| N/A | <ul style="list-style-type: none"> Footpath, bicycle path or elevated boardwalk, at a height no greater than 200mm above the applicable flood level. | <p>The CCMA have confirmed they support this exemption as it relates to minor works that would not significantly impact flood flow or velocity.</p> | <p>We agree this as a revised, more confined exemption than exhibited.</p> |
| N/A | <ul style="list-style-type: none"> Works ancillary to an existing dwelling including landscaping, driveway, open sided carport and barbecue. | <p>Requiring a permit for such minor works would place an unnecessary burden on residents and homeowners.</p> <p>The CCMA have confirmed that the exemption of such works would not significantly impact flood flow or velocity.</p> | <p>We agree this as a revised, more confined exemption than exhibited.</p> |
| N/A | <ul style="list-style-type: none"> A below ground swimming pool or spa and associated mechanical equipment | <p>The CCMA have indicated that the construction of a below ground swimming pool would still allow for the flow of floodwaters across a property and can be exempt. A permit is still required for above ground pools and spas.</p> | <p>We agree this as a revised, more confined exemption than exhibited.</p> |
| N/A | <ul style="list-style-type: none"> A rainwater tank with a capacity of not more than 4500 litres | <p>A rainwater tank of this size would have no significant impact on flood flow or velocity.</p> <p>The CCMA have confirmed that this type of application can be exempt from permit requirements.</p> | <p>We agree this as a revised, more confined exemption than exhibited.</p> |
| N/A | <ul style="list-style-type: none"> A non-domestic disabled access ramp. | <p>The scale of works required to install a disabled access ramp is minimal and the CCMA have confirmed it would not impact flood flow or velocity.</p> | <p>We agree this as a revised, more confined exemption than exhibited.</p> |

Placeholder for Attachment 2

Sustainable Planning and Development No. OM102306-
18

Attachment 2 - Revised LSIO and FO Schedule
proposed for adoption

Pages

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OM102306-19

**PETITION FROM RESIDENTS IN CAMPBELL COURT
APOLLO BAY REGARDING FUTURE MEDIUM DENSITY
DEVELOPMENT IN CAMPBELL COURT**

| | | | |
|-------------|---------------------------------------|-----------|----------------------------------|
| AUTHOR: | Anne Sorensen | ENDORSED: | Doug McNeill |
| DEPARTMENT: | Sustainable Planning
& Development | FILE REF: | Property Campbell
Court/Roads |

Purpose

To inform Council that a petition has been received from residents in Campbell Court Apollo Bay indicating their intention to oppose any further medium density development in Campbell Court.

The petition was received by Council on 16 May 2010.

Declaration of Interests

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

Background

A petition has been received from residents in Campbell Court, Apollo Bay for the purpose of registering their intent to object to any future development of land in Campbell Court for medium density development. The petition has been signed by 13 residents in Campbell Court and makes specific reference to a planning permit that was issued for the development of 25 Campbell Court for three dwellings and a three lot subdivision. The petition outlines a number of concerns raised by the residents in relation to further urban consolidation in this locality, particularly, the potential change in neighbourhood character, traffic, noise, overlooking and overshadowing.

Planning controls

Campbell Court and surrounding land is included in the Residential 1 Zone and subject to the Design and Development Overlay – Schedule 7 – Apollo Bay and Marengo-Lower Density Residential Areas (DDO7). Campbell Court is included in Precinct 2 where a minimum lot size of 450m² is applied for new subdivision proposals. The DDO7 contains the discretion to support a reduction in the lot sizes to 300m² where proposals can demonstrate compliance with specific criteria outlined under the exemptions section of the overlay.

The DDO7 was one of a suite of built form controls that were introduced into the planning scheme by Amendment C55 and seeks to implement the strategic directions of the Apollo Bay Structure Plan including the Neighbourhood Character Study to protect the low density character of outer areas of Apollo Bay.

Planning proposals for medium density development and/or subdivision under the Residential 1 Zone are required to be assessed in accordance with Rescode provisions at Clause 55 and 56. Clause 55 and 56 provides objectives and standards that are required to be met in relation to built form design, overlooking and overshadowing, amongst other things.

PP454/2004 – 25 Campbell Court Apollo Bay

Planning permit PP454/04 was issued in September 2005 for the development of the land for three dwellings and a three lot subdivision. The permit allowed the land to be subdivided into three lots with lots sizes ranging between 224m² and 316m² with a two storey dwelling on each of the lots. Approval was granted to extend the life of the planning permit in August 2007 which was prior to the introduction of the DDO7 (introduced into the planning scheme in June 2009).

A further request to extend the planning permit was refused in March 2010 on the basis that there had been substantial changes to planning policies affecting the land and the proposal failed to comply with the density controls and built form criteria contained in the DDO7. The permit holder has the right to seek a review of Council's decision to refuse to grant an extension of time for the permit. At the time of writing, Council Officers have not received notice that an application for review has been lodged with VCAT.

Development potential

Campbell Court is located on the outskirts of the urban area of Apollo Bay and gains access from Marriners Lookout Road which intersects with Great Ocean Road. Campbell Court forms part of a newly developing residential area and has 32 residential lots abutting the court. A 10 metre wide drainage and sewerage easement runs parallel with the north-western boundary of the lots and a 3m wide drainage easement is situated on the south-eastern boundary of the lots. Of the 32 allotments, 22 contain detached dwellings, 2 contain unit developments and eight lots are vacant. Lot sizes range from 546m² to 1472m² with the average lot size in the court around 600m². The sizes of the vacant lots range from 546m² to 1319m². Three of the vacant lots on the western side of the court are over 1000m² in area.

Further development of the lots that contain existing dwellings could be constrained given the siting of the existing dwellings, size of lots and the preferred density control of 450m². A couple of the larger vacant lots would have the potential for further subdivision subject to meeting the provisions of the DD07, including the density controls (i.e. minimum lot size).

Planning process

Where the planning controls provide for a planning application to be submitted to Council for consideration, Council is required to assess the application against the relevant planning provisions and make a decision based on the planning policy context. Any decision that Council makes can be challenged by an objector or applicant at the Victorian Civil and Administrative Tribunal (VCAT).

For applications proposing medium density development and subdivision, it is Council's practice to require public notice to be given under Section 52 of the Planning and Environment Act to any affected parties. This provides the opportunity for affected parties to make comment or object to the respective planning proposal.

Council Plan / Other Strategies / Policy

The Apollo Bay Township Structure Plan was adopted by Council in April 2007. The Structure Plan provides the strategic directions for Apollo Bay and generally encourages urban consolidation consistent with the various Design and Development Overlays as they apply to commercial and residential precincts within the town.

The Structure Plan, through the implementation of the Design and Development Overlays seeks to retain the existing low scale, coastal character of the town and the local character of various character precincts identified as part of the Neighbourhood Character Study 2005.

For the outer residential areas the DDO7 seeks to maintain the low density, spatial character that currently exists.

Issues / Options

The State Government planning policy seeks to encourage urban consolidation in established residential areas and coastal townships through infill development that is considered consistent with existing or preferred neighbourhood character of local areas.

The current planning controls covering the land around Campbell Court allow for planning applications to be submitted for medium density development including the subdivision of the land into smaller allotments.

Council cannot refuse to accept and process a valid planning permit application. However, any application is assessed in accordance with the existing planning policy and controls and such matters as neighbourhood character, density, overlooking and overshadowing, amongst other things, are considered as part of that process.

Public notice of any planning application submitted to Council for medium density development or subdivision will be given and therefore the residents of Campbell Court would have third party objection rights and review rights to VCAT.

Each application is required to be considered on its merits, and it is considered that appropriate controls exist to address the concerns raised by the Campbell Court residents. It is of note that while the current controls do not prevent future subdivision or medium density development in this location, they do encourage a more spacious form of development and lower densities.

Proposal

It is proposed that Council receive and acknowledge the petition.

Financial and Other Resource Implications

There are no financial implications in relation to this matter.

Risk Management & Compliance Issues

There are no risk management or compliance implications in relation to this matter.

Environmental and Climate Change Considerations

The planning scheme requires any planning proposal, where relevant, to have regard to environmental and climate change considerations.

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected in relation to the petition would be to inform affected parties of the current scheme controls and Council's obligations under the Planning and Environment Act. Residents would be consulted under Section 52 of the Planning and Environment Act having regard to future planning applications under that Act.

Implementation

Following Council's resolution a letter will be sent to the head petitioner advising of the current planning controls and processes.

Conclusion

The concerns and views raised in the petition from residents in Campbell Street, Apollo Bay are noted and any future planning application for medium density development or subdivision will be subject to public notice in accordance with the Planning and Environment Act.

Attachments

1. Petition & Locality Maps

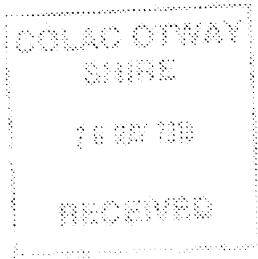
Recommendation(s)

That Council:

- 1. Receives the petition from residents in Campbell Street, Apollo Bay.***
- 2. Writes to the head petitioner advising of the current planning controls and processes, that Councillors are obligated to follow.***

~~~~~U~~~~~

1-2



The Responsible Authority  
Colac-Otway Shire  
2-6 Rae Street Colac,  
Victoria 3250  
May 5th, 2010

Dear Sirs,

We the undersigned residents and property owners of Campbell Court, in Apollo Bay by this letter wish to submit and record our intent to make objection to any future proposed applications for the development of town houses or units numbering more than one per block of land in Campbell Court, Apollo Bay.

At present there is a subdivision of 3 townhouses at 25 Campbell Court set on a single block of land which already creates a number of problem issues such as parking congestion, noise, overshadowing and overlooking.

We feel that any further high density development would have a hugely detrimental effect on the area, both visually and with the increase in cars parked on the road. This would significantly affect the value of our homes.

The following is a list of our concerns relating to any further high density townhouse or unit development in this court:

- Effect on the character of the area.
- Traffic, parking or access problems. (Any additional concentration of traffic and roadside parking will cause traffic problems and create a safety hazard for other motorists and pedestrians).
- Residential amenity (noise, overshadowing, overlooking)
- Devaluation of property.
- Over development of a small court in a sensitive area.
- Appearance (design, materials etc).
- Increased fire hazard (parking congestion can make fire truck access impossible).
- Loss of view.
- Visually overbearing. It is an inappropriate design for this part of Apollo Bay. Such high density development would be totally out of keeping with the neighbouring properties, which are mainly double storey and single storey homes.

Yours Sincerely  
Michael Montague  
(On behalf of those undersigned)

MICHAEL MONTAGUE NO. 9

TRACY WILSON NO. 26

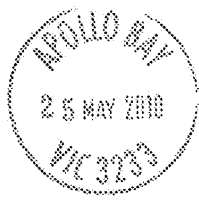
ALAN HOPKINSON !!

ELIZABETH MARSON No. 17






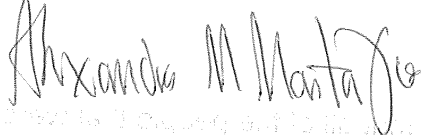
CECILIA PERRY No. 13.

RUD. ROTH 1/32

PAMELA ROTH 1/32



Michael Montague 9 Campbell Court, Apollo Bay, Victoria 3233 phone: 03 5237 7449. Mobile: 0422 598592 email: theartslab@hotmail.com

IAN SPIDEN  14 CAMPBELL CRT.  
JUNE SPIDEN  14 CAMPBELL CRT.  
ANDREW THOMAS  NO 15 CAMPBELL CRT  
ANDREAS PHILIPPOU  NO 23  
PETER DEUTSCHER  10 CAMPBELL CRT.  
ALEXANDRA MONTAGUE  NO 9



Dear Sirs,

It is worth noting that all of the people that were requested to read this letter; none had decline to support and sign the submission.

I feel confident that this would be true of a large percentage of the remaining residents and property owners of Campbell Court who at the time of the letters circulation could not be contacted.

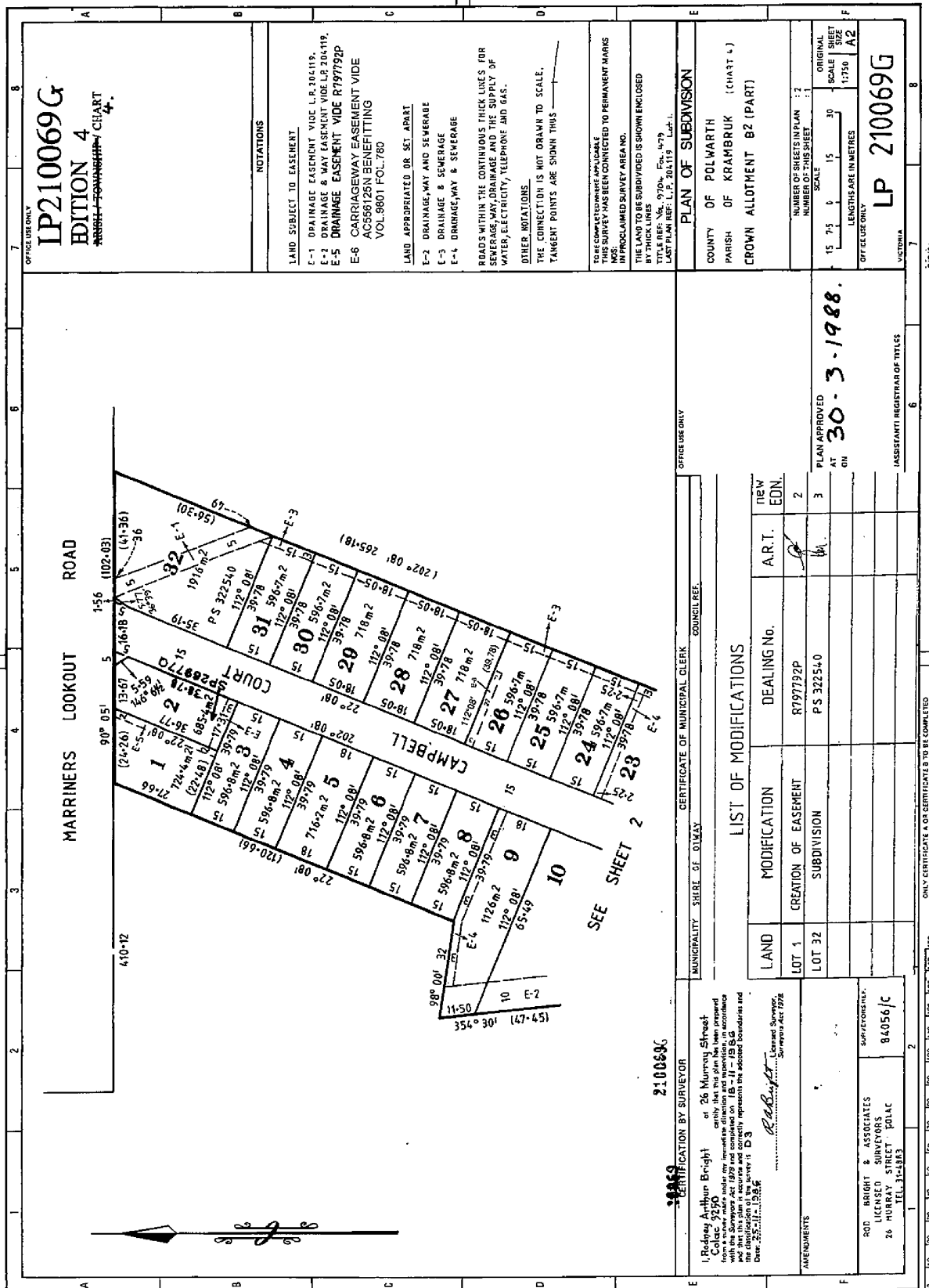
We appreciate your time in reading and recording our concerns and ask that you acknowledge receipt of this letter to Michael Montague at the address below.

---

Michael Montague 9 Campbell Court, Apollo Bay, Victoria 3233 phone: 03 5237 7449. Mobile: 0422 598592 email: [theartslab@hotmail.com](mailto:theartslab@hotmail.com)

**Report OM102306-19 - PETITION FROM RESIDENTS IN CAMPBELL COURT APOLLO BAY REGARDING FUTURE MEDIUM DENSITY DEVELOPMENT IN CAMPBELL COURT**

Delivered by LANDATA®. Land Victoria timestamp U/06/2010 13:19 Page 1 of 3  
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**LP210069G**  
**EDITION 4**  
**AMENDMENT CHART**

**NOTATIONS**

**LAND SUBJECT TO EASEMENT**  
 E-1 DRAINAGE EASEMENT VIDE L.P. 204119.  
 E-2 DRAINAGE & WAY EASEMENT VIDE L.P. 204119.  
 E-5 DRAINAGE EASEMENT VIDE R797792P  
 E-6 CARRIAGEWAY EASEMENT VIDE ACS56125N BENEFITTING VOL.9801 FOL.780

**LAND APPROPRIATED OR SET APART**  
 E-2 DRAINAGE, WAY AND SEWERAGE  
 E-3 DRAINAGE & SEWERAGE  
 E-4 DRAINAGE, WAY & SEWERAGE

**ROADS WITHIN THE CONTIGUOUS THICK LINES FOR SEWERAGE, WAY, DRAINAGE AND THE SUPPLY OF WATER, ELECTRICITY, TELEPHONE AND GAS.**

**OTHER NOTATIONS**  
 THE CONNECTION IS NOT DRAWN TO SCALE.  
 TANGENT POINTS ARE SHOWN THUS

**TO BE COMPLETELY APPLICABLE THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS OF AN UNDECLARED SURVEY AREA NO.**

**THE LAND TO BE SUBDIVIDED IS SHOWN ENCLOSED WITHIN THE THICK LINES.**  
 TITLE REF. No. 9704, Fol. 4079  
 LAST PLAN REF. L.P. 204119 Lot 1.

**PLAN OF SUBDIVISION**

COUNTY OF POLWARTH  
 PARISH OF KRABRUK (CHART 4)  
 CROWN ALLOTMENT 82 (PART)

NUMBER OF SHEETS IN PLAN : 3  
 NUMBER OF THIS SHEET : 1  
 SCALE : 1:1250  
 LENGTHS ARE IN METRES  
 ORIGINAL SHEET SIZE : A2

**LP 210069G**

**OFFICE USE ONLY**

MUNICIPALITY - SHIRE OF GIMLEY  
 CERTIFICATE OF MUNICIPAL CLERK

**LIST OF MODIFICATIONS**

| LAND   | MODIFICATION         | DEALING NO. | A.R.T. | NEW EDN. |
|--------|----------------------|-------------|--------|----------|
| LOT 1  | CREATION OF EASEMENT | R797792P    |        | 2        |
| LOT 32 | SUBDIVISION          | PS 322540   |        | 3        |

PLAN APPROVED  
 AT 30-3-1988.  
 ON

REGISTERED REGISTRAR OF TITLES

**210069G**

**CERTIFICATION BY SURVEYOR**

I, Rodney Arthur Bright, at 26 Murray Street Colac 3250 certify that this plan has been prepared in accordance with the Survey Act 1978 and completed on 18-11-1986 and that this plan is accurate and correctly represents the adopted boundaries and areas of the land shown thereon.  
 Date: 25.11.1986

RODNEY ARTHUR BRIGHT  
 LICENSED SURVEYOR  
 26 MURRAY STREET COLAC  
 TEL. 31-1883

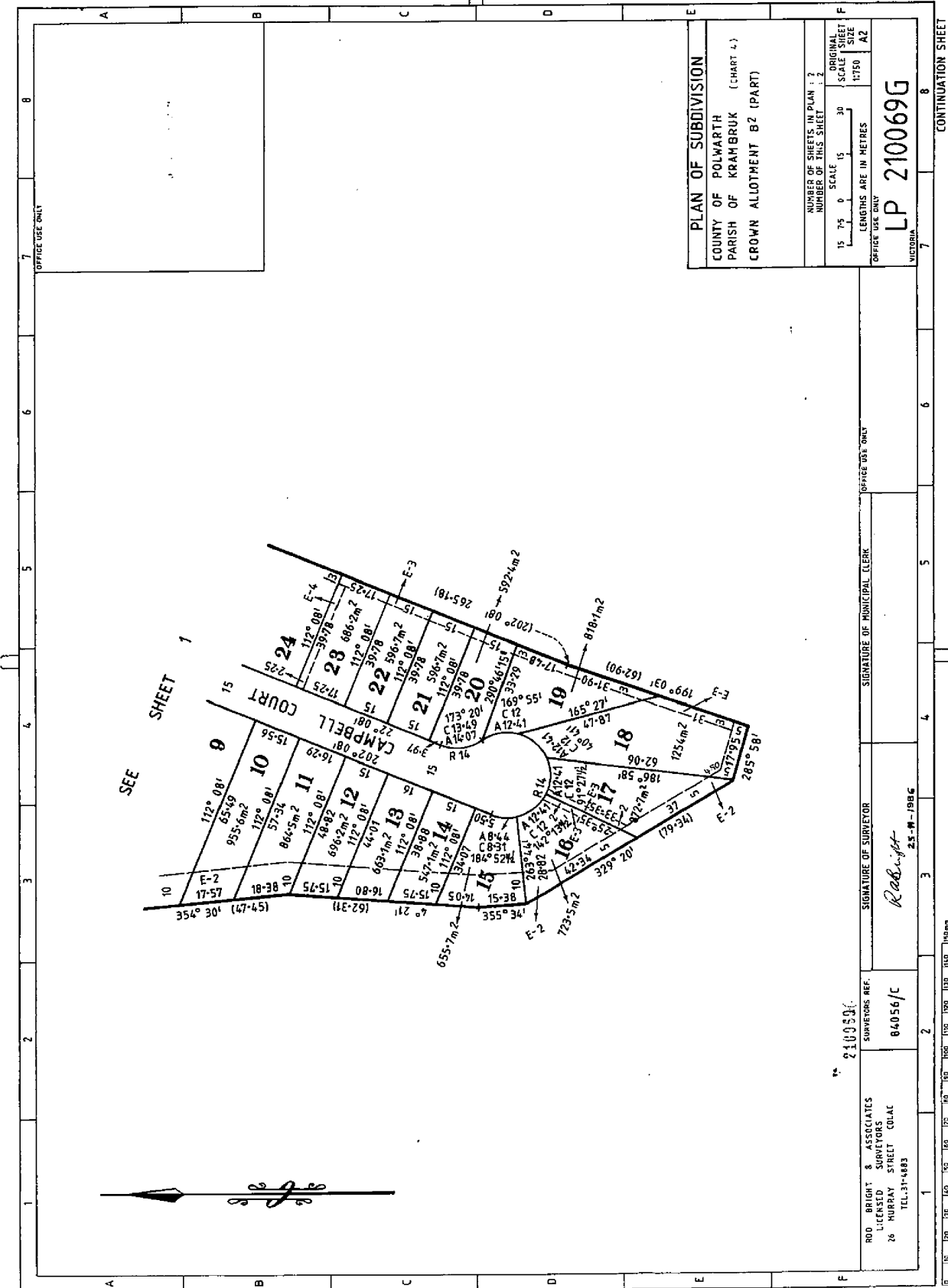
AMENDMENTS  
 SUPERVISOR:  
 84056/C

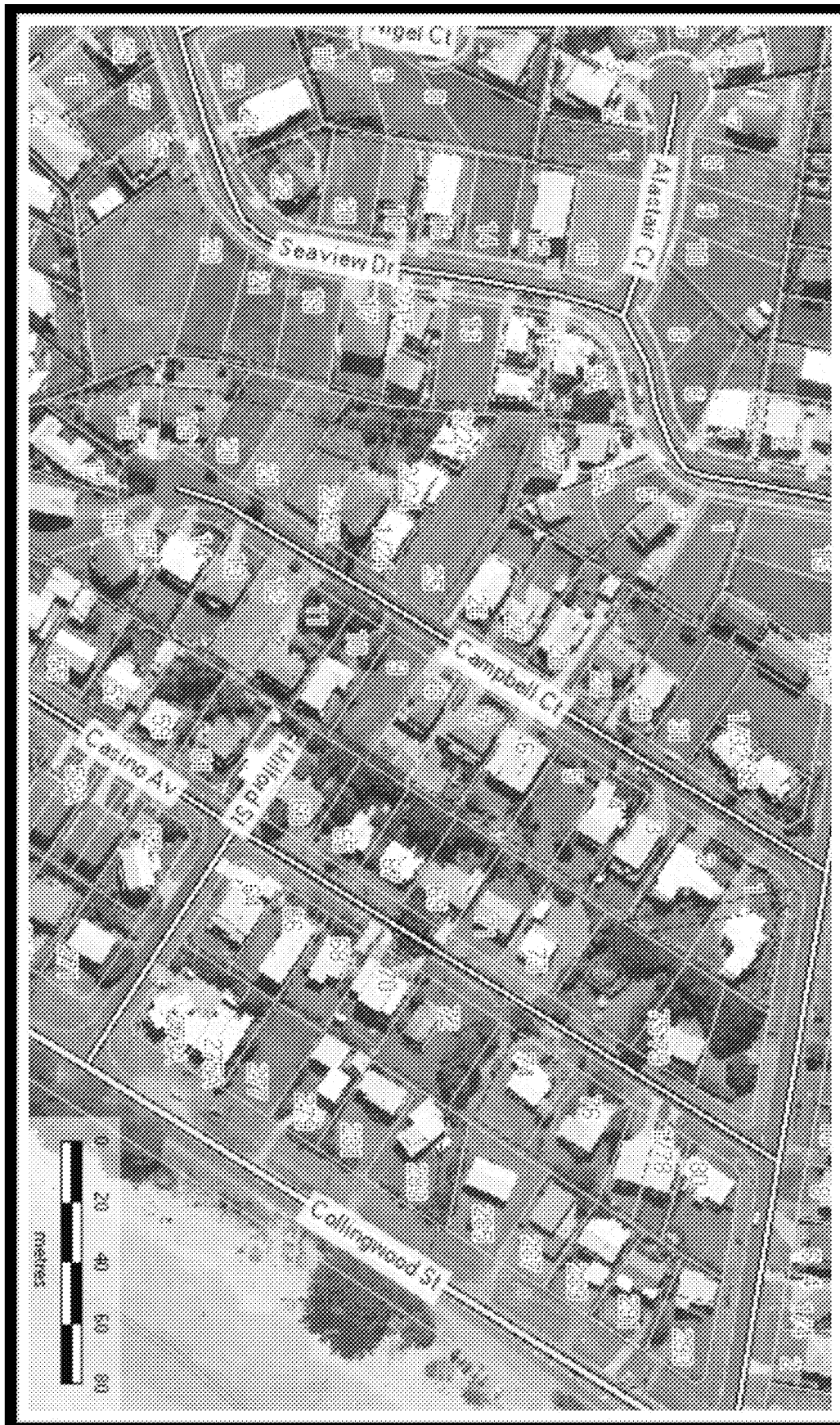
ONLY CERTIFICATE & NOTIFICATIONS TO BE COMPLETED  
 & RETURN TO REGISTER OF TITLES



**Report OM102306-19 - PETITION FROM  
RESIDENTS IN CAMPBELL COURT APOLLO BAY  
REGARDING FUTURE MEDIUM DENSITY  
DEVELOPMENT IN CAMPBELL COURT**

Delivered by LANDATA®. Land Victoria timestamp 07/06/2010 13:19 Page 2 of 3





**OM102306-20      2010 - 11 SMALL TOWN IMPROVEMENT PROGRAM  
ALLOCATIONS**

|             |                                       |           |              |
|-------------|---------------------------------------|-----------|--------------|
| AUTHOR:     | Michael Cosgriff                      | ENDORSED: | Doug McNeill |
| DEPARTMENT: | Sustainable Planning<br>& Development | FILE REF: | GEN01662     |

**Purpose**

The purpose of this report is to seek Council's approval for the proposed Small Town Improvement Program (STIP) allocations of \$80,000 proposed by the STIP committee.

**Declaration of Interests**

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

**Background**

Since 1999, Council has allocated funds annually towards the STIP. Small Town Progress Associations/Community Groups in the Shire are invited to submit applications for projects so that Council can decide on how best to allocate the funds.

The STIP Advisory Committee makes recommendations to Council on the allocation of funding from the annual STIP budget (\$80,000 in the draft 2010/11 budget). Funding has been allocated through the program for community infrastructure projects that would not be funded as a priority through Council's Capital Works program or for community development projects such as master plans. The Economic Development Unit in conjunction with the Infrastructure & Services Department implements the selected projects. Other Council departments are consulted when appropriate.

For the 2010/11 STIP, applications were sought from small town community groups from August to November 2009. The Economic Development Unit, in conjunction with other Council departments, assessed each application and developed a suggested allocation list which was recommended to the STIP Advisory Committee at their meeting on 18 May 2010 for implementation in the 2010/11 financial year.

The attached projects were subsequently endorsed by the STIP Advisory Committee based on a number of criteria including:

- Ability to obtain external State and/or Federal Government funding;
- Assessment of previous STIP funding allocated to that community;
- Level of local priority based on the rankings in the individual township master plans;
- Assessment against other Council priorities including the potential for funding through Council's Capital Works Program; and,
- Level of community contribution (both in-kind and cash).

The table below outlines the projects submitted for consideration under the STIP program, with the recommended allocations.

| Locality                                  | Project                                                                    | Project Cost | Funding Request | Recommendation |
|-------------------------------------------|----------------------------------------------------------------------------|--------------|-----------------|----------------|
| <b>Supported Projects</b>                 |                                                                            |              |                 |                |
| Birregurra Community Group                | Birregurra Park Upgrade – Stage 3                                          | \$22,000     | \$20,000        | Support        |
| Cressy                                    | Seating at front of shop & installation of a bbq shelter at the Bowls Club | \$25,000     | \$25,000        | Support        |
| Forrest                                   | Advance tourism destination signs & streetscape plan                       | \$25,000     | \$25,000        | Support        |
| Beech Forrest                             | Picnic table & seating                                                     | \$3,100      | \$3,100         | Support        |
|                                           |                                                                            |              | <b>\$73,100</b> |                |
| <b>Projects Not Supported for Funding</b> |                                                                            |              |                 |                |
| Gellibrand/Kawarren                       | Township pathway                                                           | \$8,600      | \$5,350         | Not support    |
| Carlisle River                            | Upgrade of tennis courts & surrounds                                       | \$16,700     | \$10,310        | Not support    |
| Barwon Downs                              | Relocation of a building to the Barwon Downs tennis courts for clubrooms   | \$24,500     | \$22,500        | Not support    |
| Skenes Creek                              | Township entry signage                                                     | \$10,000     | \$10,000        | Not support    |
| Beeac                                     | Installation of heritage themed signage & lights                           | \$19,320     | \$13,500        | Not support    |
|                                           |                                                                            |              | <b>\$61,160</b> |                |

Subject to Council endorsement, the allocation of projects to be completed under the STIP will commence subject to adoption of the 2010/2011 Council budget.

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

The STIP is supported by the Colac Otway Shire Council Plan 2009 – 2013 key action to “develop small town / community capability by providing infrastructure and resources, including continued support for the Small Town Improvement Program”.

#### **Issues / Options**

Given the commitment of Council expenditure throughout the Shire, the STIP offers the opportunity for community infrastructure and community development projects to be undertaken in small communities which would otherwise have to compete for Council Capital Works funding. Historically these projects may not have been funded as a priority through Council's Capital Works program or other Council budgets.

STIP projects have improved economic development in these small communities and engendered significant community enthusiasm and civic pride.

STIP projects are identified in each township's Master Plan, which typically have a life of between five to ten years. During this time, projects are completed, community priorities change and ultimately the Master Plans are no longer relevant. To continue to ensure that works completed under the STIP are relevant to a community, new plans will be required. This year, the STIP committee have recommended that the Forrest and Birregurra townships be funded for new Master Plans, conditional on the sourcing of additional external funding. This is reflected in the recommended allocations above.

It is worth noting that the combined value of applications for STIP funds was \$134,260, of which \$73,100 is proposed to be allocated for specific projects/review of master plans. The balance of STIP applications were not recommended for funding for various reasons, as outlined in the attached table. The Advisory Committee supports spending the balance of \$6,900 from the \$80,000 STIP program to continue implementation of the small town entry signage program which would provide for the installation of new signs at Irrewillipe, Johanna, Murroon and Warrion.

There are three options for Council to consider:

*Option 1*

That Council approve the allocations recommended by the STIP Advisory Committee as detailed in this report and those projects will commence upon adoption of the 2010/2011 Council budget.

*Option 2*

That Council ask the STIP Advisory Committee to meet again to re-evaluate the applications and put forward alternative suggested allocations.

*Option 3*

That Council asks the small town community groups to resubmit alternative applications which would then be reassessed by the STIP Advisory Committee.

Option 1 is the preferred option as there has already been a thorough process of application, assessment and recommendation. It is unlikely that new or different projects would emerge from a repeated process and adoption of the recommendations would allow projects to commence following the adoption of the Council 2010/11 budget.

**Proposal**

That Council approve the proposed allocation of the funds recommended by the STIP Advisory Committee.

**Financial and Other Resource Implications**

Council has allocated \$80,000 for STIP projects in the 2010/2011 Council draft budget. This is the same allocation as in 2009/2010. The recommended allocations will be used where possible to leverage State and Federal Government funding.

**Risk Management & Compliance Issues**

All projects undertaken as part of the STIP follow Council's Risk Management processes, including preparation of a Risk Assessment Form and a completed and signed Job Safety Analysis from suitable qualified contractors engaged to complete the work on Council's behalf. Planning and Building requirements and Cultural Heritage issues are considered and where required, appropriate permits are sought prior to implementation.

**Environmental and Climate Change Considerations**

All works to be undertaken will be completed following discussions with Council's Environment and Community Safety and Planning Departments to ensure all issues are assessed.

**Community Engagement**

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be to inform, consult or involve, depending on the type of project. This means that following adoption of the Council budget, the STIP allocations will be communicated to the Small Town Progress Associations/Community Groups via mail. In addition, press releases will be developed and issued to the relevant community news sheets detailing projects to be undertaken in their respective small towns.

The Economic Development Unit will then liaise personally with the individual small town community groups to discuss the projects, in particular how the proposed in-kind contribution for the project can be completed and how Council will manage any cash contribution from the community group.

### **Implementation**

Following Council endorsement of the attached 2010/2011 STIP allocations and subject to the approval of the 2010/2011 Council budget, the Economic Development Unit will coordinate the projects in consultation with other applicable Council departments and State and Federal Government agencies.

### **Conclusion**

The STIP has allowed for small infrastructure projects to be completed in Council's smaller townships based on the priorities of respective local communities. The 2010/2011 STIP projects recommended by the STIP Advisory Committee will assist in improving economic and community development in the respective small towns.

### **Attachments**

1. Assessments of Applications 2010-11

### **Recommendation(s)**

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

1. ***Approve the annual funding allocations of the 2010/11 Small Town Improvement Program (STIP) recommended by the STIP Advisory Committee as follows:***

|                             |                        |
|-----------------------------|------------------------|
| <b><i>Birregurra</i></b>    | <b><i>\$20,000</i></b> |
| <b><i>Cressy</i></b>        | <b><i>\$25,000</i></b> |
| <b><i>Forrest</i></b>       | <b><i>\$25,000</i></b> |
| <b><i>Beech Forrest</i></b> | <b><i>\$3,100</i></b>  |

2. ***Approve the expenditure of \$6,900, being the balance of the unallocated funds from the 2010/11 STIP program, to the installation of new town entrance signs for Irrewillipe, Johanna, Murroon and Warrion.***

~~~~~\ ~~~~~

| Community Group | Project Name and Details | Project Cost | Relationship to Township Master Plan | Funding Request | Community Contribution | External or Other Funding | Previous Funding & Projects | Recommendations |
|----------------------------|--|--|--------------------------------------|-----------------|---|---------------------------|---|-----------------|
| Birregurra Community Group | Birregurra Park Upgrade Stage 3

Works to include upgrades to the pathway on Strachan St, weed removal and improvements to the creek, new signage, and general tree planting and landscaping. The current project to upgrade the park did not provide sufficient funding to complete all of the aspects of the Master Plan and this project should see the completion of these requirements. | \$22,000 | 5 th | \$20,000 | In Kind Labour Contribution representing \$2000 | N/A | <ul style="list-style-type: none"> 09/10 \$25,000 for playground equipment 08/09 Nil 07/08 \$25,000 for park upgrade. | \$20,000 |
| | Significant funds have been injected into infrastructure in Birregurra recently. A Birregurra Streetscape plan will provide the opportunity to determine future needs for the township especially regarding parking, traffic management, infrastructure and required linkages. Any projects that have not already been funded from the previous Township Master Plan or Birregurra Park Master Plan will be included in the new Master Plan for consideration in future years. | Township walking pathway.
\$8,600 | | \$5,350 | \$3,250 | N/A | | Nil |
| Gellibrand Kawarren | The construction of a 400m pathway along the eastern boundary of the Gellibrand Caravan park to link the park with the Old Beechy Rail Trail and create a small township loop walk. | | | | | | | |
| | Current and future maintenance constraints mean that existing pathways provide adequate walking opportunities. Given that this project is a high priority for the community it should be considered in future years. | Upgrade of Tennis Courts and Surrounds.
Project to include: <ul style="list-style-type: none"> Provision of vehicle access onto older court surface adjacent to Moornawrong Road via fence removal and provision of culvert crossover. Weed removal, tree planting. Tree planting New tennis net. Spectator seating. Concreting of pathway to connect to school | 4 th & 6 th | \$16,700 | \$10,310 | \$4,000 | <ul style="list-style-type: none"> \$2,390 COS Community Grants Program 09/10 Nil 08/09 Nil 07/08 \$20,000 for Playground | Nil |
| Carlisle River | This project has already been funded under the Recreation Units' Community Grants program and is yet to be completed. | | | | | | | |

| | | | | | | | | |
|----------------------------|--|---|---|-----------------|----------------|------------|--|-----------------|
| <p>Barwon Downs</p> | <p>Barwon Downs Tennis Club Shed. This project would involve the relocation and upgrade of the original Barwon Downs portable classroom, currently located at the old Gerangamete school grounds. This project adds to recent works to upgrade the Old School Grounds Park. The current facility used by the Tennis Club is due for demolition under the 2009/10 STIP and would leave the Tennis club with no facilities at all. It has been proposed by the Barwon Downs Community Group that the old class room would be transformed into a facility that would cater for the tennis club, the CFA and several other community groups. Works would be completed by the community group to ensure the building meets current regulations. It would also be done in a similar fashion to the recently completed History and Visitor centre to continue the historical theme of the park.</p> | <p>\$24,500</p> | <p>1st and 5th</p> | <p>\$22,500</p> | <p>\$2,000</p> | <p>N/A</p> | <ul style="list-style-type: none"> 09/10 \$15,000 for removal of old tennis shed. 08/09 Nil 07/08 \$25,000 for Old School Grounds Upgrade Stage 1 | <p>Nil</p> |
| <p></p> | <p>This project is not supported as there is a high risk involved with the relocation of an old building. Whilst a preliminary assessment on the building has declared it to be sound, it is over 50 years old and therefore presents significant risk of being structurally flawed. This could only be assessed by a suitably qualified professional. Given the age of the building, it would be fair to assume that it would not meet current building codes, and will present a significantly greater maintenance requirement than a younger building. Both situations will require a substantial future commitment from Council. The risk is considered too high.</p> | <p></p> | <p></p> | <p></p> | <p></p> | <p></p> | <p></p> | <p></p> |
| <p>Cressy</p> | <p>Various Projects</p> <ul style="list-style-type: none"> Community Barbecue shelter at Bowling Club Trellis for Playground Soil and Plants for Planters at Public Toilet Block Construction of Safe Walking area or Dry area in front of Co-op Shop. Heavy Seating, Bench style in front of Co-op Shop as rest stop | <p>\$25,000</p> | <p>These projects are all drawn from the 2007 Reviewed Township Master Plan</p> | <p>\$25,000</p> | <p>Nil</p> | <p>N/A</p> | <ul style="list-style-type: none"> 09/10 \$5,000 for new town entry sign at northern entrance 08/09 \$2000 Tree Planting 07/08 \$3,500 Master Plan Review | <p>\$25,000</p> |
| <p></p> | <p>1.</p> | <p>\$5000 to go towards the construction of a safer area in front of the shop, including the installation of adequate seating. \$20,000 to go towards the construction of the community barbecue shelter at the bowling club.</p> | <p></p> | <p></p> | <p></p> | <p></p> | <p></p> | <p></p> |

| | | | | | | | | | |
|------------------|--|---------------------|---|---------------------|---------|-----|--|----------|--|
| Forrest | Advance Tourism Destination Signs.
New Main Street Streetscape plan. | \$4,512
\$20,000 | This project is the promotion of many of the projects from the Forrest Township Master Plan | \$4,512
\$15,000 | N/A | N/A | <ul style="list-style-type: none"> 09/10 \$40,000 Federal Government, \$20,000 DSE, \$108,000 Regional Development Victoria for Tiger Rail Trail 08/09 \$8,000 Picnic Table and Shelter 07/08 Nil | \$25,000 | |
| | This project has the support of Vic Roads. \$5,000 has been allocated to the advance tourism signs (over the original request of \$4,512) to ensure that the project can be fully delivered. \$20,000 to be allocated towards the Streetscape plan. | | | | | | | | |
| Skenes Creek | Skenes Creek Township entry signage | \$10,000 | Master Plan is in the process of being developed | \$10,000 | Nil | N/A | <ul style="list-style-type: none"> 08/09 Nil 07/08 Nil | Nil | |
| | This project is not supported and will be funded under the township entry signage program. Skenes Creek is currently developing a Master Plan and so has no priority projects. | | | | | | | | |
| Beeac | Installation of Heritage Signage and Additional Heritage Lights in Main St. Installation of 2 additional heritage reproduction gas lamps to compliment the towns heritage theme. | \$19,320 | 10" | \$13,500 | \$5,820 | N/A | <ul style="list-style-type: none"> 08/09 \$25,000 towards the Beeac Windmill Park and Heritage Walk 07/08 Nil | Nil | |
| | There is already adequate lighting in these areas. This is a low priority on the Township Master Plan. | | | | | | | | |
| Beech Forrest | Supply and Construction of a picnic table and seating. To be constructed near the recently upgraded playground and BBQ area. | \$3,100 | | \$3,100 | Nil | N/A | | \$3,100 | |
| Locality Signage | Any additional funding may be used to continue the implementation of the township entry signage program, which provides for the fabrication and installation of new signs at townships, such as Gellibrand and Beeac, as well as smaller signs at localities such as Kawarren and Barramunga. This year there will be an excess of \$6,900 which will provide signage for Irwillipe, Johanna, Murroon and Warrion. | | | | | | | | |
| Total | \$91,222 | | | | | | | \$80,000 | |

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OM102306-21**NEIGHBOURHOOD SAFER PLACES**

| | | | |
|-------------|------------------------------------|-----------|----------------------------------|
| AUTHOR: | Stewart Anderson | ENDORSED: | Doug McNeill |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | GEN00179 Fire Prevention General |

Purpose

The purpose of this report is to seek Council endorsement of a Neighbourhood Safer Places Plan and a potential Neighbourhood Safer Place Site Assessment Report for Carlisle River Recreation Reserve.

Declaration of Interests

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

Background

The Interim Report of the 2009 Victorian Bushfires Royal Commission recommended that Neighbourhood Safer Places, or NSPs, be identified and established to provide persons in bushfire affected areas with a place of last resort during a bushfire.

For the 2009-2010 fire season, the Country Fire Authority (CFA) assumed the lead responsibility for identifying potential NSPs. In Colac Otway Shire, the CFA did this in consultation with representatives from Council, Department of Sustainability and Environment, Parks Victoria, Victoria Police, Barwon Water and Powercor. The initial focus was to identify potential NSPs in each town within the municipality that had been assessed using the Victorian Fire Risk Register – Wildfire (VFRR) tool, as having a risk rating of Extreme and a priority ranking of 1A, 1B or 1C, and for which CFA were developing a Township Protection Plan (TPP). These towns included; Barongarook, Barwon Downs, Forrest, Carlisle River, Kawarren, Lavers Hill, Marengo and Wye River, which encompassed Separation Creek and Kennett River.

CFA conducted an assessment of all the identified potential NSP sites against the CFA NSP Interim Assessment Guideline (2009/10 Fire Season) Version 3.1 - October 2009. This was done by appropriately qualified and experienced CFA personnel. The key matters considered by the CFA in these assessments were the separation distance between the site and the surrounding vegetation and the maximum potential radiant heat impacting on the site.

At the conclusion of this assessment process there was only one potential NSP site within the identified Extreme risk townships in Colac Otway Shire that was close to meeting the criteria required to be declared as a NSP. This site was the Carlisle River Recreation Reserve. CFA informed Council that the Carlisle River Recreation Reserve site was compliant subject to the following condition: 'Council to undertake further investigation to assess the required fuel modification to ascertain if the site can meet the NSP criteria in the future.'

The low number of suitable sites was due to the fact that the eight identified Extreme risk townships in the Colac Otway Shire are nestled in the Otways and have no or relatively small areas of open space and urban development that provide the space required for any site within the townships to meet the CFA NSP Assessment Guidelines.

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

In December 2009 the Victorian Government in response to Recommendation 8.5 of the 2009 Victorian Bushfires Royal Commission Interim Report introduced the *Emergency Services Legislation Amendment Act 2009* which amends the *Country Fire Authority Act 1958* and the *Emergency Management Act 1986*. The effect of these amendments requires the CFA to certify NSPs against the CFA Assessment Guidelines, and Councils within Victoria to identify, designate, establish, maintain and decommission NSPs in their municipal districts.

The result is that Council is now responsible for identifying potential NSP sites and referring them to the CFA for assessment by 30 June each year. To assist Council in carrying out these new responsibilities the MAV provided a template for Councils to use in order to develop a NSP Plan. The NSP Plan contains guidelines to assist councils in identifying, designating, establishing, maintaining and decommissioning NSPs. By having an endorsed NSP Plan Council is indemnified with respect to the death or injury of persons sheltering at a designated NSP during a bushfire or for such cases in areas where no NSP has been designated in accordance with the processes set out in the NSP Plan.

The attached NSP Plan has been endorsed by the Municipal Fire Management Planning Committee and the Municipal Emergency Management Planning Committee. The NSP Plan sets out the process utilized in 2009 for the identification, assessment, designation and establishment of NSPs within the municipal district. It also defines the process for Council to adopt in identifying, designating, establishing and maintaining NSPs within the municipal district from January 2010 onwards.

From 2010 onwards Council will identify potential NSP sites, assess them against the NSP Plan Criteria and then refer compliant sites to CFA for formal assessment. All information relating to the assessment of the site against Councils NSP PLAN Criteria and CFA's Assessment Guidelines will be captured in a Site Assessment Report. Once completed, a NSP Site Assessment Report will be submitted as part of an Officers Report recommending Council to designate or not to designate a potential NSP.

It is worth noting that Council will continue to use the VFRR tool used by CFA in 2009 to assist in identifying and assessing potential NSP sites. The townships that will be examined in 2010 are the townships previously assessed as having a risk rating of Very High and a priority ranking of 2A. Level 2A is the next level down from the eight high risk townships identified in 2009. Identified level 2A townships include Apollo Bay, Skenes Creek, Beech Forest and Gellibrand. The NSP Plan sets out a process for how potential NSPs will be identified for all townships in the Shire over the next 3 years.

The Carlisle River Recreation Reserve that was assessed as compliant with conditions in 2009 by the CFA was referred to Council for further investigation. Council has undertaken this investigation by assessing the area against the criteria set out in the NSP Plan. Further investigation by Council of the potential NSP site at Carlisle River has shown that the site does not meet Councils NSP Plan criteria. The Site Assessment Report for Carlisle River Recreation Reserve is attached. The report has been endorsed by the Municipal Fire Management Planning Committee and the Municipal Emergency Management Planning Committee. The report shows that although a relatively small amount of works would be

required to be undertaken to make the oval compliant, a very substantial amount of work with significant associated costs would be required to be undertaken to ensure safe access and egress to the site for use as a place of last resort.

A multi-agency meeting was held on 20 January 2010 to examine the access and egress into the site. It was the consensus of all present that in their current state none of the roads viewed would be safe enough to recommend for usage during a fire event by people travelling to the reserve as a last resort. In addition it was agreed that a very large amount of work would be required to make them safer and further more a significant amount of ongoing maintenance would be required to maintain the standard. However, it was also agreed that a botanist assessment would be necessary to accurately quantify the potential costs.

An arborist was contracted by Council to assess the vegetation along the Council roads near the site using criteria provided by the MAV. The arborist report (refer Appendix D in the attached NSP Site Assessment Report) shows that it would cost nearly fifty thousand dollars to sufficiently modify the vegetation along 2km of Council managed roads adjoining the site. On the basis of this advice it is estimated that it would cost approximately \$200,000 to sufficiently manage the vegetation along all the Council managed roads that lead into and out of the site. VicRoads also contracted an arborist to assess the vegetation along their roads near the site using the criteria provided by the MAV. On the basis of advice from VicRoads it is estimated that it would cost an additional \$100,000 to sufficiently manage the VicRoads managed roads and accordingly the total cost would be approximately \$300,000.

It is not considered reasonable for Council and VicRoads to carry out this level of vegetation management, not simply because of the initial cost but also because of the significant impact on the local environment, the character of the area and also the ongoing maintenance costs, and the relatively small number of community members that would be likely to utilize a NSP at the Carlisle River Recreation Reserve.

It is important to highlight that although there are no designated NSPs in the eight Extreme risk townships, it is anticipated that NSPs will be designated in lower risk townships in the future. There will be additional costs to Council associated with any future sites and consideration needs to be given to how many NSPs Council can be reasonably expected to designate and maintain across the region within current resource constraints.

Proposal

That Council notes that there are no sites in the identified Extreme risk townships within the Colac Otway Shire that currently meet the criteria for designation as a NSP.

That Council work in partnership with other key agencies to inform the community that there are no locations in the identified Extreme risk townships within the Colac Otway Shire that currently meet the criteria for designation as NSPs and that all people should leave these areas on Code Red days.

That Council follow the process set out in the NSP Plan to identify, designate, establish, maintain and decommission NSP's and continue to work with the CFA and other responsible Authorities in order to achieve this.

Financial and Other Resource Implications

As previously explained there are significant financial impacts associated with implementing a NSP at Carlisle River. It is estimated that it would cost over \$300,000 to suitably modify the vegetation along the adjoining roads that lead into and out of the recreation reserve. There would also be ongoing maintenance costs associated with managing the regrowth to a suitable standard.

The Councils which cover the 52 high risk towns have shared equally in a \$500,000 State Government grant to the MAV and this Council's share was \$7800. A significant proportion of these funds were used by Council to pay for the arborist report required as part of the Carlisle River investigation.

There are standard costs associated with establishing any new NSP. These standard costs relate primarily to the preparation and maintenance of the NSP 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, all of which will have a negative impact on Council's normal operations. The 2010/2011 draft budget contains provision for the resources that may be required to carry out these activities if any NSPs are designated in the future.

There is 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 2009 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.

The 2009 Bushfire Royal Commission will release further recommendations on 31 July 2010 that may have significant resource implications for Council in addition to the expected costs associated with NSPs in the future. While the officer time required to respond to the extra work required as a result of the Royal Commission recommendations has been catered for initially by establishing a more senior Municipal Emergency Management Coordinator role the need for further assistance has been identified and has led to provision being made in the draft 2010/2011 budget for a new Municipal Emergency Management Officer. Council will continue to advocate to the State Government through the MAV the need for adequate financial support to implement the Royal Commission recommendations.

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 carry 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 to provide any NSPs which meet the assessment criteria in the Extreme risk townships 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 people are exposed to as a result of living in close proximity to the Otway National Park 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 the 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 of the Interim Report from the Royal Commission.

The major risk that Council cannot control is the response to the issue by members of the 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 the 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 the community and all relevant responsible agencies in accordance with the processes set out in the NSP Plan to ensure that all elements of Council's Risk and Compliance responsibilities continue to be fully addressed. As previously stated by having an endorsed NSP Plan Council is indemnified with respect to the death or injury of persons sheltering at a designated NSP during a bushfire or for such cases in areas where no NSP has been designated in accordance with the processes set out in the NSP Plan.

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.

It is worth noting that there would be significant environmental impacts if Council was to resolve to designate the Carlisle River Recreation Reserve as a NSP because it would require removal of a significant amount of roadside vegetation.

Community Engagement

The method selected was to inform and consult.

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 the Council Report will be released immediately following Council resolving on this matter, advising if appropriate that there are currently no suitable sites for NSPs in the Extreme risk townships within the Colac Otway Shire and that work is underway to identify potential NSP sites in other townships across the Shire.

Members of the Municipal Fire Prevention Committee have been informed of the progress made in relation to the NSP Plan and the Carlisle River Recreation Reserve NSP Site Assessment Report. The members of the Municipal Fire Management Planning Committee and the Municipal Emergency Management Planning Committee were consulted as part of the development of the two documents.

The Municipal Emergency Management Planning Committee has recommended, with the support of the Municipal Fire Management Planning Committee, that the attached NSP Plan and Carlisle River Recreation Reserve NSP Site Assessment Report be submitted to Council for endorsement.

It is envisioned that there will be more community engagement carried out prior to the 2010-2011 fire season associated with ongoing investigations into NSPs.

Implementation

Council officers will work in partnership with other key agencies to raise community awareness of why there are no NSPs in the Extreme risk townships in the Shire and to implement the processes set out in the NSP Plan.

It is worth highlighting that if any NSPs are designated in the future they are not community fire refuges or emergency relief centres. NSPs are places of last resort during the passage of a bushfire, and are intended to be used by persons whose primary bushfire plans have failed. NSPs are places of relative safety only. They do not guarantee the survival of those who assemble there. Furthermore, there may be serious risks to safety encountered in travelling and seeking access to NSPs during bushfire events. Depending on the direction of a particular fire, it may not be 'a safer place' to assemble than other places within the municipal district.

Conclusion

Although not having a NSP in any of the eight Extreme risk townships will be seen as cause for concern by members of the community it is a reflection of the fact that these townships although beautiful are also highly prone to wildfire. The fact that no sites met the criteria for a NSP demonstrates that staying and defending in these Extreme risk townships during a fire is very dangerous and reinforces why all people in those areas should leave on Code Red days. The community has a clear responsibility to develop and implement their own personal bushfire plan with the focus being on the preservation of life.

The townships that will be assessed for NSPs next in accordance with the NSP Plan are more likely to have sites that meet the criteria because these towns have larger areas that are not situated next to dense stands of vegetation. However as shown in the case of Carlisle River even if the site itself can be made compliant, access and egress to the site must also be considered. The approach set out in the NSP Plan may need to be reconsidered depending on the final report of the 2009 Bushfire Royal Commission, which is due to be released on 31 July 2010.

Attachments

1. Neighbourhood Safer Places Plan
2. Carlisle River NSP Assessment Report

Recommendation(s)

That Council:

1. ***Endorses the Neighbourhood Safer Places Plan.***
2. ***Endorses the Neighbourhood Safer Place Site Assessment Report for Carlisle River Recreation Reserve.***
3. ***Notes the fact that there are no locations in the eight Extreme risk townships in the Colac Otway Shire that currently meet the assessment criteria to enable their designation as Neighbourhood Safer Places.***
4. ***Notes the fact that the next Neighbourhood Safer Place investigations will be focused on the townships assessed as having a risk rating of Very High and a priority ranking of 2A that include Apollo Bay, Skenes Creek, Beech Forest and Gellibrand.***
5. ***Notes that the approach taken above may need to be reconsidered depending on the final report of the 2009 Bushfire Royal Commission, which is due to be released on 31 July 2010.***

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# Colac Otway Shire Neighbourhood Safer Places Plan

PLACES OF LAST RESORT DURING A BUSHFIRE

23 June 2010



### Document Control Information

|                         |                                                   |
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| <b>Business Unit</b>    | Environment and Community Safety                  |
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## Introduction

The Interim Report of the 2009 Victorian Bushfires Royal Commission recommended that neighbourhood safer places, or NSPs, be identified and established to provide persons in bushfire affected areas with a place of last resort during a bushfire.<sup>1</sup>

In response to this recommendation, the Victorian Government has introduced the *Emergency Services Legislation Amendment Act 2009 (ESLA Act)* which amends the *Country Fire Authority Act 1958 (CFA Act)* and the *Emergency Management Act 1986 (EM Act)*. The effect of these amendments requires the Country Fire Authority (CFA) to certify NSPs against the Country Fire Authority Assessment Guidelines, and Councils within Victoria to identify, designate, establish, maintain and decommission NSPs in their municipal districts.

This Plan is a neighbourhood safer places plan for the purposes of the legislation, and contains guidelines, which have been developed by the Municipal Association of Victoria (MAV) to assist the Council in relation to:

- the identification, suitability and designation of places as neighbourhood safer places (NSPs)
- the inspection, maintenance and decommissioning of designated NSPs within its municipal district.

NSPs are not community fire refuges or emergency relief centres. NSPs are **places of last resort** during the passage of a bushfire, and are intended to be used by persons whose primary bushfire plans have failed. NSPs are places of relative safety only. They do not guarantee the survival of those who assemble there. Furthermore, there may be serious risks to safety encountered in travelling and seeking access to NSPs during bushfire events. Depending on the direction of a particular fire, it may not be 'a safer place' to assemble than other places within the municipal district. At that point in time it almost certainly will be a matter for individual judgement and decision, as to which if any NSP a person or persons should travel in the presence of fire.

Potential NSPs will be assessed by the CFA and if the place meets the criteria set out in the Country Fire Authority Assessment Guidelines, CFA will certify in writing that the place meets those criteria. NSPs are intended to provide some protection from immediate risk of direct fire attack, but not necessarily from other risks, such as flying embers.

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<sup>1</sup> Recommendation 8.5, 2009 Victorian Bushfires Royal Commission Interim Report

Once this Plan has been adopted, Council must make it, and any documents incorporated into it, available at the Council's municipal offices for public inspection during normal office hours free of charge in accordance with section 50F(4)(b) of the CFA Act. It must also be published on Council's website in accordance with section 50F(4)(a) of the CFA Act.

## Structure of this Plan

This Plan contains a step-by-step methodology for the Council to follow in relation to identifying, designating, establishing, maintaining and decommissioning NSPs. Council must consider each of the factors set out in this Plan and consider other factors, which are specific to Council's circumstances, including the resources available to Council.

This Plan has been divided up into two distinct sections:

**Section 1** contains flow charts, which summarise:

1. The process utilised in 2009-10 for the identification, assessment, designation and establishment of NSPs within the municipal district.
2. The process for Council to adopt in identifying, designating, establishing and maintaining NSPs within the municipal district from January 2010 onwards.

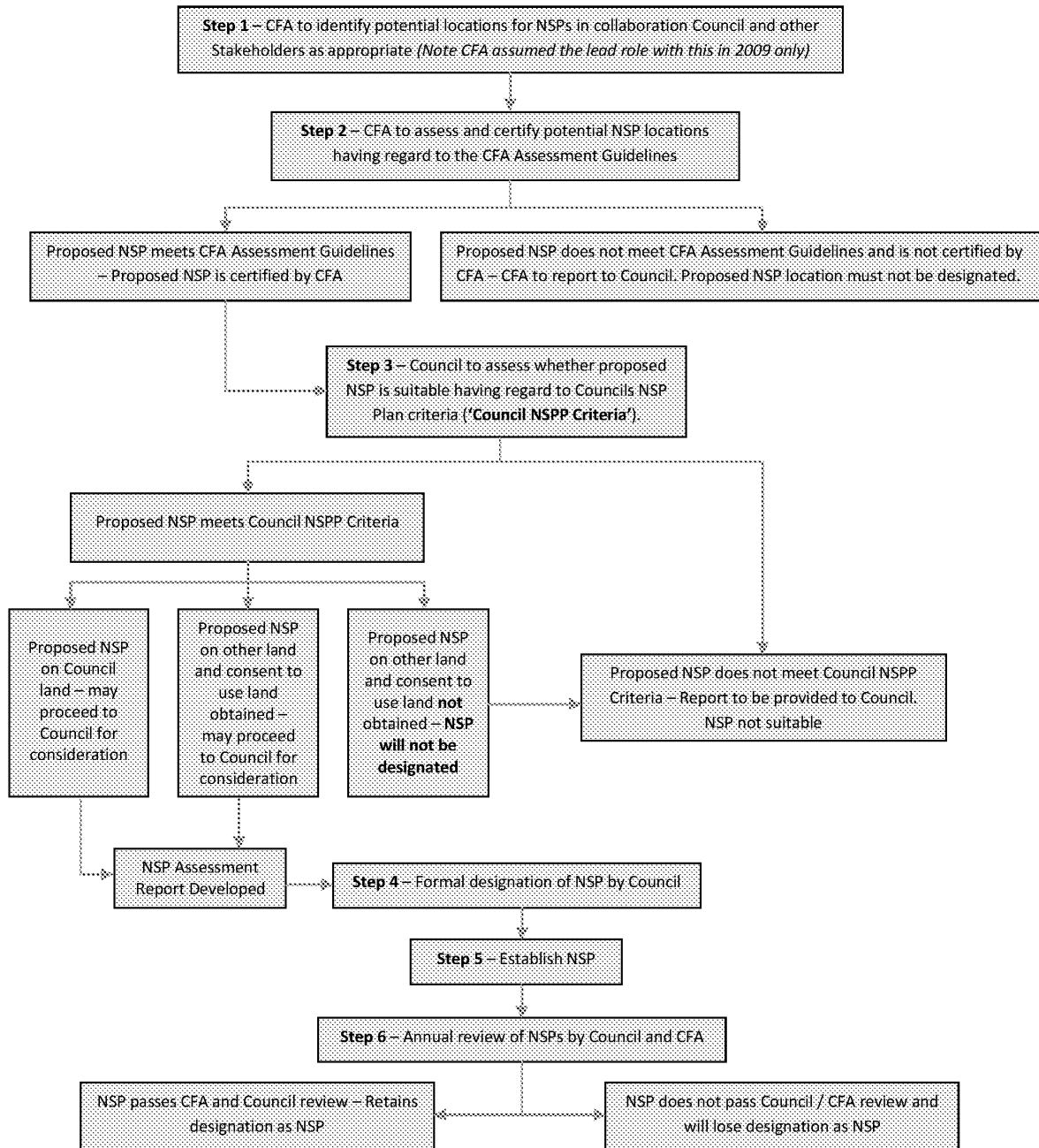
**Section 2** contains a more detailed summary of the steps summarised in the flow charts found in Section 1.

**Appendix 1** contains an audit tool that Council will use in assessing potential NSP locations against the criteria in the NSP Plan.

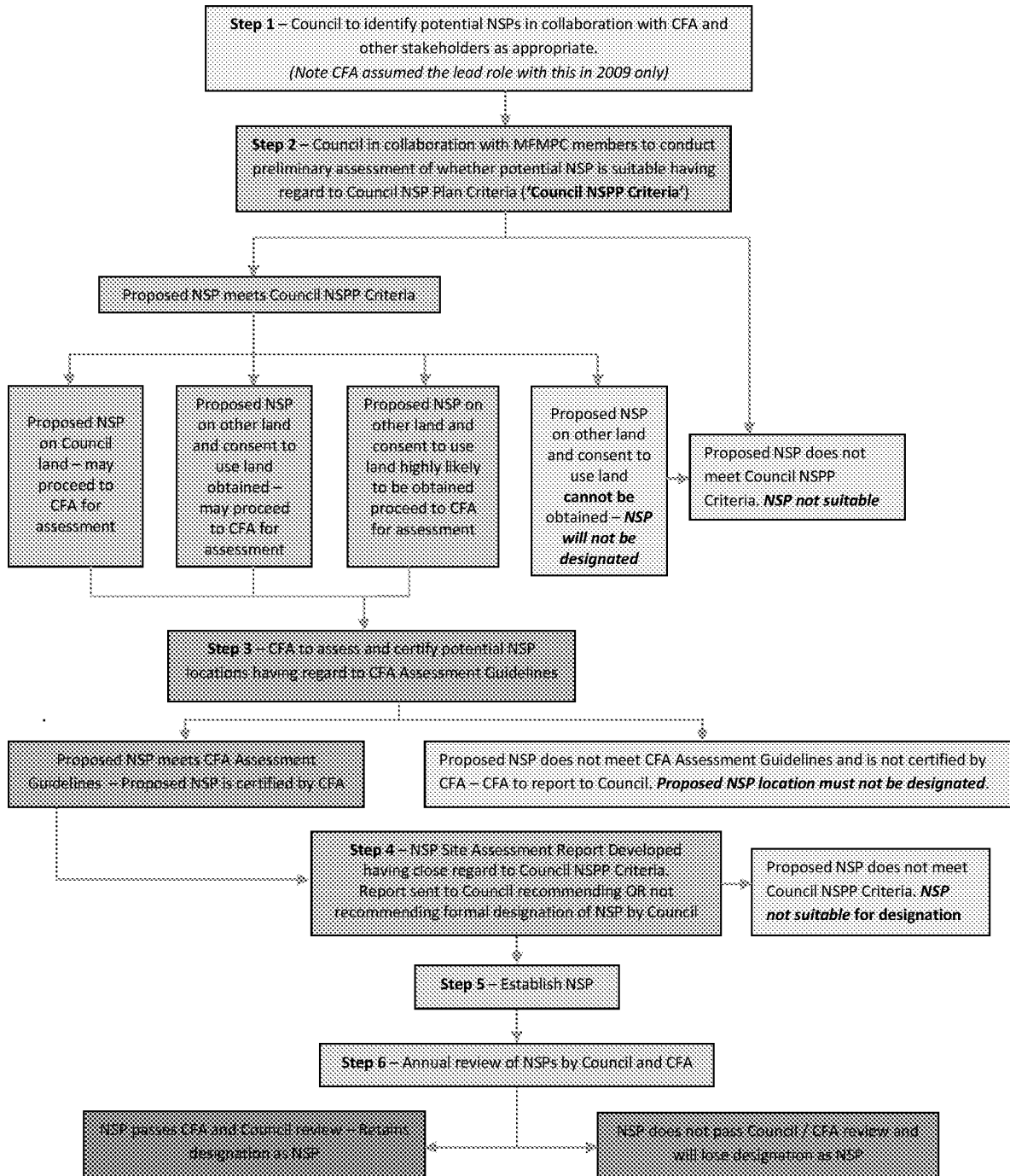
**Appendix 2** contains a site assessment report tool that Council will use to assist in the designation process based on the criteria in the NSP Plan.

# Section 1

## Overview of the process for establishing and maintaining NSPs identified and assessed prior to 31 December 2009



### Overview of the process for identifying, assessing, establishing, maintaining and decommissioning NSPs from January 2010



# Section 2

## Detailed summary of steps for identifying, assessing, establishing, maintaining and decommissioning NSPs

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### 1 Identification of Potential NSP Locations

#### 1.1 Responsibility for identifying potential NSP locations

For the 2009-2010 fire season, CFA assumed the lead responsibility for identifying potential NSPs. In Colac Otway Shire, CFA did this in consultation with representatives from Council, Department of Sustainability and Environment (**DSE**), Parks Victoria, Victoria Police, Barwon Water and Powercor. The initial focus was to identify potential NSPs in each town within the municipality that had been assessed using the Victorian Fire Risk Register – Wildfire (**VFRR**) tool, as having a risk rating of Extreme and a priority ranking of 1A, 1B or 1C, and for which CFA were developing a Township Protection Plan (**TPP**). These towns included; Barongarook, Barwon Downs, Forrest, Carlisle River, Kawarren, Lavers Hill, Marengo, Kennett River and Wye River/Separation Creek.

From 2010 onwards, Council will be responsible for identifying potential NSPs within its municipal district. Section 50G of the CFA Act requires Council to identify potential NSP locations.

#### 1.2 Identification Process

Colac Otway Shire will undertake the identification and management of the NSPs process through the Municipal Emergency Management Planning Committee (**MEMPC**).

Colac Otway Shire will employ a staged risk based approach in the identification of potential NSPs and will utilise the expertise of the Municipal Fire Management Planning Committee (**MFMP**); a sub-committee of the MEMPC in this process.

Townships identified and assessed using the VFRR tool in 2009 as having a Very High risk rating and 2A priority ranking will be the target townships for the identification of potential NSPs in 2010. These towns include; Beech Forest, Skenes Creek, Apollo Bay and Gellibrand. Ideally the VFRR tool will be used initially to assess all potential NSPs identified.

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The process of NSP identification is ongoing. Future identification of potential NSPs will follow the same approach as previously mentioned with the focus moving to townships assessed as having a lower risk rating and priority ranking as outlined in the table below.

| Year        | VFRR - Risk Rating | VFRR - Priority Ranking |
|-------------|--------------------|-------------------------|
| 2009 - 2010 | Extreme            | 1A / 1B / 1C            |
| 2010 – 2011 | Very High          | 2A                      |
| 2011 – 2012 | Very High          | 2B / 2C                 |
| 2012 - 2013 | High               | 3A / 3B / 3C            |

### 1.3 Identification Timing

The Colac Otway Shire will undertake to identify new potential NSPs by 31 May each year. This should allow sufficient time for:

- **CFA Assessment and Certification** - assessment and certification of the potential NSP by the CFA;
- **Council Designation** - designation of the potential NSP location by Council; and
- **Establishment** - subject to the outcome of the CFA assessment and designation process, including the erection of signage and other steps by Council.

### 1.4 Criteria to be considered when initially identifying potential NSP locations

As part of the initial identification of NSPs by the public or internally within Council, the following factors should be considered:

- If the potential NSP is an open space, the appropriate separation distance should be greater than 310 metres from the fire hazard, particularly vegetation; and
- If a NSP is a building, the appropriate separation distance should be greater than 140 metres from a fire hazard, particularly vegetation.
- The environment surrounding the potential NSP;
- What other uses are made of the potential NSP, and whether or not those uses could be inconsistent with its designation as an NSP;
- Whether the land on which the potential NSP is located is Council-owned or non-Council owned land;
- Whether there are clear means of access and egress to and from the potential NSP; and
- Whether the potential NSP is in close proximity to population centres

### 1.5 Risk Assessment process to be considered in initial identification of potential NSP locations

Under the CFA Act, all Councils whose municipal district is located wholly or partly in the 'country area' of Victoria are required to identify and designate NSPs.

Council should ensure that the following actions are completed prior to making any determinations regarding the assessment, designation and certification of NSPs:

(a) A risk assessment considering the matters outlined in section 1.4 (above) must be undertaken by Council's Municipal Emergency Resource Officer (**MERO**) and/or Municipal Fire Prevention Officer (**MFPO**) which may be initiated through the Municipal Fire Prevention Committee or the MFMPC as a sub-committee of the MEMPC, using appropriate available information such as Integrated Fire Management Planning data and/or VFRR data and any applicable Township Protection Plans;

(b) The MEMPC must review the results of the risk assessment, as summarised in the MERO's and/or MFPO's report prepared under section 1.5(a) (above), and submit a written report to Council with a recommendation as to whether CFA assessment and Council designation of the potential NSP is warranted in the area under consideration.

(c) Council should formally review the MEMPC report. Council should only decide that NSP assessment and designation is not warranted in the area under consideration where Council is satisfied that:

- The risk assessment undertaken by the MERO and/or MFPO has addressed the matters raised in sections 1.4 of the NSPP; and
- The MEMPC has recommended that assessment and designation of the NSP is not warranted.

## 2 Council Assessment of NSPs

### 2.1 Factors applied by Council in assessing the suitability of a place as a potential NSP

Council must assess each potential NSP in accordance with the factors outlined below to determine whether it is suitable to be designated as a NSP. Unless a potential NSP satisfies each of the criteria outlined below, it should not be designated by Council as a NSP. **Appendix 1** contains an audit tool that Council will use to assist in undertaking a preliminary assessment of the potential NSP locations against the criteria in the NSP Plan.

The Municipal Fire Prevention Officer will be responsible for coordinating the Council preliminary assessment of all potential NSPs utilising the expertise of the MFMP. The expertise of the MFMP will be utilised throughout the process of identifying, assessing, designating and decommissioning where required.

The factors to determine the suitability of the place as a NSP are as follows (**Council NSPP Criteria**):

#### a) **Consent and rights of access**

There must be appropriate land access and tenure arrangements so that Council has the right to:

- use the place as a NSP;
- access the site and surrounding areas for maintenance; and
- erect appropriate signage at the NSP, including the OESC signage and any additional NSP information signage that may be required.

#### Council Land

If the potential NSP is on land owned, managed or controlled by Council, appropriate rights of land access and tenure are unlikely to be an issue. However, Council will need to ensure that where Council land is leased or licensed to a third party; it must be possible to put in place appropriate arrangements on reasonably satisfactory and acceptable terms with the tenant or licensee permitting Council to use the land as a potential NSP. In taking these matters into account, Council should consider what alternative uses or arrangements may be made, whether temporarily or semi-permanently, of land under Council control or management.

#### Crown Land

If the potential NSP is on Crown land not owned or controlled by Council, then the consent of the Crown land manager is required. If the land has been leased or licensed to a third party, such as a caravan park operator, then the consent of the tenant or licensee to use the place as a potential NSP will also be required. In obtaining the consent of the relevant Crown land manager, it may be necessary to consider whether the Crown Grant authorises the place to be used as a potential NSP.

#### Private Land

Where it is proposed that a place on privately owned land is to be used as a NSP, then the consent of the relevant landowner (and, where applicable, occupier) is required for the place to be designated and used as an NSP. If the landowner (or occupier) does not consent to the place being designated and used as a NSP, on terms that are reasonably satisfactory and acceptable to the Council, it must not be so designated and used. If consent is provided the proposed activities need to adhere to relevant legislation that may require permits to be obtained prior to works being undertaken (e.g. planning permit).

#### Deed of Consent

Where a potential NSP is located on non-Council land, with the result that consent and rights of access need to be negotiated with the owner and (where necessary) occupier, Council officers responsible for negotiating such consent and rights of access, may provide a draft form of consent to the owner/occupier for their consideration. This Deed of Consent may be a document which has been previously approved either by Council (through a formal resolution), or by the CEO acting under delegation.

Any amendments to the form of consent that may be requested by the landowner or occupier would need to be thoroughly considered before Council agrees to them. If it is not possible or appropriate for Council to agree on amendments that may be requested to the consent document, then Council should not designate the proposed NSP.

The form of consent may require a contractual licence. This licence may need to address issues such as responsibility for damage, and maintenance of the NSP.

#### **b) Access and Egress**

Council must assess whether there is sufficient access to the potential NSP, which will allow for:

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- anticipated potential numbers of people to move to and from the place; and
- the CFA and other emergency services to attend the place for asset and personal protection activities and operations.

Council must assess potential access and egress routes, bearing in mind the fact that NSPs are **places of last resort**.

As people may be seeking access to a NSP in a rushed or panicked state, a number of people could be seeking access in a relatively short time and visibility could be affected by smoke, therefore easily navigable routes to and from a NSP are crucial.

In considering whether access and egress routes are adequate, consideration should be given to issues such as:

- The condition of the road surface.
- The proximity of the NSP to major roadways and population centres.
- The type and amount of vegetation along any access routes, and whether that vegetation could be affected by fire and pose a risk of harm to those seeking access to the potential NSP, or otherwise block access to the NSP.
- Whether appropriate vegetation management activities can be undertaken and maintained through works that are both possible and practical having regard to the resources available to the road owner.
- The capacity of access routes to accommodate potentially large numbers of vehicles, and to accommodate potential vehicle breakdowns.
- Parking at the place, taking into account that a separate area or adequate space may need to be available to ensure pedestrians can move away from areas where vehicles may enter or park.
- Any hazards that may exist for persons accessing the place by foot.
- Any relevant matter contained in Council's Road Management Plan prepared pursuant to the Road Management Act 2004 (Vic).

If appropriate and satisfactory access and egress routes are not available, then Council should not designate the proposed NSP.

c) **Opening of the NSP**

Council must consider:

- Whether it will be possible or practicable to open the potential NSP or otherwise make it available for use on a 24 hour basis during the declared fire danger period.
- The potential for damage to the place during times that it is open and available for use, but is not being used as a NSP.
- The potential costs to Council associated with the above mentioned points.
- The possibility that a potential NSP could be used for unintended purposes, such as a refuge.

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d) **Defendable space**

CFA have advised that there is no guarantee that fire units will attend a NSP, and that individuals who use NSPs are doing so at their own risk. There should be **no expectation** that fire units or other emergency services personnel will attend an NSP during a bushfire.

Despite this, the potential NSP should be surrounded by sufficient open space to enable the CFA and other fire services to conduct asset protection and fire suppression operations around the place.

Any open space **should be reasonably** free of obstacles, which could hinder fire suppression activities. Obstacles may include:

- fences
- buildings and sheds
- steep inclines in close proximity to the potential NSP
- vegetation, particularly large trees
- other land formations, including rocks, boulders or knolls which could substantially hinder fire suppression operations.

If necessary, advice should be sought from the CFA about their defendable space and fire vehicle access requirements.

When assessing the defendable space factor, Council must consider whether approval to clear or disturb flora and/or fauna is required, whether under legislation such as the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), *Flora and Fauna Guarantee Act 1988* (Vic) or the *Planning and Environment Act 1987* (Vic). If such approval is required, then it must be obtained before the potential NSP location is designated.

If the proposed NSP does not have adequate defendable space around it, or if approval to clear or disturb flora and/or fauna is required but cannot be obtained before the NSP is required to be established, or cannot be obtained on reasonably satisfactory conditions, it should not be designated as a NSP by Council.

e) **Defendability of Buildings**

If the potential NSP is a building, Council must consider whether or not it is likely to be subject to ember attack; its ability to withstand such ember attack and what options are available to people should the building catch fire e.g. neighbouring open space where people can evacuate to after the fire front has past. In

considering this issue, Council may need to seek expert advice from appropriately qualified CFA personnel.

If there is a risk of the proposed NSP being compromised by ember attack which cannot be satisfactorily improved by minor building design or other works, then the building is unlikely to be suitable as a NSP and should not be designated by Council.

**f) Signage**

Council must ensure that appropriate signage can be erected at the entry to, and near the potential NSP that reflects the requirements and specifications set out by the Office of the Emergency Services Commissioner.

Council may also wish to provide further signage and information at the location to inform and support potential users of the NSP.

If signage must be placed on private land, then the consent of the landowner will be required.

**g) Maintenance of NSPs**

Council must assess whether ongoing maintenance of the potential NSP, and the surrounding area, is both possible and practical having regard to the resources reasonably available to Council. Council should consider this factor not only in relation to the suitability of a potential NSP, but also as to the total number of potential NSPs that can be reasonably maintained within the municipal district. This is needed to ensure that the place remains suitable for use as an NSP during each fire season.

Specifically, the place must be capable of being maintained to ensure continuing seasonal compliance with the CFA Assessment Guidelines and the Council NSPP Criteria.

When assessing the maintainability of the potential NSP, both the NSP, and surrounding areas may require various maintenance activities to be undertaken on a periodic basis.

There may be cases where maintenance activities can only be undertaken by, or with the consent of an adjoining landowner. This in turn, may require assurances from such landowners that the place, and areas surrounding it, will be maintained to a satisfactory level.

If the potential NSP is not capable of being satisfactorily maintained, then Council should not designate it.

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**h) Disabled access**

Council must consider whether or not there are clear means of access for disabled and mobility impaired persons to the potential NSP.

In considering this issue, regard should be had to such matters as whether or not it would be necessary for cars or other vehicles to enter the NSP area to allow persons with disabilities to be dropped off within the place.

**i) Separation and demarcation of area**

If the NSP is to be located in an open area, it must be possible to identify the area that is the NSP. This may be best achieved by signage and or some sort of boundary or perimeter marking. As an example, the NSP boundary for an oval may simply be an oval boundary fence.

Although not always possible, areas that enable separation or enable enough room to move away from other forms of potential hazards such as vehicles, buildings and animals are preferred.

**j) Alternative uses of potential NSP**

Council must consider what other uses may be made of the potential NSP which could impact on its ability to properly function as a NSP. Should the site be leased or used by other organisations it should be communicated that the site is an NSP and in the event of a threatening fire, activities would need to cease and the use of the area as a NSP would need to take precedence. In most cases large open sites could accommodate a combination of uses. An example of where dual or multiple uses may not be possible is where large events at high risk times occur and where capacity of the site may already be reached.

If the place is used for other uses which could not be effectively managed and which would ultimately adversely compromise its ability to be used as an NSP, then Council should not designate it.

**k) Communication with the community**

Council must be able to communicate the location of the NSP to the community. There should be good community awareness of the location of the NSP, together with the risks that relate to the use of the NSP and the risks associated with travelling to the NSP in the event of a bushfire.

**l) Public liability insurance**

As a matter of prudent risk management, Council should have regard to:



- any additional factors which are relevant to Council's maintenance of insurance coverage for legal claims relating to the identification, suitability, designation, establishment, maintenance and decommissioning of a place as a NSP, as well as travel to a NSP;
- any indemnity provided by the State of Victoria; and
- any statutory defences to claims.

### **3 CFA Assessment and Certification of Potential NSP Locations**

#### **3.1 Responsibility for assessing potential NSPs against guidelines issued by the CFA (CFA Assessment Guidelines)**

Under section 50G(5) of the CFA Act, the CFA is responsible for assessing potential NSP locations against the CFA NSP Interim Assessment Guideline (2009/10 Fire Season) Version 3.1 - October 2009. Appropriately qualified and experienced CFA personnel will undertake this assessment.

Council is not responsible for the assessment and certification of potential NSPs by the CFA.

#### **3.2 CFA Assessment Criteria**

In assessing potential NSP locations, the CFA must consider the criteria and other considerations as set out in the CFA Assessment Guidelines as issued from time to time by the CFA.

The key matters to be considered by the CFA under the current CFA Assessment Guidelines are:

##### **a) For Open Spaces**

- the appropriate separation distance between the outer edge of the potential NSP and the nearest fire hazard (**Buffer Zone**) should be at least 310 metres; or
- an alternative Buffer Zone distance may be prescribed by the CFA, which will ensure that the maximum potential radiant heat impacting on the site is no more than 2 kw/m<sup>2</sup>.

##### **b) For Buildings**

- the Buffer Zone between the outer edge of the building and the nearest fire hazard should be at least 140 metres; or
- an alternative Buffer Zone distance may be prescribed by the CFA, which will ensure that the maximum potential radiant heat impacting on the building is no more than 10 kw/m<sup>2</sup>.

#### **3.3 Notification to CFA of Potential NSPs for Assessment**

From 2010 onwards, nominated potential NSPs will be sent to the General Manager of CFA Barwon-Corangamite Area. This will only occur following identification and successful assessment of the potential NSP by Council and the MFMPCC against Councils NSPP Criteria. Ideally this will occur before the 31 May in any given year.

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### **3.4 Informing Council of CFA Assessment**

Once the assessment of a potential NSP has been completed by the CFA, the CFA will inform Council in writing if the potential NSP location successfully passed the CFA Assessment Guidelines or did not.

The boundaries of both the potential NSP as certified by the CFA and any Buffer Zone surrounding it must be clearly defined within the CFA documentation.

For reasons of public liability and community safety, it is a requirement of the CFA Act and Council policy that only those places assessed and certified by the CFA may be considered for designation as NSPs by the Council. The Council must not designate a place as a NSP unless it has CFA certification.

## 4 Council Designation of NSPs

### 4.1 Council designation of NSPs

For sites that are certified by the CFA a NSP site assessment report will be prepared by Council's Municipal Fire Prevention Officer or a suitably qualified delegate detailing whether or not the potential NSP meets Council's NSPP criteria.

A template for the site assessment report is attached in Appendix 2. In order to be completed the report will need to document detailed findings in relation to the NSPP Criteria and make a recommendation on whether Council should designate the site or not.

The report should be provided to the MEMPC and or the Municipal Fire Prevention Committee (or MFMPC) for endorsement prior to being sent to Council. Once such endorsement has been received, Council must formally determine whether or not to designate a place as a NSP. Council should not designate a place as a NSP unless it is satisfied that the place is suitable, having regard to the Council NSPP Criteria and the CFA assessment guidelines.

A NSP may only be designated by a resolution of Council.

If prior endorsement by the MEMPC and or MFPC/MFMPC is not possible Council should inform the committees of the designation of the NSP for noting and inclusion within their respective committees' plans. In such cases Council will only designate a NSP on the stipulation of obtaining appropriate endorsement from the relevant committee or committees. It is important to note that this is not the preferred approach and should only be undertaken in exceptional circumstances.

Council may designate a site as a NSP on the finalisation of any other provision it sees fit. In such cases Council will empower the CEO of the Shire or their delegate to ensure the provisions are satisfactorily met and then confirm by writing the designation of the NSP site on Council behalf.

## **5 Establishment and Maintenance of NSPs Following Designation**

### **5.1 Establishing NSPs**

Following designation, Council will establish all designated NSPs within the municipal district.

To establish a NSP after its designation, Council must:

- erect appropriate signage at and near the NSP. Consideration should also be given to additional directional signage that may be needed to assist in directing public to the site;
- undertake any necessary fire season preparation works, including the construction or establishment of any required infrastructure and the clearance of vegetation, so as to enable the area to be used as a NSP;
- publish the location of the NSP on the Council website; and
- update Council's Municipal Emergency Management Plan and Municipal Fire Management Plan to include the location of the NSP.

The Municipal Fire Prevention Officer must provide an up-to-date list of NSPs to the CFA no later than 30 September in each year.

### **5.2 Maintenance of NSPs**

Council is responsible for maintaining all designated NSPs within its district. Maintenance activities must include appropriate vegetation management and the maintenance of any specified infrastructure (such as signage) required for the functioning of the site as a NSP.

The fuel load in the vicinity of the NSP must not increase so as to affect the fire rating of the NSP.

Council must ensure that defensible spaces, the Buffer Zone and access and egress routes are appropriately maintained.

## **6 Annual Inspections and Decommissioning of NSPs**

### **6.1 Responsibility for annual review of NSPs**

Council must undertake an annual review of all designated NSPs within the municipality.

Council must also request the CFA to undertake an assessment against the CFA Assessment Guidelines of each NSP within the municipality on an annual basis.

These reviews are intended to ensure that each NSP remains suitable for use as a NSP during the fire danger period.

### **6.2 Considerations when undertaking inspections**

NSPs should be assessed annually against the Council NSPP Criteria. The CFA will assess NSPs against the CFA Assessment Guidelines.

If an NSP no longer meets the CFA Assessment Guidelines, then it must be decommissioned. If the NSP no longer meets the Council NSPP Criteria then Council must determine whether or not it wishes to address any of the identified non-compliances against the NSPP criteria. If it does not, then the NSP must be decommissioned.

### **6.3 Inspection timelines**

NSPs must be inspected prior to 31 August each year. Council will also undertake fire hazard inspections of the site prior to and during the fire danger period to ensure fine fuels at the site are being managed appropriately.

### **6.4 Decommissioning of NSPs**

By Council resolution:

- Council must decommission a designated NSP if the CFA assessment of the site determines it is no longer suitable.
- The Council may decommission a NSP even though it has CFA certification, if the Council is satisfied on reasonable grounds that it is not appropriate for the place to continue to be designated as a NSP.
- The Council will decommission a NSP that is not on council owned land if the occupier or the person in control of the land has withdrawn consent to the use the site as a NSP.



Colac Otway  
SHIRE

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**Appendix 1**  
Audit Tool for assessing NSP against Criteria

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**NEIGHBOURHOOD SAFER PLACES PLAN**  
**CRITERIA – AUDIT TOOL**

Location: \_\_\_\_\_

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_





**NSP Plan CRITERIA – ASSESSMENT TOOL**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Potential NSP: \_\_\_\_\_

Address: \_\_\_\_\_

Map Reference: \_\_\_\_\_

**ASSESSMENT TEAM MEMBERS**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Agency: Colac Otway Shire

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Agency: CFA

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Agency: DSE

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Agency: Victoria Police

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Agency: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Agency: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Agency: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Agency: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**OWNERSHIP DETAILS**

**SITE OWNERSHIP DETAILS**

Site Owner: Council DSE Department of Education Private landholder Other: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Address: \_\_\_\_\_

Contact Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Is the land leased? Yes No Name of Lessee: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Address: \_\_\_\_\_

Contact Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Occupier/Tenant Details: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Address: \_\_\_\_\_

Contact Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Occupier/Tenant Details: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Address: \_\_\_\_\_

Contact Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**CONSENT AND RIGHTS OF ACCESS – DEED OF CONSENT**

Consent to Use for NSP: Yes No Highly Likely Consent to Access to Site: Yes No Highly Likely

Consent to Erect Signage at Site: Yes No Highly Likely Consent to Erect Signage on Private Land: Yes No Highly Likely

Comments: \_\_\_\_\_

**SITE DETAILS**

**POTENTIAL NSP VEGETATION SEPARATION DISTANCE**

Open Space - Greater than 310 metres

|              |             |              |             |
|--------------|-------------|--------------|-------------|
| <b>North</b> | <b>East</b> | <b>South</b> | <b>West</b> |
| Metres       | Metres      | Metres       | Metres      |

Building - Greater than 140 metres

|              |             |              |             |
|--------------|-------------|--------------|-------------|
| <b>North</b> | <b>East</b> | <b>South</b> | <b>West</b> |
| Metres       | Metres      | Metres       | Metres      |

Comments: \_\_\_\_\_

**OPENING OF BUILDING**

Available opening hours of potential NSP during FDP: Nil 24hr Comments: \_\_\_\_\_

Is there potential for damage to the NSP during times that it is open and available for use, but not being used as a NSP? Yes No

Comments: \_\_\_\_\_

Is there the possibility that the NSP could be used for unintended purposes, such as a refuge? Yes No

Comments: \_\_\_\_\_

Estimated potential Costs to Council: \$ \_\_\_\_\_ Are these costs reasonable and capable of being borne by Council: Yes No

Comments: \_\_\_\_\_

**DEFENDABILITY**

Is there sufficient open space to enable CFA to conduct asset protection and fire suppression activities: Yes No

Comments: \_\_\_\_\_

Has Council sought expert advice from CFA to determine whether the building is likely to be subject to extreme ember attack: Yes No

Can this risk be reduced: Yes No Comments: \_\_\_\_\_

**SURROUNDING OPEN SPACE**

Is the open space free of obstacles (e.g. fences, buildings, other): Yes No: \_\_\_\_\_

Adequate Parking at Site Available: Yes No Comments: \_\_\_\_\_

Are there any hazards that may exist for persons accessing the place by foot: No Yes: \_\_\_\_\_  
**SITE DETAILS – PAGE 2**

**SIGNAGE**

Can appropriate signage be erected at the entry to the potential NSP? Yes No Location: \_\_\_\_\_

Can appropriate signage be erected in the vicinity of the potential NSP? Yes No Location: \_\_\_\_\_

Comments: \_\_\_\_\_

**MAINTENANCE & MAINTAINABILITY**

Is the potential NSP capable of being maintained to ensure continuing compliance with CFA's Assessment Guidelines: Yes No

Comments: \_\_\_\_\_

Is the potential NSP capable of being maintained to ensure continuing compliance with Council's NSPP Criteria: Yes No

Comments: \_\_\_\_\_

Would adjoining landowners be required to provide a level of maintenance to their land to achieve compliance: Yes No

Comments: \_\_\_\_\_

**DISABLED ACCESS**

Is there clear means of access to the potential NSP? Yes No

Comments: \_\_\_\_\_

**SEPARATION & DEMARCATION OF AREA**

If the potential NSP is located in an open area, is it possible to demarcate the boundaries of the potential NSP? Yes No

Comments: \_\_\_\_\_

Is it necessary to erect barriers around or within the potential NSP: Yes No Access to the potential NSP may need to be restricted to people or it may require barriers and space to avoid other potential hazards

**COMMUNITY COMMUNICATION**

Will it be possible to ensure that there will be good community awareness of the location of the potential NSP? Yes No

Will it be possible to ensure that there will be good community awareness of the risks associated with using the potential NSP? Yes      No

Comments: \_\_\_\_\_

**ACCESS & EGRESS**

Council must assess whether there is sufficient access to the potential NSP which will allow:

- anticipated potential numbers of people to move to and from the place; and
- CFA and other emergency services to attend the place for asset and personal protection activities and operations.

**ACCESS ROADS**

Road Name: \_\_\_\_\_ Road Owner: \_\_\_\_\_

Surface Condition/Type: \_\_\_\_\_

Type & Amount of Vegetation: \_\_\_\_\_

Estimated Surface Fuel Load: \_\_\_\_\_ Estimated Elevated Fuel Load: \_\_\_\_\_

Estimated Bark Hazard: \_\_\_\_\_ Estimated Overall Fuel Load: \_\_\_\_\_

Capacity of road to accommodate potentially large numbers of vehicles, and to accommodate potential vehicle breakdowns: Yes      No

Comments: \_\_\_\_\_

Road Name: \_\_\_\_\_ Road Owner: \_\_\_\_\_

Surface Condition/Type: \_\_\_\_\_

Type & Amount of Vegetation: \_\_\_\_\_

Estimated Surface Fuel Load: \_\_\_\_\_ Estimated Elevated Fuel Load: \_\_\_\_\_

Estimated Bark Hazard: \_\_\_\_\_ Estimated Overall Fuel Load: \_\_\_\_\_

Capacity of road to accommodate potentially large numbers of vehicles, and to accommodate potential vehicle breakdowns: Yes      No

Comments: \_\_\_\_\_

**ACCESS ROADS – PAGE 2**

Road Name: \_\_\_\_\_ Road Owner: \_\_\_\_\_

Surface Condition/Type: \_\_\_\_\_

Type & Amount of Vegetation: \_\_\_\_\_

Estimated Surface Fuel Load: \_\_\_\_\_ Estimated Elevated Fuel Load: \_\_\_\_\_

Estimated Bark Hazard: \_\_\_\_\_ Estimated Overall Fuel Load: \_\_\_\_\_

Capacity of road to accommodate potentially large numbers of vehicles, and to accommodate potential vehicle breakdowns: Yes No

Comments: \_\_\_\_\_

Road Name: \_\_\_\_\_ Road Owner: \_\_\_\_\_

Surface Condition/Type: \_\_\_\_\_

Type & Amount of Vegetation: \_\_\_\_\_

Estimated Surface Fuel Load: \_\_\_\_\_ Estimated Elevated Fuel Load: \_\_\_\_\_

Estimated Bark Hazard: \_\_\_\_\_ Estimated Overall Fuel Load: \_\_\_\_\_

Capacity of road to accommodate potentially large numbers of vehicles, and to accommodate potential vehicle breakdowns: Yes No

Comments: \_\_\_\_\_

Road Name: \_\_\_\_\_ Road Owner: \_\_\_\_\_

Surface Condition/Type: \_\_\_\_\_

Type & Amount of Vegetation: \_\_\_\_\_

Estimated Surface Fuel Load: \_\_\_\_\_ Estimated Elevated Fuel Load: \_\_\_\_\_

Estimated Bark Hazard: \_\_\_\_\_ Estimated Overall Fuel Load: \_\_\_\_\_

Capacity of road to accommodate potentially large numbers of vehicles, and to accommodate potential vehicle breakdowns: Yes No

Comments: \_\_\_\_\_

**ACCESS ROADS – PAGE 3**

Road Name: \_\_\_\_\_ Road Owner: \_\_\_\_\_

Surface Condition/Type: \_\_\_\_\_

Type & Amount of Vegetation: \_\_\_\_\_

Estimated Surface Fuel Load: \_\_\_\_\_ Estimated Elevated Fuel Load: \_\_\_\_\_

Estimated Bark Hazard: \_\_\_\_\_ Estimated Overall Fuel Load: \_\_\_\_\_

Capacity of road to accommodate potentially large numbers of vehicles, and to accommodate potential vehicle breakdowns: Yes No

Comments: \_\_\_\_\_

Road Name: \_\_\_\_\_ Road Owner: \_\_\_\_\_

Surface Condition/Type: \_\_\_\_\_

Type & Amount of Vegetation: \_\_\_\_\_

Estimated Surface Fuel Load: \_\_\_\_\_ Estimated Elevated Fuel Load: \_\_\_\_\_

Estimated Bark Hazard: \_\_\_\_\_ Estimated Overall Fuel Load: \_\_\_\_\_

Capacity of road to accommodate potentially large numbers of vehicles, and to accommodate potential vehicle breakdowns: Yes No

Comments: \_\_\_\_\_

Road Name: \_\_\_\_\_ Road Owner: \_\_\_\_\_

Surface Condition/Type: \_\_\_\_\_

Type & Amount of Vegetation: \_\_\_\_\_

Estimated Surface Fuel Load: \_\_\_\_\_ Estimated Elevated Fuel Load: \_\_\_\_\_

Estimated Bark Hazard: \_\_\_\_\_ Estimated Overall Fuel Load: \_\_\_\_\_

Capacity of road to accommodate potentially large numbers of vehicles, and to accommodate potential vehicle breakdowns: Yes No

Comments: \_\_\_\_\_

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## Appendix 2

### Neighbourhood Safer Place (Place of Last Resort) Site Assessment Report

---

SITE NAME  
LOCALITY

|               |                                                                 |
|---------------|-----------------------------------------------------------------|
| Reference:    | FILE NAME<br>DATE                                               |
| Lead Officer: | LEAD OFFICER NAME<br>LEAD OFFICER POSITION<br>Colac Otway Shire |

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## 1 Executive Summary

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In response to the Interim 2009 Bushfires Royal Commission Recommendation 8.5, the Victorian Government has introduced legislation, which requires the Country Fire Authority (CFA) to certify Neighbourhood Safer Places (NSPs) against the CFA's Assessment Guidelines, and Victoria's Councils to identify, designate, establish and maintain suitable sites as NSPs in their municipal districts.

In relation to the site known as SITE NAME, LOCALITY being assessed as a NSP, the Colac Otway Shire through the support of the Municipal Fire Prevention Committee (MFPC) and or the Municipal Fire Management Planning Committee (MFMP), the Municipal Emergency Management Planning Committee (MEMPC) and CFA Barwon-Corongamite Area, has undertaken assessments in line with current guidelines and expected practices.

The results of both the CFA Assessment Guidelines and the assessment against the Colac Otway Shire Neighbourhood Safer Places Plan Criteria has shown the site described as SITE NAME, LOCALITY at the time of assessment to be compliant against the relevant guidelines and criteria.

Unless Council, on whatever grounds sees fit to decide otherwise, having successfully passed all current NSP criteria that has been established by the State Government, CFA, MAV and the Colac Otway Shire, it is recommended that:

### IF THE SITE MEETS THE NSPP CRITERIA TO BE DESIGNATED

1. The Colac Otway Shire endorse the area as described and detailed within the NSP Site Assessment Report which is located within SITE NAME, LOCALITY as a designated Neighbourhood Safer Place (on the provision that):
  - a. LIST ANY PROVISIONS AS REQUIRED

### **On passing the recommendation above it is further recommended:**

1. The Council provides signage at the NSP site in line with the guidelines published from time to time on the internet site of the Office of the Emergency Services Commissioner.

2. The Municipal Fire Prevention Officer provides to the CFA information on the NSP designation of the site within SITE NAME, LOCALITY.
3. The MFPC and or FMPC and the MEMPC include this site within a list of NSPs within their respective plans.
4. The Council informs the public of the designation of the site as a NSP and provides information to the public on the purpose and function of the NSP as a place of Last Resort and the fact that there is no guarantee of survival if used during an emergency event.
5. The Council asks the CFA to assist in an annual assessment and review of the NSP site by August 31 each year against the NSP Plan and the CFA assessment guidelines.
6. The NSP site is maintained to suitable standards and that the Municipal Fire Prevention Officers undertake routine inspections of the NSP site prior to and during the fire danger period.
7. That a budget is allocated to provide the site with signage, maintenance and annual inspections in line with the NSP guidelines, legislation and plans.

IF SITE DOES NOT MEET NSPP CRITERIA AND NOT TO BE DESIGNATED

1. The Colac Otway Shire **does not** designate the area as described and detailed within the NSP Site Assessment Report which is located within SITE NAME, LOCALITY as a Neighbourhood Safer Place.

This recommendation not to designate the site as a Neighbourhood Safer Place is based on the following findings; plethora

- a. LIST ANY PROVISIONS AS REQUIRED

## 2 Introduction

---

The interim Report delivered by the 2009 Victorian Bushfires Royal Commission recommended that neighbourhood safer places, be identified and established to provide persons in bushfire affected areas with a place of last resort during a bushfire<sup>1</sup>.

In response to this recommendation, the Victorian Government has introduced the *Emergency Services Legislation Amendment Act 2009 (ESLA Act)* which amends the *Country Fire Authority Act 1958 (CFA Act)* and the *Emergency Management Act 1986 (EM Act)*. The effect of these amendments requires the CFA to certify NSPs against the CFA's Assessment Guidelines, and Councils within Victoria to identify, designate, establish, maintain and decommission NSPs in their municipal districts.

NSPs are not community fire refuges or emergency relief centres. NSPs are **places of last resort** during the passage of a bushfire, and are intended to be used by persons whose primary bushfire plans have failed. NSPs are places of relative safety only. They do not guarantee the survival of those who assemble there. Furthermore, there may be serious risks to safety encountered in travelling and seeking access to NSPs during bushfire events. Depending on the direction of a particular fire, it may not be 'a safer place' to assemble than other places within the municipal district. At that point in time it almost certainly will be a matter for individual judgement and decision, as to which if any NSP a person or persons should travel in the presence of fire.

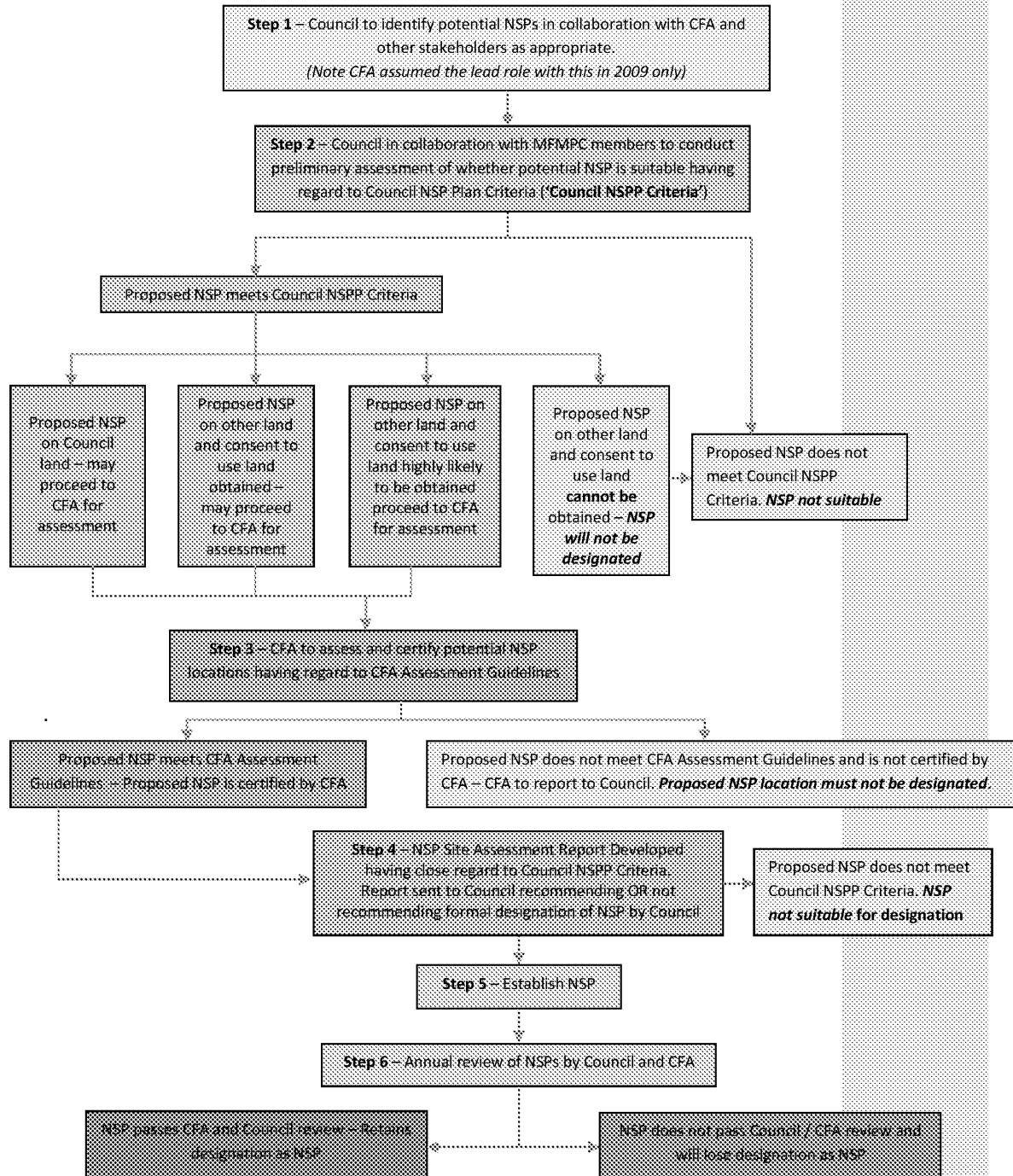
NSPs will be assessed by the CFA as providing some protection from immediate risk of direct fire attack, but not necessarily from other risks, such as flying embers.

It is impossible to determine the variables of people behaviour and actions during the stresses of an emergency situation. It is also impossible to precisely determine localised affects of weather during fire events and the resulting impact of fire at any particular location on any given high risk day. In understanding this, the assessment has included many assumptions in identifying possible sites that may provide some form of protection from radiant heat during the passage of a fire.

---

<sup>1</sup> Recommendation 8.5, 2009 Victorian Bushfires Royal Commission Interim Report

### 3 NSP Approval Process



NB: This process is effective from the 1<sup>st</sup> January 2010. Site assessments prior to this date utilised the previous version, where CFA was lead agency in step 1.

## 4 Compliance Standards

---

The assessment of the site was done in line with the:

- Colac Otway Shire Neighbourhood Safer Places Plan (NSPP)
- Colac Otway Shire NSP Criteria Audit Tool
- The CFA NSP Interim Assessment Guideline Version 3.1 October 2009
- Emergency Services Legislation Amendment Act 2009

## 5 Assessment Approach

---

Five stages of assessment were made on this site.

1. Under the Emergency Services Amendment Act 2009, the CFA is responsible for assessing potential NSP locations against the CFA Assessment Guidelines. This was done by appropriately qualified and experienced CFA personnel.
2. Concerns regarding the site being designated as a NSP were also sought from Police, CFA, respective interested or associated parties and key operational Council staff.
3. The MFPC and or MFMPC were briefed and information sought on the site being designated as a NSP
4. Phone or in person interviews were conducted with the CFA Brigade Captain.
5. The Council also conducted an onsite assessment in-line with the criteria in the Colac Otway Shire NSPP. This assessment was conducted with the assistance of the Emergency Services represented within the MFMPC. In attendance was Council staff, Victorian Police, CFA operational and volunteer staff, Parks Victoria, Department of Sustainability & Environment and Department of Education and Early Childhood Development representatives.

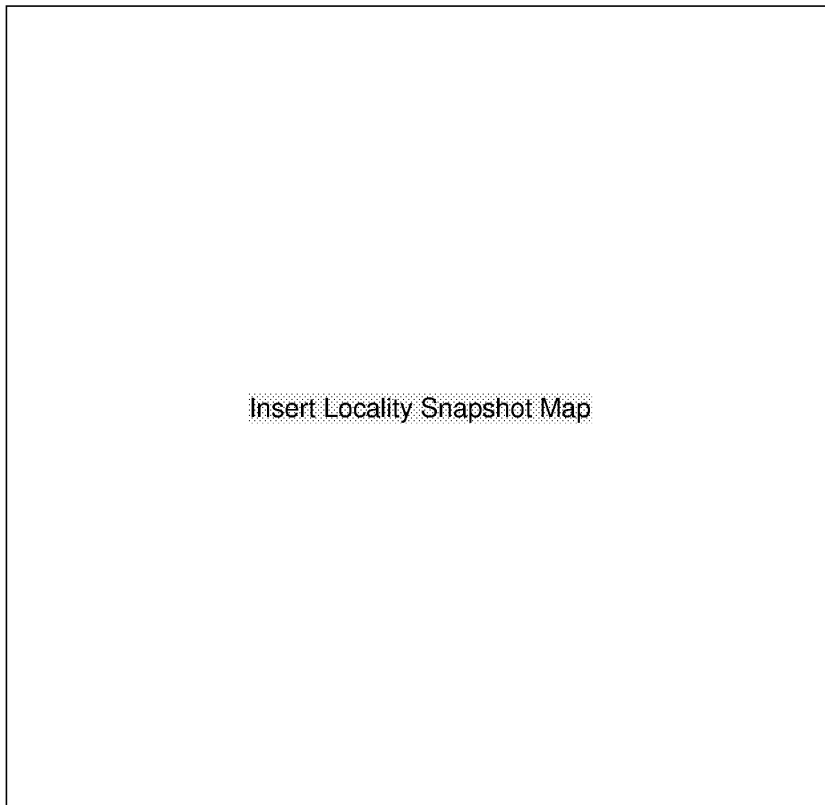
## 6 Site Identification

---

### Locality

Insert a 200-300 word description highlighting the following:

- Locality overview
- Township significant
- Future development
- Community facilities
- Transport overview
- Retail and Commercial overview
- Census information



Locality Township Map Showing Proposed NSP Site (A)

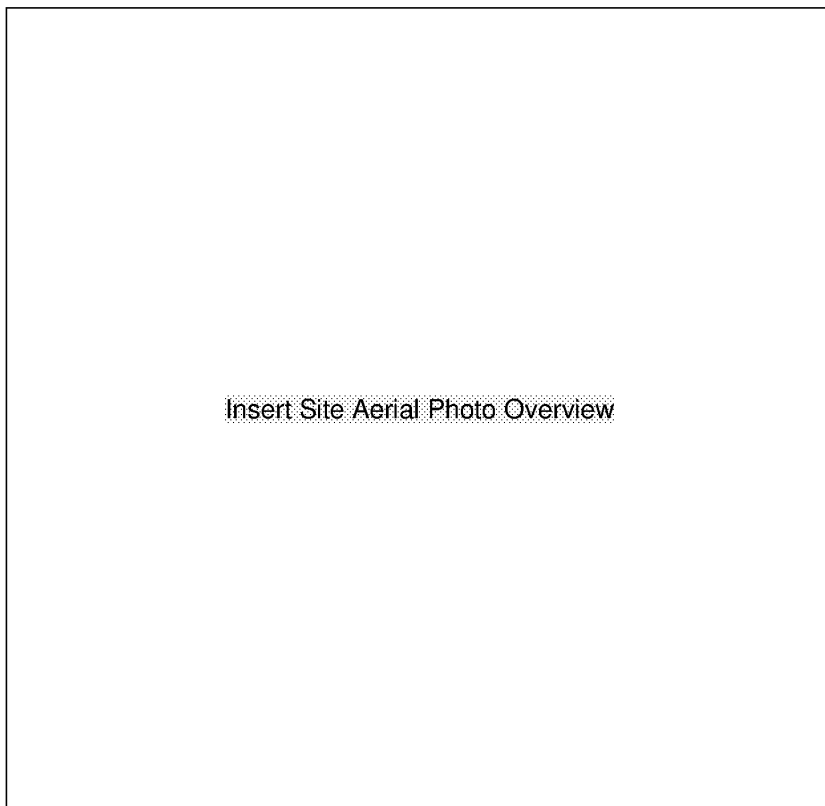


Specific Site – SITE NAME

SITE NAME situated at STREET ADDRESS is positioned within the locality of LOCALITY.

The NSP SITE OWNER owned section of the site is approximately SIZE hectares (SIZE acres) and abuts LOCAL FEATURE DESCRIPTION.

Insert access/egress to site blurb. Number of vehicle/pedestrian entries and ESO 4WD access.



The site encompasses;

- INSERT LIST OF FACILITIES ON SITE, E.G TOILETS, CAR PARK, SHELTERS, PAVILLIO, ETC

## 7 Findings & Discussion

---

### Potential NSP site identified

On the DATE the Colac Otway Shire and the CFA produced a list of potential sites for consideration as NSPs.

This list included SITE NAME situated at STREET ADDRESS is positioned within the locality of LOCALITY.

### CFA Assessment

CFA has developed guidelines to assess the suitability of potential sites as NSPs.

The key criteria considered by the CFA under the current CFA NSP assessment for this site were for an open space and therefore needed to meet one of the following criteria;

- The appropriate separation distance between the outer edge of the potential NSP and the nearest fire hazard ('Buffer Zone') should be at least 310 metres; or
- An alternative Buffer Zone distance may be prescribed by the CFA, which will ensure that the maximum potential radiant heat impacting on the site is no more than 2kw/m<sup>2</sup>.

The CFA informed the Council on the DATE in writing (appendix A) that the SITE NAME site was compliant with the CFA assessment guidelines and prescribed an area that the maximum potential radiant heat impacting on the site would be no more than 2kw/m<sup>2</sup>.

The resulting proposed NSP site area is depicted at Fig 1.



Fig. 1. Site Map Showing Land parcel and CFA designated NSP area

The proposed NSP area within **SITE NAME** can be simply described as the area within the **DEFINE BOUNDARIES**.

**Survey of Concerns**

The Council sought additional input from relevant agencies and personnel on the suitability of this site being used as a NSP. This occurred via an **EMAIL/PHONE/FAX/LETTER/INTERVIEW** on **DATE**.

We asked specifically for opinion in relation to:

- The suitability of access and entry to the location or building;
- The suitability in using the site for the congregation of people during an emergency;
- Any other reason for which the site may not be suitable as a NSP.

The request was sent to the following agencies:

- **POLICE, CFA OPERATIONS, CFA BRIGADE, COUNCIL DEPARTMENTS, PRIVATE OWNER, OTHER GOVERNMENT DEPARTMENTS**

Response was received from the following agency/ies with the following concerns highlighted;

**INSERT SUMMARY OF RESPECTIVE AGENCY CONCERNS**

**Site Assessment against NSP Plan Criteria**

On the DATE at approximately TIME, representatives from INSERT AGENCIES ATTENDING THE SITE ASSESSMENT inspected the site and discussed its potential of being used as a NSP.

The NSPP Criteria Audit Tool was used to assist in the discussion and ultimate assessment.

The following summary was concluded;

Consents and Rights of Access

INSERT SUMMARY

Access and Egress

INSERT SUMMARY

Defendable Space

INSERT SUMMARY

Defendability of Buildings

INSERT SUMMARY

Signage

INSERT SUMMARY

Maintenance and Maintainability

INSERT SUMMARY

Other Conflicting Uses

INSERT SUMMARY

Action to Endorse

INSERT SUMMARY

## 8 Recommendations

As per the Emergency Service Legislation Bill 2009, municipal councils must identify and designate places as neighbourhood safer places within their municipal district. In regards to this designation the Council must only designate sites that have passed the CFA Assessment Guidelines and may have regard to its Municipal Neighbourhood Safer Places Plan.

Having successfully passed all current NSP criteria established by the State Government, CFA, MAC and the Colac Otway Shire, it is recommended that:

### IF THE SITE MEETS THE NSP CRITERIA

8. The Colac Otway Shire endorse the area as described and detailed within the NSP Site Assessment Report which is located within **SITE NAME, LOCALITY** as a designated Neighbourhood Safer Place (on the provision that):
  - a. **LIST ANY PROVISIONS AS REQUIRED**

### **On passing the recommendation above it is further recommended:**

1. The Council provides signage at the NSP site in line with the guidelines published from time to time on the internet site of the Office of the Emergency Services Commissioner.
9. The Municipal Fire Prevention Officer provides to the CFA information on the NSP designation of the site within **SITE NAME, LOCALITY**.
10. The MFPC and or MFMPC and the MEMPC include this site within a list of NSPs within their respective plans.
11. The Council informs the public of the designation of the site as a NSP and provides information to the public on the purpose and function of the NSP as a place of Last Resort and the fact that there is no guarantee of survival if used during an emergency event.
12. The Council asks the CFA to assist in an annual assessment and review of the NSP site by August 31 each year against the NSP Plan and the CFA assessment guidelines.

13. The NSP site is maintained to suitable standards and that the Municipal Fire Prevention Officers undertake routine inspections of the NSP site prior to and during the fire danger period.
14. That a budget is allocated to provide the site with signage, maintenance and annual inspections in line with the NSP guidelines, legislation and plans.

IF THE SITE DOES NOT MEET THE NSP CRITERIA

2. The Colac Otway Shire **does not** designate the area as described and detailed within the NSP Site Assessment Report which is located within SITE NAME, LOCALITY as a Neighbourhood Safer Place.

This recommendation not to designate the site as a Neighbourhood Safer Place is based on the following findings; plethora

- a. LIST ANY PROVISIONS AS REQUIRED

Appendix A

**CFA Assessment Criteria  
Compliant Confirmation**

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INSERT COPY OF CFA COMPLIANCY LETTER, RADIANT HEAT REPORT  
AND GIS MAP ABOUT RESPECTIVE SITE



Appendix B

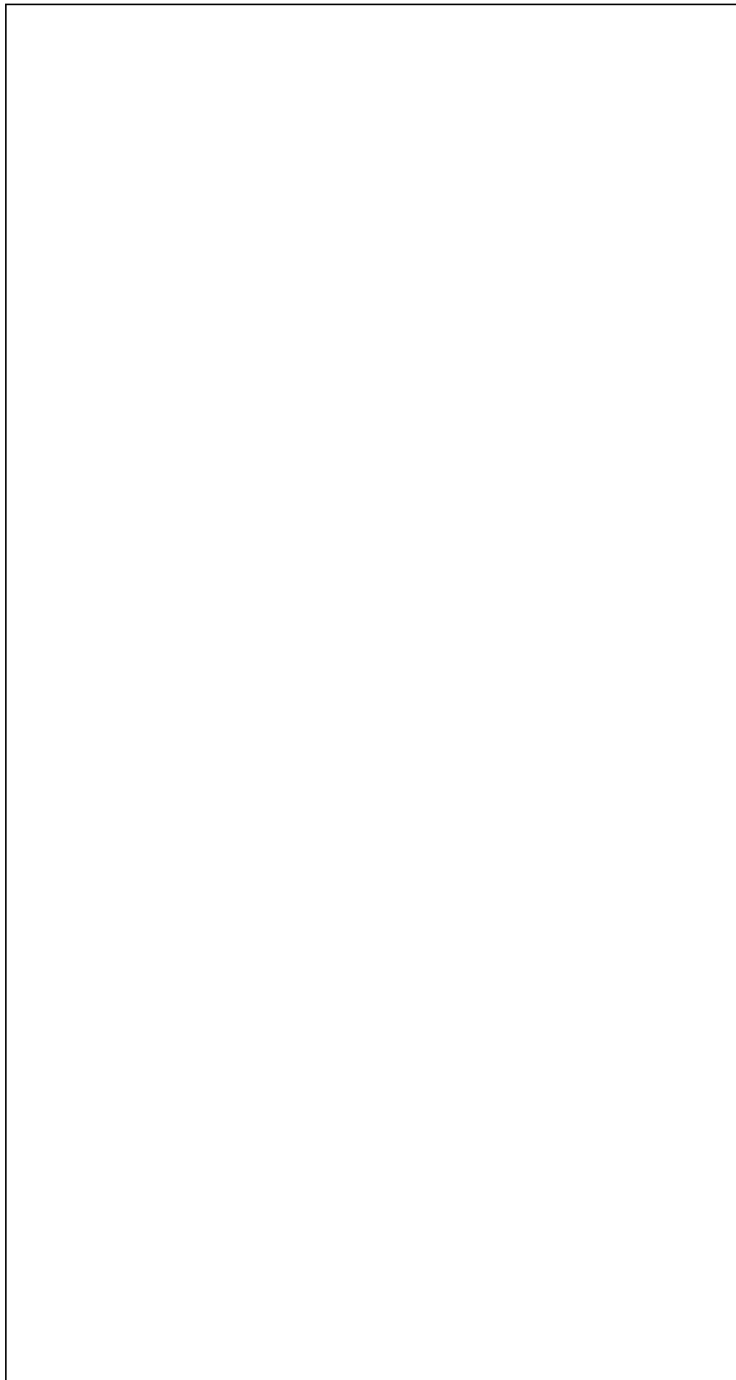
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**Signage Locations Map**

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Pg 17


The following map depicts possible sites for directional signage and information signage



 Parking Areas

 Directional Signage

 Information Signage

 NSP Area

Colac Otway Shire

Appendix C

**SITE NAME – NSPP Criteria Audit Report**

Colac Otway Shire

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Colac Otway Shire

INSERT SITE AUDIT REPORT

Page - 20 -



## Neighbourhood Safer Place (Place of Last Resort) Site Assessment Report

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Carlisle River Recreation Reserve  
Carlisle River

Reference: Carlisle River NSP Site Assessment Report  
8 June 2010

Colac Otway Shire

*Colac Otway Shire*

**Table of Contents**

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Appendix A - CFA Assessment Report

Appendix B - Notes NSP Site Meeting 10 December 2009

Appendix C - NSP Access and Egress Joint Inspection

Appendix D - Arborist Report 5 March 2010

*Colac Otway Shire*

## 1. Executive Summary

---

In response to the Interim 2009 Bushfires Royal Commission Recommendation 8.5, the Victorian Government has introduced legislation which requires the Country Fire Authority (CFA) to certify Neighbourhood Safer Places (NSPs) against the CFA's Assessment Guidelines, and Victoria's Councils to identify, designate, establish and maintain suitable sites as NSPs in their municipal districts.

In relation to the site known as Carlisle River Recreation Reserve, Carlisle River being assessed as a NSP, the Colac Otway Shire through the support of the Municipal Fire Management Planning Committee (MFMP), and the Municipal Emergency Management Planning Committee (MEMPC) and CFA Barwon-Corangamite Area, has undertaken assessments in line with current guidelines and expected practices.

The results of CFA's assessment of the site described as Carlisle River Recreation Reserve against the CFA NSP Interim Assessment Guideline (2009/10 Fire Season) Version 3.1 - October 2009, showed the site to be compliant with conditions. However further investigation and assessment by Colac Otway Shire against the Neighbourhood Safer Places Plan (NSPP) criteria found the site to be not compliant with the NSPP criteria and as such determined that Council should not designate it.

Unless Council, on whatever grounds sees fit to decide otherwise, having **not** successfully passed all current NSP criteria that have been established by the State Government, CFA, MAV and the Colac Otway Shire NSPP Criteria, it is recommended that:

1. The Colac Otway Shire **does not** designate the area as described and detailed within the NSP Site Assessment Report which is located within the Carlisle River Recreation Reserve, Carlisle River as a NSP.

This recommendation not to designate the site as a NSP is based on the following findings:

- Appropriate and satisfactory access and egress routes are not available.
- The type and amount of vegetation along access and egress routes could be affected by fire and pose a risk of harm to those seeking access to the potential NSP, or otherwise block access to the NSP.

*Colac Otway Shire*

- Appropriate vegetation management activities cannot be undertaken and maintained through works that are both possible and practical having regard to the resources available to council.
- Estimated establishment cost to Council of \$200,000 to sufficiently manage the vegetation along all Council managed roads that provide access and egress to the site.
- Additional establishment cost to VicRoads of \$100,000 to sufficiently manage the vegetation along all VicRoads managed roads that provide access and egress to the site.
- The motions past by the Municipal Fire Management Planning Committee, and the Municipal Emergency Management Planning Committee to not designate the site.

*Colac Otway Shire*



## 2. Introduction

---

In its interim Report, the 2009 Victorian Bushfires Royal Commission recommended that neighbourhood safer places, be identified and established to provide persons in bushfire affected areas with a place of last resort during a bushfire<sup>1</sup>.

In response to this recommendation, the Victorian Government in late 2009 introduced the *Emergency Services Legislation Amendment Act 2009 (ESLA Act)* which amends the *Country Fire Authority Act 1958 (CFA Act)* and the *Emergency Management Act 1986 (EM Act)*. The effect of these amendments requires the CFA to certify NSPs against the CFA's Assessment Guidelines, and Councils within Victoria to identify, designate, establish, maintain and decommission NSPs in their municipal districts.

NSPs are not community fire refuges or emergency relief centres. NSPs are **places of last resort** during the passage of a bushfire, and are intended to be used by persons whose primary bushfire plans have failed. NSPs are places of relative safety only. They do not guarantee the survival of those who assemble there. Depending on the direction of a particular fire, it may not be 'a safer place' to assemble than other places within the municipal district. At that point in time it almost certainly will be a matter for individual judgement and decision, as to which if any NSP a person or persons should travel to in the presence of fire.

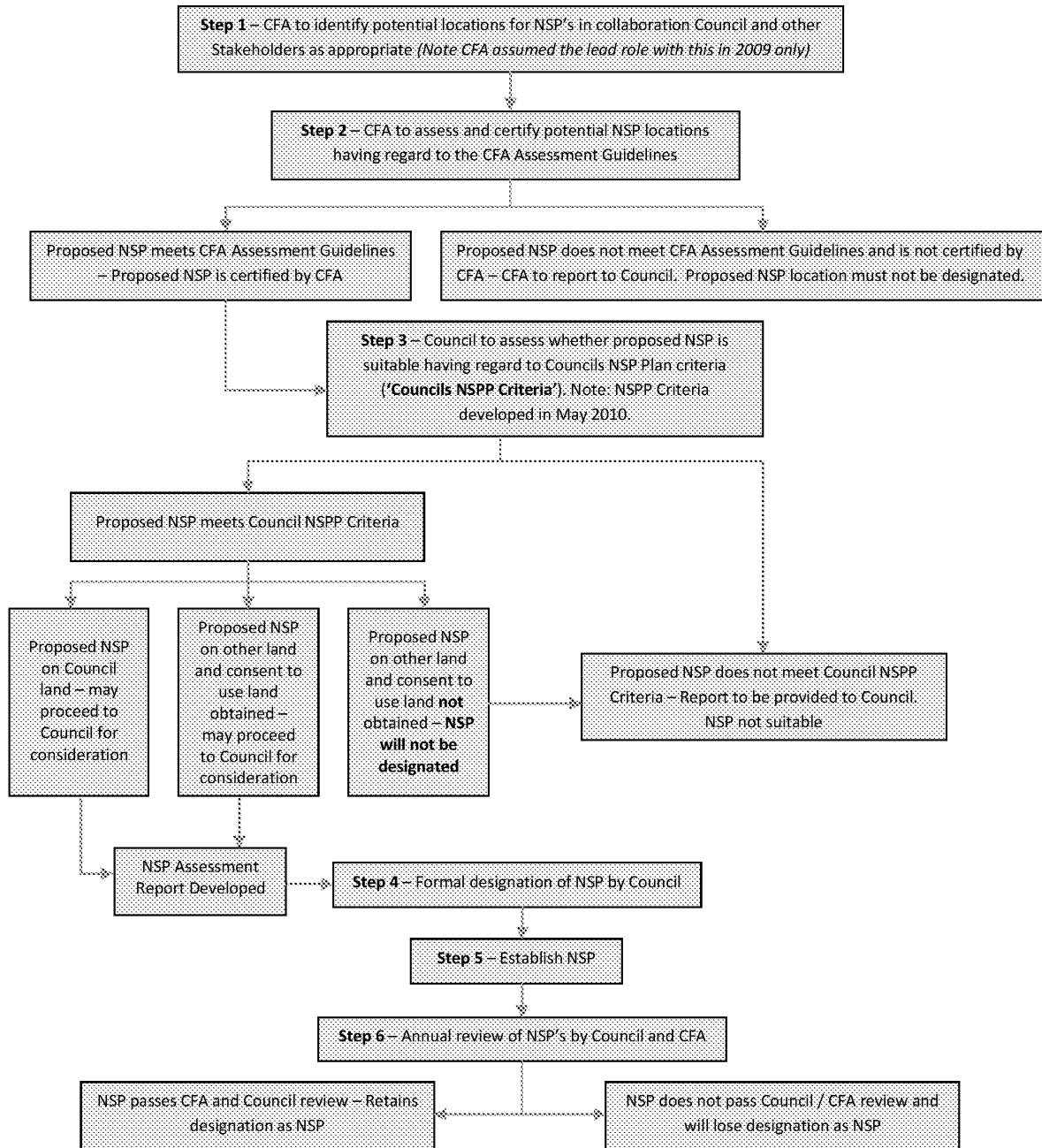
NSPs will be assessed by the CFA as providing some protection from immediate risk of direct fire attack, but not necessarily from other risks, such as flying embers.

It is impossible to determine the variables of people's behaviour and actions during the stresses of an emergency situation. It is also impossible to precisely determine localised affects of weather during fire events and the resulting impact of fire at any particular location on any given high risk day.

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<sup>1</sup> Recommendation 8.5, 2009 Victorian Bushfires Royal Commission Interim Report

### 3. NSP process for establishing and maintain NPSs identified and assessed prior to 31 December 2009



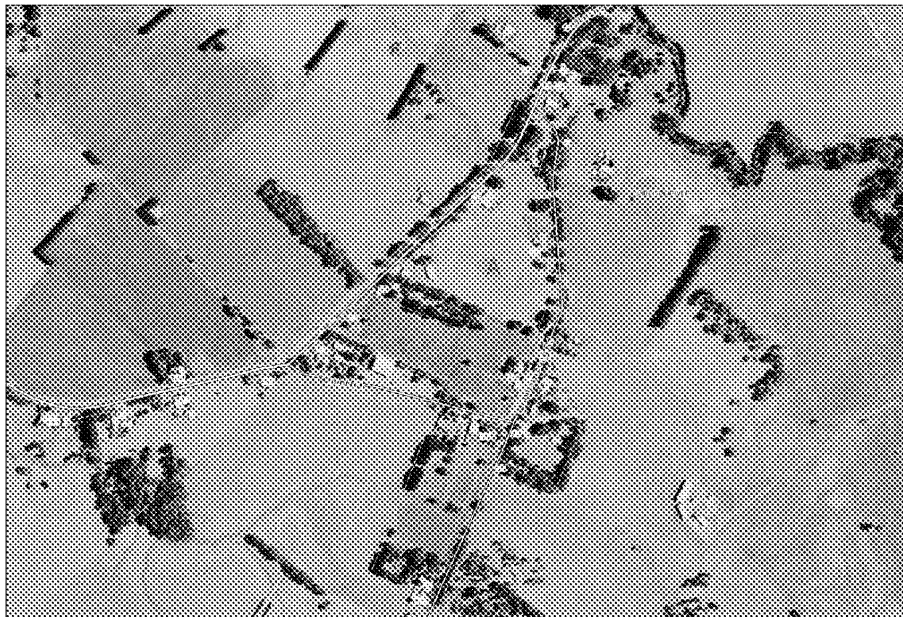
Colac Otway Shire

## 4. Site Identification

### Identification of potential NSP site

On the 31 July 2009 the CFA led a process of identification of potential NSP sites within Colac Otway Shire. CFA did this in consultation with representatives from Council, Department of Sustainability and Environment (**DSE**), Parks Victoria, Victoria Police, Barwon Water and Powercor. The initial focus was to identify potential NSPs in each town within the municipality that had been assessed using the Victorian Fire Risk Register – Wildfire (**VFRR**) tool, as having a risk rating of Extreme and a priority ranking of 1A, 1B or 1C, and for which CFA were developing a Township Protection Plan (**TPP**). These towns included; Barongarook, Barwon Downs, Forrest, Carlisle River, Kawarren, Lavers Hill, Marengo, Kennett River and Wye River/Separation Creek.

This process identified the Carlisle River Recreation Reserve situated on the Gellibrand River Road within the township of Carlisle River as shown in figure 1 below.



*Figure 1. Carlisle River township map showing proposed potential NSP Site (A) Aerial photography used as map base is from 2005*

Colac Otway Shire

### Locality description

Carlisle River is a small rural township, located approximately 35 km south west of Colac. Approximately 40 people live within the township and a further 65 people reside on properties in the surrounding area (see notes below). The rich river flats along the Gellibrand River, which runs adjacent to Carlisle River, were first occupied under pastoral licence in 1861; however subdivisions did not take place until 1890. The district owes its present prosperity to dairying, potato growing and the timber industry.

The township has a State Primary School which currently 11 children attend, supported by two teachers and regular visiting specialist teachers.

Additional community facilities include:

- Community Hall
- Football change rooms for recreational purposes
- Tennis courts for social use
- CFA shed which houses a fire fighting truck
- Anglican Church which holds services on a monthly basis
- Public toilets
- Playground.

The township and surrounding area support the following community groups:

- Hall committee
- Recreation Reserve Committee
- Community group that meets bimonthly and also produces a bimonthly newsletter
- CFA volunteer fire brigade
- School Council
- Country Women's Association (CWA)
- Playgroup.

A Township Master Plan was developed for Carlisle River in 2004 and the community have worked diligently towards achieving the priorities identified in this plan.

The rich river flats along the Gellibrand River that encompass Carlisle River and the immediate adjacent land are surrounded by forest on all sides, most notably Carlisle State Park to the South.

*The population estimate above is based on local knowledge.*

*The population estimate in Appendix 1; CFA Assessment Report is taken from "Peak Overnight Population in Selected Locations – Barwon Region December 2007". It is believed this data is based on a geographic footprint that takes in a more significant and broader area than Carlisle River.*

Colac Otway Shire

### NSP Specific Site description

The Carlisle River Recreation Reserve is situated on the Gellibrand River Road within the township of Carlisle River. Access to the site for foot and vehicular traffic is from the Gellibrand River Road into the fenced area shown as area 2 in figure 2 below.

The Carlisle River Recreation Reserve which encompasses an area of approximately 3.3 hectares (8.15 acres) abuts the Gellibrand River Road on the western side, the Moomowroong Road on the eastern side and private property to the south and north. The immediate property boundaries of the recreation reserve and surrounding area are shown in more detail in figure 2 below.

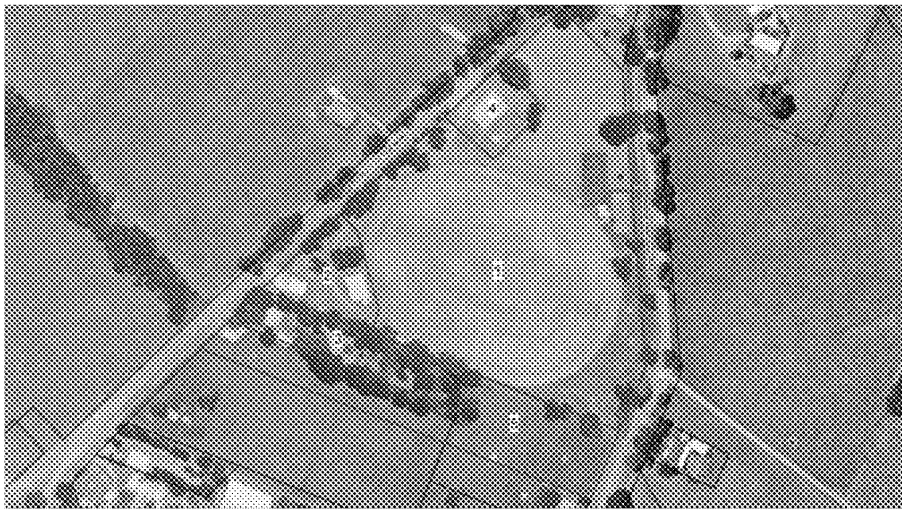


Figure 2. Carlisle River recreation Reserve and adjoining land boundaries. Aerial photography used as map base is from 2005

**Area 1** - Council owned section of the potential NSP site – Carlisle River Recreation Reserve, which is managed by a Special Committee appointed by resolution of Council. The committee is known as the Carlisle River Recreation Reserve Management Committee. The actual NSP site is a 16 X 16 metre square in the middle of Area 1.

**Area 2** - This section also owned by Council is fenced and encompasses the CFA shed, public toilets, notice board, small playground and football change rooms.

**Area 3** - Adjoining private property with residence and vegetated area, currently rented to tenant.

**Area 4** - Carlisle River Hall, land owned by the DSE, managed by a hall committee.

**Area 5** - Private property.

Colac Otway Shire

## 5. Compliance Standards

---

The assessment of the site was done in line with the:

- The CFA NSP Interim Assessment Guideline (2009/10 Fire Season) Version 3.1 - October 2009;
- MAV Roadside Clearance and Standard Process; and
- Colac Otway Shire Neighbourhood Safer Places Plan Criteria.

## 6. Assessment Approach

---

Five stages of assessment were made on this site.

- 1) CFA led a process of identification of the site in consultation with representatives from Council, DSE, Parks Victoria, Victoria Police, Barwon Water and Powercor. The VFRR – wildfire tool was used to determine a risk rating and priority ranking.
- 2) CFA conducted an assessment of the potential NSP location against the CFA NSP Interim Assessment Guideline (2009/10 Fire Season) Version 3.1 - October 2009. This was done by appropriately qualified and experienced CFA personnel.
- 3) On site investigation/inspections/meetings took place on:
  - a. 12 November 2009 – Council Staff
  - b. 18 November 2009 – Council Staff
  - c. 10 December 2009 – Council Staff and CFA
  - d. 20 January 2010 – Council Staff, CFA, DSE, VicRoads and adjoining private landholders.
- 4) Concerns regarding the site being designated as a NSP were also sought from Police, CFA, respective interested or associated parties and key operational Council staff.
- 5) The MFPC and FMPC were briefed and information sought on the site being designated as a NSP.

The Council also conducted an assessment in-line with the criteria in the Colac Otway Shire NSPP. This assessment was conducted with the assistance of the Emergency Services represented within the FMPC. An arborist report on the roadside vegetation modification required was also obtained (see Appendix D).

*Colac Otway Shire*

## 7. Findings & Discussion

---

### **CFA Assessment**

CFA has developed guidelines to assess the suitability of potential sites as NSPs.

The key criteria considered by the CFA under the current CFA NSP assessment for this site were for an open space and therefore the site needed to meet one of the following criteria;

- The appropriate separation distance between the outer edge of the potential NSP and the nearest fire hazard ('Buffer Zone') should be at least 310 metres; or
- An alternative Buffer Zone distance may be prescribed by the CFA, which will ensure that the maximum potential radiant heat impacting on the site is no more than  $2\text{kw/m}^2$ .

The CFA informed the Council on 18 December 2009 in writing (Appendix A) that the Carlisle River Recreation Reserve site was compliant with conditions, the conditions stated; 'Council to undertake further investigation to assess the required fuel modification to ascertain if the site can meet the NSP criteria in the future.'

### **Survey of Concerns**

The Council sought additional input from relevant agencies and personnel on the suitability of this site as a NSP, in particular the modification of fuel loads on adjoining private property to the south south west of the proposed NSP site and on the suitability of access and egress to the site.

### **Site Assessment against NSP Plan Criteria**

An onsite meeting took place on 10 December 2009 with the adjoining property owners, representatives from Council and CFA to discuss and investigate the extent and possibility of the vegetation modification works required to maintain the site and to reduce the maximum potential radiant heat impacting on the NSP site from the adjoining private land to the south west. Notes from this meeting are attached (Appendix B). The NSPP Criteria was used to assist in the ultimate assessment.

### Consents and Rights of Access

The potential NSP site – Carlisle River Recreation Reserve, is Council owned land which is managed by a Special Committee appointed by resolution of Council. The committee is known as the Carlisle River Recreation Reserve Management Committee. Consent and rights of access are highly likely to be able to be obtained.

*Colac Otway Shire*

### Access and Egress

A site meeting held on 20 January 2010 with representatives from Council, DSE, CFA, Vic Roads and a visiting representative of the United States Fire Service discussed the following access and egress issues as per the criteria provided by the MAV (refer to attachments 1 and 2 in Appendix C). The following items were discussed:

- process for identification of access and egress routes;
- works criteria for access and egress routes;
- identification of access and egress routes; and
- site assessments of access and egress routes.

It was the consensus of all present that in their current state none of the roads viewed would be safe enough to recommend for usage during a fire event by people travelling to the reserve as a place of last resort.

It was agreed that a very large amount of work would be required to make each road compliant with the criteria provided by the MAV.

Furthermore a significant amount of ongoing maintenance would be required to maintain the standard, it was agreed that an arborist assessment would be necessary to accurately quantify the potential costs. Minutes were taken of this meeting (Appendix C).

An arborist was contracted by Council to assess the vegetation along the roads managed by Council near the site using criteria provided by the MAV. The arborist report (see Appendix D) shows that it would cost nearly fifty thousand dollars to sufficiently modify the vegetation along 2km of Council managed roads adjoining the site. It is estimated that 8km of Council managed roads would necessitate a comparable level of vegetation management.

On the basis of this advice it is estimated that it would cost approximately \$200,000 to sufficiently manage the vegetation along all the Council managed roads that provide access and egress to the site. It is not considered reasonable for Council to carry out this level of vegetation management, not simply because of the initial cost but also because of the significant impact on the local environment, the character of the area and also the ongoing maintenance costs.

The advice received from the arborist confirms that the site does not meet the NSPP criteria because the appropriate vegetation management activities cannot be

*Colac Otway Shire*



undertaken through works that are both possible and practical having regard to the resources available to Council.

It is worth noting that an additional establishment cost to VicRoads of \$100,000 would also be required to sufficiently manage the vegetation along all VicRoads managed roads that provide access and egress to the site.

#### Opening of the NSP

As the potential site is an Open Space NSP, this is not deemed to be relevant; however it is important to note that the site is managed by a Special Committee appointed by resolution of Council. This committee known as the Carlisle River Recreation Reserve Management Committee currently manages the fire hazard at the site by allowing a neighbouring dairy farmer to graze the site.

#### Defendable Space

The site is deemed to have sufficient defendable space.

#### Defendability of Buildings

Not applicable as this is an Open Space potential NSP. There is some concern however that buildings adjoining the site may be used inappropriately by individuals to shelter in during a fire event. These buildings have not been assessed; they are quite old and not constructed in line with current building requirements for a wildfire management overlay area.

#### Signage

There is sufficient space to erect general NSP signage, however it was felt by the group that it would not be possible to erect specific NSP signage on the cricket pitch in the centre of the recreation reserve as identified by CFA as the NSP site in their Assessment Report on a permanent basis, as the reserve has other uses including grazing and sporting activities.

#### Maintenance and Maintainability

Significant costs would be incurred by Council in establishing and maintaining the site, particularly to ensure suitable access and egress. In accordance with the NSPP this needs to be considered not only in relation to the suitability of a proposed NSP, but also as to the total number of proposed NSP that can be reasonably maintained within the municipal district.

#### Other Conflicting Uses

The site is currently used for grazing by a local farmer and also for casual sporting activities.

*Colac Otway Shire*

## 8. Recommendations

---

As per the CFA Act 1958, municipal councils must identify and designate places as neighbourhood safer places within their municipal district. In regards to this designation the Council must only designate sites that have passed the CFA Assessment Guidelines and will have regard to its Municipal Neighbourhood Safer Places Plan.

Having not passed all current NSP criteria established by the State Government, CFA, MAV and the Colac Otway Shire NSPP criteria, it is recommended that:

1. The Colac Otway Shire **does not** designate the area as described and detailed within the NSP Site Assessment Report which is located within Carlisle River Recreation Reserve, Carlisle River as a Neighbourhood Safer Place.

This recommendation not to designate the site as a Neighbourhood Safer Place is based on the following findings:

- Appropriate and satisfactory access and egress routes are not available.
- The type and amount of vegetation along access and egress routes could be affected by fire and pose a risk of harm to those seeking access to the potential NSP, or otherwise block access to the NSP.
- Appropriate vegetation management activities cannot be undertaken and maintained through minor works that are both possible and practical having regard to the resources available to council.
- Estimated establishment cost of \$200,000 to sufficiently manage the vegetation along all Council managed roads that provide access and egress to the site.
- Additional establishment cost to VicRoads of \$100,000 to sufficiently manage the vegetation along all VicRoads managed roads that provide access and egress to the site.
- The motions past by the Municipal Fire Management Planning Committee, and the Municipal Emergency Management Planning Committee to not designate the site.

*Colac Otway Shire*

Appendix A

**CFA Assessment Report**

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**Neighbourhood Safer Places - Addendum**  
 Revised Site Assessment Report / Banwon Corangamite Area

*Location Details*

Site Name: **Carlisle River Recreation Reserve - Reassessed**

Address: Gallibrand River Rd, Carlisle River VIC 3229

Assessment Criteria: **THIS LOCATION HAS BEEN ASSESSED AGAINST THE CRITERIA FOR AN "OPEN SPACE" i.e.**

- \* Distance equal to or greater than 310m
- \* 2.0 kW/metre Radiant Heat Flux
- \* Effective Slope less than 20 degrees

*Any additional data provided for this site is for general background information only*

Map Book: Vicmap South West Region - Page 841A / Map Carlisle River C3

Map Reference: 54H - 0768 495 - UTH - 5728 176

Map Reference: E \_\_\_\_\_ N \_\_\_\_\_ Zone \_\_\_\_\_

GPS Coordinates: Latitude 36°33'41.40"S Longitude 143°23'38.57"E

Municipality: Colac Otway Shire

Brief description of use: Sports ground with adjoining club rooms, public hall and fire station

Trax Details: Site # 320408 Job # 368530

*Assessment Details*

|                | Preliminary Site Assessment Officer | Authorised Bushfire Attack Assessment Officer |
|----------------|-------------------------------------|-----------------------------------------------|
| Name           | <u>Robert M Smith</u>               | <u>Phillip Wall</u>                           |
| Contact Number | <u>0419 313 007</u>                 | <u>0418 315 324</u>                           |
| Date           | _____                               | _____                                         |
| Signature      |                                     |                                               |

*Endorsement Details*

|           | Manager Community Safety | Operations Manager      |
|-----------|--------------------------|-------------------------|
| Name      | <u>John Meale</u>        | <u>Malcolm Fallon</u>   |
| Date      | <u>19/11/09</u>          | <u>19 November 2009</u> |
| Signature |                          |                         |



Date of Inspection 13 & 22 October 2009

NSP Assessment Team

|                           |           |                   |                                                                                                                                              |                       |              |
|---------------------------|-----------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------|
| Local CFA Brigade Rep     |           | DSE/Parks Vic Rep | John McDonald<br>Tim Gazzard                                                                                                                 | Council MFPO/MERO     | Mark Gunning |
| Council Building Surveyor |           | Vic Police        | No Vic Pol reps in attendance at time of inspection on 13/10. Location had been inspected previously and comments passed to assessment team. | CFA Catchment Officer | Dean Manson  |
| CFA Fire Safety Officer   | Bob Smith | CFA BSO           | Phillip Wall (note taker)                                                                                                                    |                       |              |

| Number | ASSESSMENT CRITERIA                                                                                                                                                                                     | ASSESSMENT RESULTS                                                                                                                                                                                                               |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.0    | <b>Building Available to NSP</b><br>Priority to find NSP with building with:-                                                                                                                           | Football club rooms, public hall and fire station are adjacent to reserve. Public toilet block near club rooms                                                                                                                   |
| 1.1    | Shelter                                                                                                                                                                                                 | Yes                                                                                                                                                                                                                              |
| 1.2    | Water                                                                                                                                                                                                   | Yes                                                                                                                                                                                                                              |
| 1.3    | Electricity                                                                                                                                                                                             | Yes                                                                                                                                                                                                                              |
| 1.4    | Phone                                                                                                                                                                                                   | Yes at fire station                                                                                                                                                                                                              |
|        |                                                                                                                                                                                                         | NOTE:- Building was not assessed due to it's proximity to vegetation and the site was assessed as open space. However, this does not prevent the building utilities being used to support the assessed NSP.                      |
| 2.0    | <b>People</b>                                                                                                                                                                                           | Population figures taken from "Peak Overnight Population in Selected Locations - Barwon Region December 2007"                                                                                                                    |
| 2.1    | People methodology based on 30% of overall Population<br>Number of people X 30% = y<br>= $\sqrt{y}$<br>= $\sqrt{y}$<br>Overall area m <sup>2</sup> required = x + y = m <sup>2</sup>                    | Using methodology:-<br>Pop 810<br>30% = 243 = 16m <sup>2</sup>                                                                                                                                                                   |
| 3.0    | <b>Car Parking</b>                                                                                                                                                                                      | Population figures taken from "Peak Overnight Population in Selected Locations - Barwon Region December 2007"                                                                                                                    |
| 3.1    | Adequate parking for anticipated number of vehicles.<br>Car Park area methodology based on 30% of overall Population divided by 2.<br>Number of cars X 4m X 3m = x<br>= $\sqrt{x}$<br>= xm <sup>2</sup> | Using methodology:-<br>Pop 810<br>30% = 243 people/cars = 121 cars = 38m <sup>2</sup><br><br><b>TOTAL AREA REQUIRED = 16 + 38 = 54m<sup>2</sup></b><br><br>Parking of 2,400 sq mts available at public hall adjacent to reserve. |
| 3.2    | Fuel load/type adjacent to car park area                                                                                                                                                                | See site assessment                                                                                                                                                                                                              |
| 4.0    | <b>Access</b><br>Road width, clearance and road condition allow easy access for CFA appliances. Yes / No                                                                                                | Access off Gellibrand River Rd is good with all roads sealed. Access for both private and emergency vehicles is good.                                                                                                            |
| 5.0    | <b>Trees/Vegetation along Route</b><br>Fuel loads enroute to NSP<br><br>Likelihood for trees to fall under severe weather conditions                                                                    | Minimum trees bordering immediate area of proposed NSP however access roads leading to location pass through heavily treed areas.                                                                                                |



|      |                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.0  | <b>Location of NSP Signage</b>                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 6.1  | Identify location/number of signage to identify NSP                                                                                                  | Municipality responsibility                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 6.2  | Has an agreement been made with council re placement of the appropriate signage?                                                                     | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 7.0  | <b>General / Comments</b>                                                                                                                            | Fuel reduction works in the wick in the adjacent paddock to the East over Gellibrand River Rd would improve site fire impact in event of fire.                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 8.0  | Has there been consultation with the local CFA brigade/Captain re the inclusion of this location as a NSP or identification of other possible NSP's? | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 9.0  | Has the Municipality been formally contacted re identification/inclusion of this location as a NSP?                                                  | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10.0 | Has the proposed NSP been fully endorsed by all members of the "Assessment Team"?                                                                    | Meeting of the Colac Otway NSP Assessment team held at Colac Otway COPAC bldg on 8-11-2009. Present- from Colac Otway Shire – Mark Gunning/OS&D Manager, Stewart Anderson/E&CS Manager, Wendie Fox/MFPO, From Vic Pol Sgt David Hand, Apollo Bay, Sen Const Peter Scanlon, Colac. From CFA OO Dean Manson, Bob Smith FSO, Phillip Wall BSFO Apologies from Sen Sgt Ken Slingsby, Tim Gazzard Parks, John McDonald DSE<br><br>Follow up phone contact with, Tim Gazzard Parks, John McDonald DSE re outcome of meeting 10-11-2009.<br><br>All agreed with CFA recommendations for this location. |
| 11.0 | Has consent being obtained from the owner of a NSP and have they agreeded to it being able to be opened 24/7 during the FDP?                         | Municipality responsibility                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12.0 | Has the potential NSP being endorsed by the Municipal EMPC and final approval received from Council?                                                 | Municipality responsibility                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Not Compliant | Compliant | Compliant with Conditions                                                                                                                               |
|---------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
|               |           | Council to undertake a further investigation to assess the required fuel modification to ascertain if the site can meet the NSP criteria in the future. |



Site Information

Step 1. Assess the distance between the NSP and the predominant vegetation type within 350m in each of the four directions below. Also record an estimate of the height of the vegetation (use Attachment 1 to record field notes)

| WMO<br>Vegetation Type       | BAA<br>Vegetation Type | North          |              | East           |              | South          |              | West           |              |
|------------------------------|------------------------|----------------|--------------|----------------|--------------|----------------|--------------|----------------|--------------|
|                              |                        | Distance (mts) | Height (mts) | Distance (mts) | Height (mts) | Distance (mts) | Height (mts) | Distance (mts) | Height (mts) |
| Tall Forest                  | Wet Sclerophyll Forest |                |              |                |              |                |              |                |              |
| Medium Forest                | Dry Sclerophyll Forest |                |              |                |              |                |              | 80.0           | 25.0         |
| Woodland                     | Woodland               |                |              | 78.0           | 20.0         | 99.0           | 20.0         |                |              |
| Shrub & Heath                | Tall Heath             |                |              |                |              |                |              |                |              |
| Low Forest                   | Open Woodland          | 187.0          | 25.0         |                |              |                |              |                |              |
| Grassland with Minimal Trees | Grassland (Pasture)    |                |              |                |              |                |              |                |              |
| Cultivated Garden            | N/A                    |                |              |                |              |                |              |                |              |

Step 2. Determine the Effective Slope and the site slope in each of the four directions below. If the effective slope or site slope is an upslope, then record the slope as zero.

| WMO<br>Vegetation Type       | BAA<br>Vegetation Type | North           |            | East            |            | South           |            | West            |            |
|------------------------------|------------------------|-----------------|------------|-----------------|------------|-----------------|------------|-----------------|------------|
|                              |                        | Effective Slope | Site Slope | Effective Slope | Site Slope | Effective Slope | Site Slope | Effective Slope | Site Slope |
| Tall Forest                  | Wet Sclerophyll Forest |                 |            |                 |            |                 |            |                 |            |
| Medium Forest                | Dry Sclerophyll Forest |                 |            |                 |            |                 |            | Flat            | Flat       |
| Woodland                     | Woodland               |                 |            | Flat            | Flat       | Flat            | Flat       |                 |            |
| Shrub & Heath                | Tall Heath             |                 |            |                 |            |                 |            |                 |            |
| Low Forest                   | Open Woodland          | Flat            | Flat       |                 |            |                 |            |                 |            |
| Grassland with Minimal Trees | Grassland (Pasture)    |                 |            |                 |            |                 |            |                 |            |
| Cultivated Garden            | N/A                    |                 |            |                 |            |                 |            |                 |            |



Step 3: Determine the Overall Fuel Load for the site using the accepted Fuel Hazard Guide assessment procedure.

| North Aspect                       | Fuel Load<br>(Low, moderate etc) | Fuel Load<br>(Average t/ha) |
|------------------------------------|----------------------------------|-----------------------------|
| Surface Fuel Hazard =              | Mod                              | 5                           |
| Elevated Fuel Hazard =             | Low                              | 0                           |
| Bark Hazard =                      | Low                              | 0                           |
| <b>Total Overall Fuel Hazard =</b> | <b>Moderate</b>                  | <b>5</b>                    |

| East Aspect                        | Fuel Load<br>(Low, moderate etc) | Fuel Load<br>(Average t/ha) |
|------------------------------------|----------------------------------|-----------------------------|
| Surface Fuel Hazard =              | Moderate                         | 5                           |
| Elevated Fuel Hazard =             | Moderate                         | 0                           |
| Bark Hazard =                      | Low                              | 0                           |
| <b>Total Overall Fuel Hazard =</b> | <b>Moderate</b>                  | <b>5</b>                    |

| South Aspect                       | Fuel Load<br>(Low, moderate etc) | Fuel Load<br>(Average t/ha) |
|------------------------------------|----------------------------------|-----------------------------|
| Surface Fuel Hazard =              | High                             | 10                          |
| Elevated Fuel Hazard =             | High                             | 2                           |
| Bark Hazard =                      | Low                              | 0                           |
| <b>Total Overall Fuel Hazard =</b> | <b>Moderate</b>                  | <b>12</b>                   |

| West Aspect                        | Fuel Load<br>(Low, moderate etc) | Fuel Load<br>(Average t/ha) |
|------------------------------------|----------------------------------|-----------------------------|
| Surface Fuel Hazard =              | Mod                              | 5                           |
| Elevated Fuel Hazard =             | High                             | 2                           |
| Bark Hazard =                      | Low                              | 0                           |
| <b>Total Overall Fuel Hazard =</b> | <b>Moderate</b>                  | <b>7</b>                    |



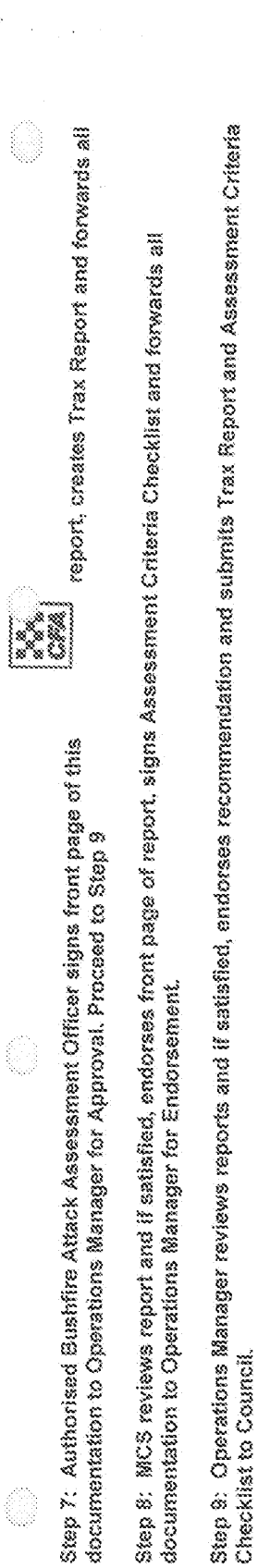
Step 4: Confirm if the Deemed to Satisfy (DTS) Criteria has been achieved for the NSP in all directions. For Open Spaces

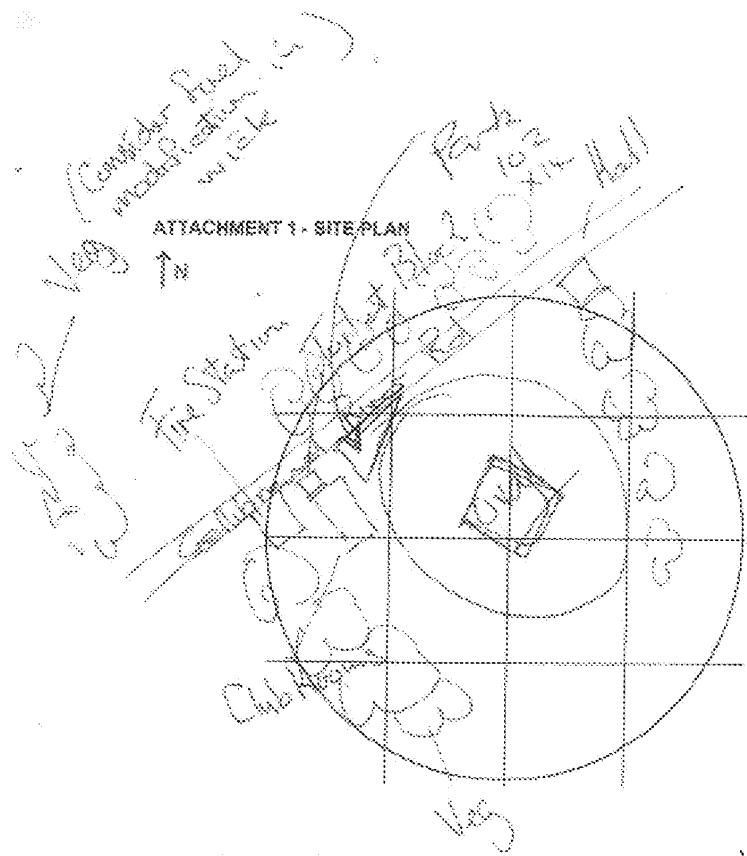
| Direction | Distance equal to or greater than 310m | Effective Slope less than 20 degrees | NSP DTS Criteria Achieved |
|-----------|----------------------------------------|--------------------------------------|---------------------------|
| North     | No                                     | Yes                                  | No                        |
| East      | No                                     | Yes                                  | No                        |
| South     | No                                     | Yes                                  | No                        |
| West      | No                                     | Yes                                  | No                        |

Step 5: If the Deemed to Satisfy Criteria has been achieved for all directions, Preliminary Site Assessment Officer signs front page of this report, creates Trax report and forwards to MCS for endorsement, proceed to Step 7. If deemed to satisfy Criteria has NOT been achieved for all directions, Preliminary Site Assessment Officer signs front page of this report and forwards to Authorised Bushfire Attack Assessment Officer. Proceed to step 5.

Step 6: Using the data collected above, the Authorised Bushfire Attack Assessment Officer determines the predominant inputs that will result in the most severe bushfire behaviour and impact on the NSP for each of the four directions. Use of the Bushfire Attack Assessor will be required for this step.

| Direction | BAA Vegetation Type | Separation Distance (mfs) | Vegetation Height (mts) | Effective Slope | Site Slope | Surface Fuel Load (t/ha) | Overall Fuel Load (t/ha) | Calculated Heat Flux kW/m <sup>2</sup> | NSP Criteria Achieved |
|-----------|---------------------|---------------------------|-------------------------|-----------------|------------|--------------------------|--------------------------|----------------------------------------|-----------------------|
| North     | Open woodland       | 187.0                     | 25.0                    | Flat            | Flat       | 5                        | 5                        | .34                                    | YES                   |
| East      | Woodland            | 78.0                      | 20.0                    | Flat            | Flat       | 5                        | 5                        | 1.85                                   | YES                   |
| South     | Woodland            | 99.0                      | 20.0                    | Flat            | Flat       | 10                       | 12                       | 2.48                                   | NO                    |
| West      | Dry Forest          | 80.0                      | 25.0                    | Flat            | Flat       | 5                        | 7                        | 1.85                                   | YES                   |



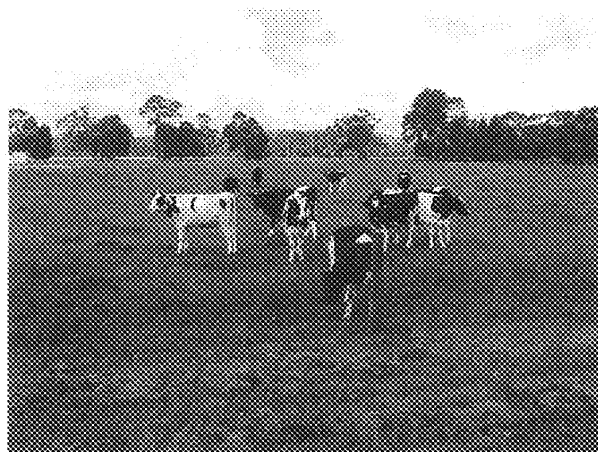
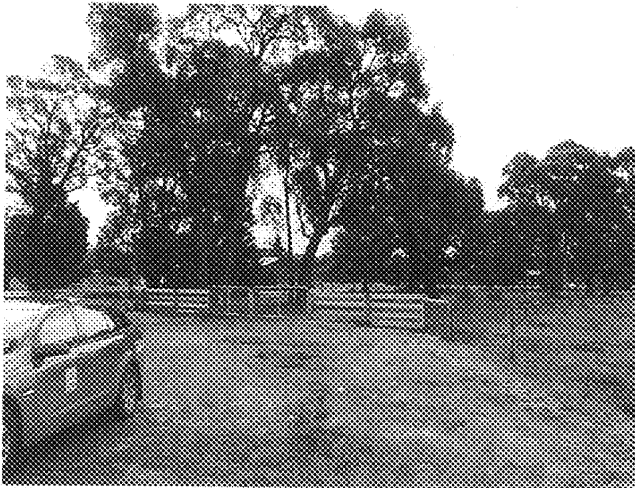


Fully Sted Fall  
 59 to 1st Forest Wood  
 West St / adjacent elevated  
 Suburban  
 5th 30m  
 same as after  
 10m  
 10 elevated

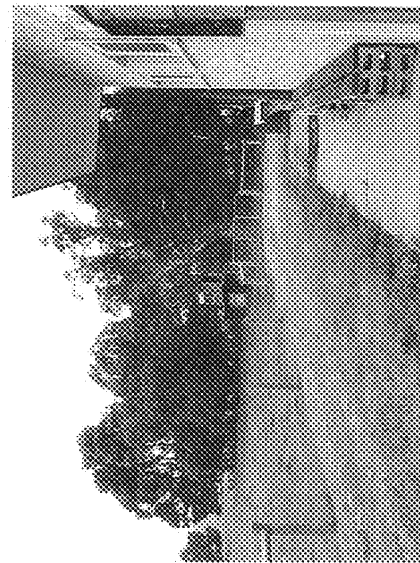
Neighbourhood Safer Places - Preliminary Site Assessment Report



ATTACHMENT 2 – PHOTOS – North and East aspect vegetation

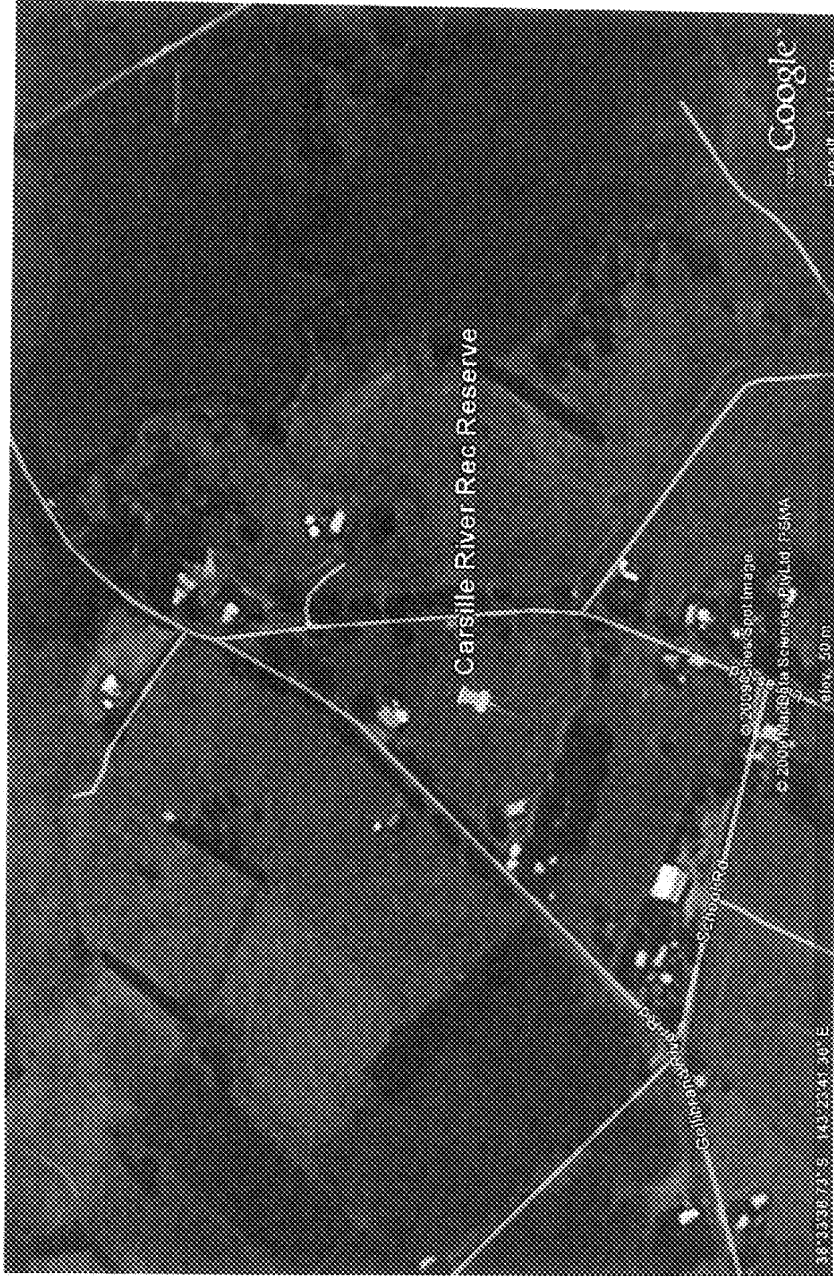


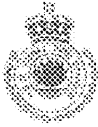
ATTACHMENT 3 – PHOTOS – South and west aspect vegetation





ATTACHMENT 4 -- PHOTOS of NSP





## BUSHFIRE ATTACK ASSESSMENT REPORT

For Site Located at: Carlisle River Rec Reserve-Nth Aspect-221005

### 1. User's Input

Vegetation: Open woodland  
Slope (degree): 0  
Distance(m): 187  
Flame Angle (degree): 78  
Elevation of Radiation Receiver (m): 2  
Site Slope (degree): 0

### 2. Program's Settings

Flame Width (m): 100  
Flame Temperature (K): 1200  
Flame Emissivity: .95  
Surface Available Fuel Load (t/ha): 5  
Overall Fuel Load (t/ha): 5  
Vegetation Height (m): 25  
Fire Danger Index: 120  
Wind Speed (km/h): 45  
Heat of Combustion (kJ/kg): 18600  
Rate of Fire Spread Calculated by: Forest Mk 5  
Flame Length Calculated by: Modified McArthur Forest Mk 5  
Modelling Atmosphere Attenuation: Yes

### 3. Output

Rate of Fire Spread (km/h): .72  
Fire Intensity (kW/m): 1860  
Transmissivity: .682  
Flame Length (m): 5.28  
Radiant Heat Flux (kW/m<sup>2</sup>): .34  
Category of Attack: Low  
Level of Construction Required: No Requirement

Date Assessed: Monday, 26 October 2009 Assessed By: Rob Smith Phill Wall



## BUSHFIRE ATTACK ASSESSMENT REPORT

For Site Located at: Carlisle River NSP Reserve - East Aspect - 22/10/09

### 1. User's Input

Vegetation: Woodland  
Slope (degree): 0  
Distance(m): 78  
Flame Angle (degree): 87  
Elevation of Radiation Receiver (m): 2  
Site Slope (degree): 0

### 2. Program's Settings

Flame Width (m): 100  
Flame Temperature (K): 1200  
Flame Emissivity: .95  
Surface Available Fuel Load (t/ha): 5  
Overall Fuel Load (t/ha): 5  
Vegetation Height (m): 20  
Fire Danger Index: 120  
Wind Speed (km/h): 45  
Heat of Combustion (KJ/kg): 18600  
Rate of Fire Spread Calculated by: Forest Mk 5  
Flame Length Calculated by: Modified McArthur Forest Mk 5  
Modelling Atmosphere Attenuation: Yes

### 3. Output

Rate of Fire Spread (km/h): .72  
Fire Intensity (kW/m): 1860  
Transmissivity: .749  
Flame Length (m): 5.28  
Radiant Heat Flux (kW/m<sup>2</sup>): 1.85  
Category of Attack: Low  
Level of Construction Required: No Requirement

Date Assessed: Monday, 26 October 2009 Assessed By: Bob Smith Phil Wall





## BUSHFIRE ATTACK ASSESSMENT REPORT

For Site Located at: Carlisle River Nat Reserve-5th Aspect-221009

### 1. User's Input

Vegetation: Woodland  
Slope (degree): 0  
Distance(m): 99  
Flame Angle (degree): 85  
Elevation of Radiation Receiver (m): 2  
Site Slope (degree): 0

### 2. Program's Settings

Flame Width (m): 100  
Flame Temperature (K): 1200  
Flame Emissivity: .95  
Surface Available Fuel Load (t/ha): 10  
Overall Fuel Load (t/ha): 12  
Vegetation Height (m): 20  
Fire Danger Index: 120  
Wind Speed (km/h): 45  
Heat of Combustion (kJ/kg): 18600  
Rate of Fire Spread Calculated by: Forest Mk 5  
Flame Length Calculated by: Modified McArthur Forest Mk 5  
Modelling Atmosphere Attenuation: Yes

### 3. Output

Rate of Fire Spread (km/h): 1.44  
Fire Intensity (kW/m): 8928  
Transmissivity: .735  
Flame Length (m): 10.8  
Radiant Heat Flux (kW/m<sup>2</sup>): 2.45  
Category of Attack: Low  
Level of Construction Required: No Requirement

Date Assessed: Tuesday, 24 November 2009 Assessed By: Rob Smith Phil Wall



## BUSHFIRE ATTACK ASSESSMENT REPORT

For Site Located at: Carlisle River Pec Reserve-West Aspect-221009

---

### 1. User's Input

Vegetation: Dry sclerophyll forest  
Slope (degree): 0  
Distance(m): 80  
Flame Angle (degree): 87  
Elevation of Radiation Receiver (m): 2  
Site Slope (degree): 0

### 2. Program's Settings

Flame Width (m): 100  
Flame Temperature (K): 1300  
Flame Emissivity: .95  
Surface Available Fuel Load (V/ha): 5  
Overall Fuel Load (t/ha): 7  
Vegetation Height (m): 25  
Fire Danger Index: 120  
Wind Speed (km/h): 45  
Heat of Combustion (kJ/kg): 18600  
Rate of Fire Spread Calculated by: Forest Mk 5  
Flame Length Calculated by: Modified McArthur Forest Mk 5  
Modelling Atmosphere Attenuation: Yes

### 3. Output

Rate of Fire Spread (km/h): .72  
Fire Intensity (kW/m): 2604  
Transmissibility: .747  
Flame Length (m): 5.52  
Radiant Heat Flux (kW/m<sup>2</sup>): 1.85  
Category of Attack: Low  
Level of Construction Required: No Requirement

---

Date Assessed: Monday, 26 October 2009    Assessed By: Bob Smith Phill Wall

## Peak Overnight Population in Selected Locations

Barwon Region December 2007 - January 2008

| Area                                | Permanent Population 2006 | Population Holiday Number | Population Caravan Parks or Camping Sites | Population Hotels, Motels, Units & Beds | Peak Overnight Population |
|-------------------------------------|---------------------------|---------------------------|-------------------------------------------|-----------------------------------------|---------------------------|
| <b>CITY OF GREATER GEELONG</b>      |                           |                           |                                           |                                         |                           |
| Barwon Heads                        | 5,766                     | 4,051                     | 2,311                                     | 278                                     | 10,007                    |
| Dinton Springs/Drysdale             | 12,180                    | 2,700                     | 0                                         | 8                                       | 15,889                    |
| Invermay Forests                    | 582                       | 1,116                     | 1,270                                     | 0                                       | 5,369                     |
| Ocean Grove                         | 11,400                    | 3,879                     | 7,706                                     | 340                                     | 23,325                    |
| Portarlington                       | 3,098                     | 8,829                     | 8,030                                     | 164                                     | 17,121                    |
| St Leonards                         | 1,732                     | 6,288                     | 1,150                                     | 20                                      | 8,179                     |
| Geelong Rural Towns                 | 8,205                     | 1,497                     | 490                                       | 91                                      | 7,283                     |
| Urban Geelong                       | 168,937                   | 29,983                    | 4,860                                     | 2,906                                   | 203,273                   |
| <b>SUNNY COAST SHIRE</b>            |                           |                           |                                           |                                         |                           |
| Aloys Inlet/Farm-overs/Wagga Creek  | 1,184                     | 5,061                     | 403                                       | 679                                     | 7,088                     |
| Anglesea                            | 2,278                     | 10,802                    | 4,282                                     | 629                                     | 17,491                    |
| Deans Marsh                         | 543                       | 1,162                     | 0                                         | 172                                     | 1,947                     |
| Jan Juc                             | 3,190                     | 3,118                     | 1,184                                     | 7                                       | 7,500                     |
| Lorne                               | 960                       | 6,885                     | 2,588                                     | 2,109                                   | 12,542                    |
| Tommy (incl. Bellbird)              | 8,808                     | 8,961                     | 5,128                                     | 1,038                                   | 23,936                    |
| Winona (incl. Wincheba South)       | 2,409                     | 827                       | 0                                         | 47                                      | 3,073                     |
| Sunny Coast Rural Towns             | 2,551                     | 436                       | 0                                         | 140                                     | 3,127                     |
| <b>BOROUGH OF QUEENSLAND</b>        |                           |                           |                                           |                                         |                           |
| Prin Ladlers                        | 2,870                     | 6,488                     | 750                                       | 306                                     | 9,964                     |
| Queenscliff                         | 1,352                     | 2,368                     | 1,885                                     | 891                                     | 6,396                     |
| <b>GOLDEN PLAINS SHIRE</b>          |                           |                           |                                           |                                         |                           |
|                                     | 18,811                    | 2,981                     | 0                                         | 53                                      | 19,845                    |
| <b>COLAC OTWAY SHIRE</b>            |                           |                           |                                           |                                         |                           |
| Apollonia Bay/Marengo/Skewes Creek  | 2,110                     | 7,050                     | 3,800                                     | 1,847                                   | 14,757                    |
| Barwon Downs (incl. Forrest)        | 331                       | 673                       | 0                                         | 37                                      | 841                       |
| Corlesin River                      | 343                       | 488                       | 0                                         | 0                                       | 810                       |
| Colac (incl. Colac West & Hillmery) | 11,544                    | 2,560                     | 1,540                                     | 351                                     | 16,054                    |
| Lavers Hill                         | 195                       | 424                       | 0                                         | 37                                      | 656                       |
| Wye River                           | 150                       | 2,190                     | 1,602                                     | 63                                      | 4,073                     |
| Colac Rural Towns                   | 8,688                     | 2,111                     | 1,378                                     | 727                                     | 9,904                     |
| <b>TOTAL BARWON REGION</b>          | <b>265,882</b>            | <b>129,538</b>            | <b>48,283</b>                             | <b>12,252</b>                           | <b>451,921</b>            |

Source: City of Greater Geelong, Geelong Otway Tourism, Australian Bureau of Statistics, RACV Resort Accommodation Guide and regional tourism operators.

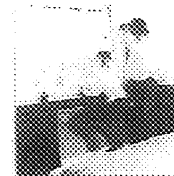
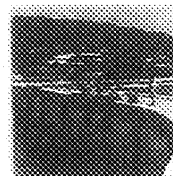
**Assumptions**

Population: 2006 Census (note of usual residential population has been projected to the current year using annual growth rates for 2001-2006)

Holiday Homes: Calculated on average by 5 persons. Annual estimates for increases in holiday homes are generated from building approval data for each area.

Caravans/Camping Sites: Calculated on average by 5 persons.

Hotels, Motels, Units and Beds: Calculated on average by 2 persons per bed/room (unless specific data or capacity is available). An example of a peak weekend is New Year weekend.



Appendix B

**Notes NSP Site Meeting 10 December 2009**

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Potential NSP Site Meeting - Carlisle River Recreation Reserve

11:00am Thursday 10 December 2009

PRESENT:

Bob Smith (CFA), Stewart Anderson (COS), Wendie Fox (COS), Greg Anderton (COS), Jackie Robbins and Brendan Reidy (adjoining landholders).

CFA ASSESSMENT:

Figure 1 below as provided by CFA prior to this meeting shows the area assessed and the corresponding kW/metre<sup>2</sup> Radian Heat Flux calculated for each Aspect.

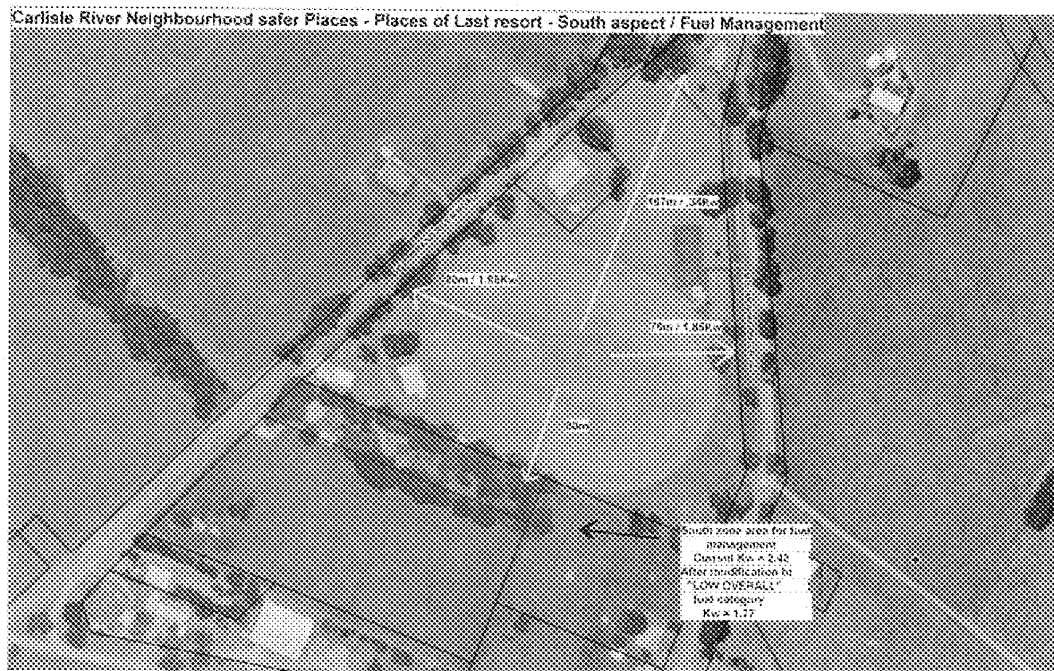


Figure 1 Carlisle River Neighbourhood Safer Places – Places of Last Resort – South Aspect / Fuel Management, CFA.

Discussion took place in respect to the above map, in particular the shaded area to the south, the lack of legend and descriptors and actual outer perimeter of the assessed area. i.e. should a circle be drawn joining the outer end of each yellow arrow to define the actual area assessed and requiring maintaining or is a straight line from the end of each arrow.

Bob Smith agreed that further work was required in respect to the map and said that he would speak to Phil Wall who prepared the map, in order to clarify these points.

During the above discussion it was identified that the revised Assessment Report for Carlisle River Recreation Reserve listed on page 2 that 16m<sup>2</sup> had been calculated as the area required to accommodate 243 people and a further 38m<sup>2</sup> calculated as the area required to accommodate 121 cars. Bob Smith acknowledged that he did not think this was correct and that he would look into it.

**ASSESSMENT AREA – SITE INSPECTION**

The area assessed by CFA as an Open Space Neighbourhood Safer Place at Carlisle River comprises land owned and / or managed by a range of people and organisations. Figure 2 below shows five main sections of land within the area assessed by CFA which are owned and or managed by different people or organisations.



Figure 2 Carlisle River Neighbourhood Safer Place Land Tenure Sections

- 1. Oval Section - Land owned by Colac Otway Shire which has a Section 86 Committee of Council appointed to manage the land; Carlisle River Recreation Reserve Management Committee. The Management Committee lease this section of land to Brendan Reidy and Jackie Robbins for grazing.

Bob Smith provided advice that if this section was to be maintained in the same condition as it is in today (see photos below) it would meet the requirements for a Open Space Neighbourhood Safer Place. It was agreed that Brendan and Jackie would maintain the oval section of the Recreation Reserve to the current standard through an appropriate grazing regime and if unable to do so, will contact Greg Anderton at Cosworks. Greg will then ensure that the oval section is mowed as required to maintain the agreed standard. *It is noted that this will only take effect when the area becomes a designated Neighbourhood Safer Place.*

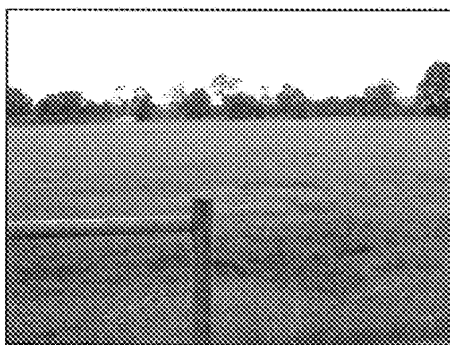


Figure 3 View of Oval section looking NNE from SW corner



Figure 4 View of Oval section looking NE from SW corner

- 2. Football Club rooms and Public Toilets - Land owned by Colac Otway Shire which has a Section 86 Committee of Council appointed to manage the land; Carlisle River Recreation Reserve Management Committee. The grass/vegetation in this section is maintained by Councils works department – Cosworks.

Bob Smith provided advice that if this section was to be maintained in the same condition as it is in today shown in figure 5 below it would allow the Oval section of the Recreation Reserve to meet the requirements for a Open Space Neighbourhood Safer Place. Council currently maintains this section and it was agreed that Council though Cosworks will continue to maintain this section to the agreed standard. *It is noted that this will only take effect when the area becomes a designated Neighbourhood Safer Place.*

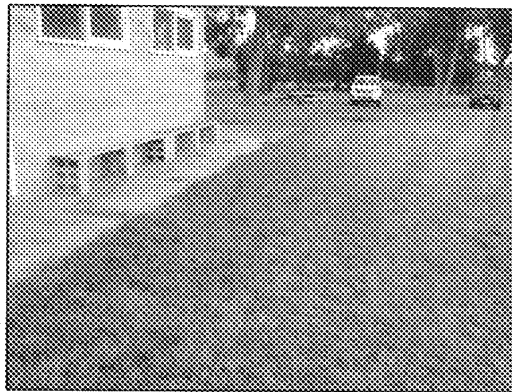


Figure 5 Section encompassing Football Club Rooms and Public Toilets

- 3. Private Residence – Private land owned by Jackie Robbins. This property contains a dwelling that is privately rented.

The group inspected this block and Bob Smith provided advice that if the elevated and surface fuels on the rear/eastern part of the block were significantly reduced and the site maintained to the same standard as the front/western part of the block then this section would allow the Oval section of the recreation Reserve to meet the requirements for a Open Space Neighbourhood Safer Place. It was agreed that Council/Cosworks with landholder direction will conduct works to remove all elevated and excess surface fuels in the rear section of this block to a stage where it can be maintained to the same standard as the front of this block with a lawn mower by the landholder or a representative. It was agreed that all existing mature trees would be maintained.



The above photo shows the front/western part of this section in the foreground and the part requiring modification in the background. Note the photo does not adequately show the excessive elevated and surface fuels that require works.

- 4. Carlisle River Hall - Crown land owned by the Department of Sustainability and Environment. This section contains the Carlisle River Public Hall. This section was not discussed.
- 5. Private Land - Private land owned by IG and JE Hume. Bob Smith provided advice that if this section of land was slashed and maintained at the same standard as section 1 and 2 then this would allow the Oval section of the recreation Reserve to meet the requirements for a Open Space Neighbourhood Safer Place. The owners of this section of land have not yet been approached.

**ACTIONS REQUIRED:**

| Task                                                                                                                                                                                                                                                               | Person Responsible | Due Date |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------|
| CFA to provide further information and clarification re: Figure 1. Carlisle River Neighbourhood Safer Places – Places of Last Resort – South Aspect / Fuel Management, CFA.                                                                                        | Bob Smith          | 6/1/10   |
| Investigate revised Assessment Report for Carlisle River Recreation Reserve, in particular the methodology / math used to determine the area required to accommodate 243 people and 121 cars, as the total area listed of 54m <sup>2</sup> did not appear correct. | Bob Smith          | 6/1/10   |
| Determine if works on private land can be undertaken by Council prior to written agreement with landholder being finalised.                                                                                                                                        | Wendie Fox         | 23/12/09 |
| Make contact with Owen Lucas – Rec Reserve Management Committee                                                                                                                                                                                                    | Wendie Fox         | 23/12/09 |
| Make contact with remaining adjoining landholder in person                                                                                                                                                                                                         | Wendie Fox         | 10/1/10  |



Appendix C

**NSP Access and Egress Joint Inspection**

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## Carlisle River NSP Access and Egress Joint Site Inspection

MINUTES of the Carlisle River NSP Access and Egress Joint Site Inspection  
 held on 20 January 2010  
 at Carlisle River Recreation Reserve

| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                     | RESPONSIBLE OFFICER | ACTION DUE DATE |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <p><b>1. ATTENDEES:</b></p>                                                                                                                                                                                                                                                                                                                                                         |                     |                 |
| <p>Stewart Anderson (COS), Wendie Fox (COS), Greg Anderton (COS), Andrew Daffy (COS), Stephanie Ryan (DSE), Bob Smith (CFA), Brian Brady (CFA), Phillip Wall (CFA), Brendan Hall (VIC Roads), Jeff Cardetto (United States Fire Service).</p>                                                                                                                                       |                     |                 |
| <p><b>2. APOLOGIES:</b></p>                                                                                                                                                                                                                                                                                                                                                         |                     |                 |
| <p>Travis Riches (COS)</p>                                                                                                                                                                                                                                                                                                                                                          |                     |                 |
| <p><b>3. Introduction</b></p>                                                                                                                                                                                                                                                                                                                                                       | Stewart Anderson    |                 |
| <p>Information provided by MAV was presented in relation to access and egress. The information was from the Municipal Neighbourhood Safer Place Plan template. See attachment 1.</p>                                                                                                                                                                                                |                     |                 |
| <p><b>4. Process for identification of Access and Egress routes</b></p>                                                                                                                                                                                                                                                                                                             | Stewart Anderson    |                 |
| <p>Information provided by the MAV was presented in relation to how to identify access and egress works along critical roads. The first step was to have a joint site inspection (i.e. this meeting) to identify sites of potential tree and timber debris for removal from nominated locations. See attachment 1 and 2.</p>                                                        |                     |                 |
| <p><b>5. Works Criteria for Access and Egress routes</b></p>                                                                                                                                                                                                                                                                                                                        | Stewart Anderson    |                 |
| <p>Criteria provided by the MAV was presented for determining where works are required. See attachment 2.</p>                                                                                                                                                                                                                                                                       |                     |                 |
| <p><b>6. Identification of Access and Egress routes</b></p>                                                                                                                                                                                                                                                                                                                         | All                 |                 |
| <p>The group examined an aerial photograph of the Carlisle Rivere Recreation Reserve and the surrounding area (approximatley a 2km radius). See Attachment 3.</p>                                                                                                                                                                                                                   |                     |                 |
| <p>A discussion was had about additional houses located outside the area shown on the map. This led to a further discussion about how far people could come from to use the area as a place of last resort during a fire. The group agreed that it was reasonable to assume that they would need to be within five minutes drive travelling at a speed of no more than 60km/hr.</p> |                     |                 |
| <p>On this basis the group agreed to drive for five minutes up the major access routes marked on the map and assess the condition of the road and the roadside vegetation using the criteria presented earlier. Note: the blue roads on the map are managed</p>                                                                                                                     |                     |                 |

| ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | RESPONSIBLE OFFICER | ACTION DUE DATE |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| <p>by Council and the black road is manged by VicRoads.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                     |                 |
| <p><b>6. Site Assessments of Access and Egress routes</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | All                 |                 |
| <p>The group found that all of the major roads that led to the reserve were a major problem because of a combination of factors.</p>                                                                                                                                                                                                                                                                                                                                                                                                          |                     |                 |
| <p>On the local government roads the factors were:</p> <ul style="list-style-type: none"> <li>• Significant numbers of dead trees;</li> <li>• Significant volume of fallen limbs;</li> <li>• Large volumes of debris (i.e. leaf litter);</li> <li>• Large volumes of ground fuels (i.e. grasses);</li> <li>• Large volumes of elevated fuels (i.e. tea tree shrubs);</li> <li>• Significant numbers of trees on cuttings with exposed roots;</li> <li>• Narrow gravel roads; and</li> <li>• Few white posts with no line markings.</li> </ul> |                     |                 |
| <p>Attachment 4 shows pictures of Moomowroong Rd that demonstrates most of the issues above.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |                 |
| <p>On the VicRoads Road the factors were:</p> <ul style="list-style-type: none"> <li>• Significant numbers of trees that are leaning towards the road;</li> <li>• Significant numbers of dead trees;</li> <li>• Significant volume of fallen limbs;</li> <li>• Large volumes of debris (i.e. leaf litter);</li> <li>• Large volumes of ground fuels (i.e. grasses);</li> <li>• Large volumes of elevated fuels (i.e. shrubs);</li> <li>• Significant numbers of trees on cuttings with exposed roots;</li> </ul>                              |                     |                 |
| <p>It was the consensus of all present that in their current state none of the roads viewed would be safe enough to recommend for usage during a fire event by people travelling to the reserve as a last resort.</p>                                                                                                                                                                                                                                                                                                                         |                     |                 |
| <p>In addition it was agreed that a very large amount of work would be required to make them safer and further more a significant amount of ongoing maintenance would be required to maintain the standard. However, a botanist assessment would be necessary to accurately quantify the potential costs.</p>                                                                                                                                                                                                                                 |                     |                 |
| <p><b>7. Next Steps</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Stewart Anderson    |                 |
| <p>Council to circulate notes and once confirmed by the group forward them to the MAV for advice on how to proceed with the investigation of the Carlisle River Recreation Reserve NSP.</p>                                                                                                                                                                                                                                                                                                                                                   |                     |                 |

Time Meeting Concluded: 1:00

ATTACHMENT 1  
NSP Access and Egress information from the Municipal Neighbourhood Safer Place Plan Template

(a) *Access and Egress*

Council must assess whether there is sufficient access to the potential NSP which will allow:

- anticipated potential numbers of people to move to and from the place; and
- the CFA and other emergency services to attend the place for asset and personnel protection activities and operations.

Council must assess potential access and egress routes, bearing in mind the fact that NSPs are **places of last resort**.

As people may be seeking access to an NSP in a rushed or panicked state, a number of people could be seeking access in a relatively short time and visibility could be affected by smoke, easily navigable routes to and from an NSP are crucial.

In considering whether access and egress routes are adequate, consideration should be given to issues such as:

- (i) the condition of the road surface;
- (ii) the proximity of the NSP to major roadways and population centres;
- (iii) the type and amount of vegetation along any access routes, and whether that vegetation could be affected by fire and pose a risk of harm to those seeking access to the potential NSP, or otherwise block access to the NSP;
- (iv) the capacity of access routes to accommodate potentially large numbers of vehicles, and to accommodate potential vehicle break-downs;
- (v) parking at the place;
- (vi) any hazards that may exist for persons accessing the place by foot, including in the buffer zone;
- (vii) any relevant matter contained in Council's Road Management Plan prepared pursuant to the *Road Management Act 2004* (Vic); and
- (viii) **[Issue for consideration - anything else that should be included here?]**

If appropriate and satisfactory access and egress routes are not available, then the proposed NSP should not be designated by Council.

ATTACHMENT 2  
Township Protection Plans – Essential Access and Egress Roads

Roadside Clearance Standard and Process

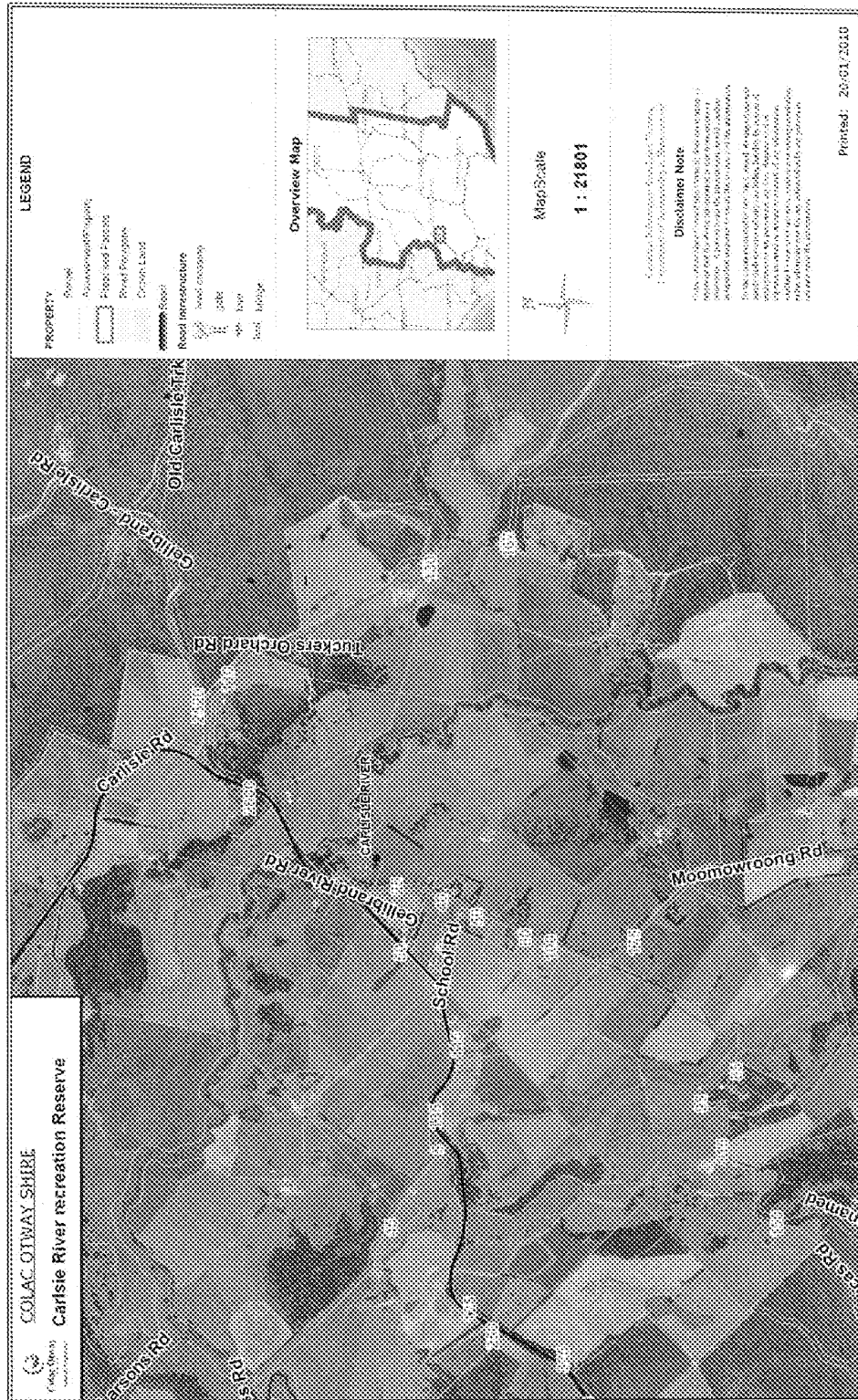
Agreed criteria to be applied to CFA Critical Works List:

1. Remove dead trees that are leaning towards or overhanging the road and would likely block the road if they fell.
2. Remove trees that are leaning significantly towards the road and tree limbs that are overhanging the road and are in immediate danger of falling on to the road.
3. Remove diseased and/or infested trees that would likely block the road if they fell.
4. Remove debris that has built up on the ground within the road reserve, undertake slashing and/or herbicide application, where appropriate, to reduce fuel load. Fuel reduction burns conducted in conjunction with CFA may also be appropriate.
5. Remove trees at the top of cuttings, with exposed roots and/or partial support which are exposed to high winds making them highly susceptible to falling and blocking the road.
6. Remove trees that are clearly unstable due to poor root system making them highly susceptible to falling and blocking the road.

Agreed process for identification and implementation of works along the critical roads (applying the above criteria):

- Joint site inspection arranged by the Agency Responsible for works with appropriate representation from CFA, DSE, Municipality and VicRoads to identify sites of potential tree and timber debris for removal from the nominated locations.
- Arborist engaged to confirm the diseased/unstable nature of trees identified, and to rank risk areas (sites of potential tree and timber debris) for removal priority.
- Removal works by Agency Responsible to commence promptly at the highest ranked risk areas.
- Program of works to be documented, monitored against target timelines, and progress status reported.

ATTACHMENT 3  
Access and Egress to Carlisle River Recreation Reserve



ATTACHMENT 4  
Photographs of Moomowroong Rd, Carlisle River.



Appendix D

**Arborist Report 5 March 2010**

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P.O. Box 294  
LORNE, Vic. 3232  
Tel: 5289 5330  
Fax: 5289 5331  
Email: [info@treewatch.com.au](mailto:info@treewatch.com.au)  
Web Address: [www.treewatch.com.au](http://www.treewatch.com.au)

Dear Stuart

Re: Tree Assessment  
Location: Carlisle River

Please find enclosed your copy of the safety and budgeting arborist report.

Thank you for allowing Tree Watch to assist you.

Regards

A handwritten signature in black ink, appearing to be "S. Bayley", written in a cursive style.

Stephen Bayley  
Tree Watch Arborist

Budgeting report for Colac Otway Shire, 5th March, 2010



*We look after your trees*

**ARBORICULTURAL ASSESSMENT AND REPORT**

**TREE EVALUATION FOR SAFETY DURING A FIRE EVENT**

**LOCATION: Carlisle River**

**DATE: 5<sup>th</sup> March, 2010**

**Report prepared by**

Stephen Bayley  
Director/Consulting Arborist  
Tree Watch

**Report commissioned by**

Stuart Anderson  
Colac Otway Shire  
Mob 0427 542 653

Stephen Bayley Tree Watch Arborist PO Box 294 Lorne Vic 3232  
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Assessment of roadside trees, Carlisle River, Colac Otway Shire, 5<sup>th</sup> March, 2010

## 1. Introduction

Concerns have been raised about the safety of roads which could be used during an evacuation en route to designated "Evacuation Assembly Areas" during a bushfire event.

The trees/vegetation pose a threat to users of the roadway and may inhibit vehicular access when trees fall in part or whole. Vegetation on fire may also pose a risk due to radiating heat during a fire.

I am instructed by Stuart Anderson of the Colac Otway Shire to inspect the trees/vegetation at two sample sites in Carlisle River Victoria; Moomowrong Road and Lucas Road.

A 1,000m section of each road was selected, the trees were inspected and a cost estimate of how much it will cost to clear trees/vegetation which may cause interruption to the roadway has been provided.

The sample site information may be used to extrapolate the costs of clearing larger sections of roads.

A fully comprehensive report may require further documentation. This report is preliminary in nature and further investigations may be required.

### 1.1. Scope of Reports

Tree Watch provides information regarding specifically the documentation required to address planning issues raised by individuals or government bodies.

Following is a list of different documentation reports we provide:

- Development Impact Appraisal Arborist Reports.
  - Stage 1 preliminary development impact appraisal Arborist report.
  - Stage 1 and 2 development impact appraisal Arborist report.
  - Stage 3 development impact appraisal Arborist report.
  - Stage 4 development impact appraisal Arborist report.

See the further description in (appendix)

- Landscape plans
- Tree hazard, health and safety Arborist reports.
- Vegetation assessments.
- Large scale tree surveys
- Root mapping and barrier specifications
- Flora and fauna surveys
- Net gain assessments for vegetation offset planning
- Property management planning
- Bush broker trading assessments

Assessment of roadside trees, Carlisle River, Colac Otway Shire, 5<sup>th</sup> March, 2010

**1.1.1. Scope of this Report**

The scope of this report is only concerned with providing information on:

- Remove dead trees that are likely to fall and block the road
- Remove trees / limbs that are overhanging the road and are in obvious danger of falling and would block the road
- Remove diseased / infested trees that are likely to fall and block the road
- Remove trees at the top of cuttings, with exposed roots / partial support which are exposed to high winds making them highly susceptible to falling and blocking the road
- Remove any tree that is clearly unstable due to poor root system
- All trees with potential to cause interruption to road users will be assessed.
- Smaller trees, shrubs, grass etc within 2m of the road edge will also be cleared using a groomer whilst the traffic control is in place.
- Provide an estimate of the cost to complete works (vegetation removal) for each length of road.
- 

I understand that the information supplied here within may be used for budgeting purposes and each site will be used as an average example when estimating the works required for each section of road. I will inspect both stretches of road and keep this in mind whilst assessing the areas.

**Locations:**

Moomowrong Road Carlisle River 1,000m Section  
Lucas Road Carlisle River 1,000m Section

Areas shown on google maps item #7

Assessment of roadside trees, Carlisle River, Colac Otway Shire, 5<sup>th</sup> March, 2010

## 2. Site Visit and Observations

### 2.1. Site Visit

**Site visit:** I carried out a site visit on 5<sup>th</sup> March 2010 in the presence of Ms. Wendy Fox from the Colac Otway Shire. All my observations were from ground level via the use of a Visual Tree Assessment (VTA) method, without detailed investigations.

### 2.2. Brief Site Descriptions

The Sites in Carlisle River:

1. Set amongst farm land, Lucas Road is a winding graded gravel road which has trees growing densely in areas, there are also scattered trees and areas devoid of trees. The 1,000m section chosen to be surveyed has mostly dense trees and some scattered trees.

The trees in this area are medium sized (up to 20m in height) for the species with a mix of indigenous gums including the *Eucalyptus aromaphloia*, Scent Bark, several *Acacia melanoxylon*, Blackwood trees, a mix of exotic and introduced trees and some understory scrub including *Bursaria spinosa* and others.

Some larger trees have established on the top of unstable batters and have exposed roots, these trees are likely to fall and cause interruption to the roadway.

There are several trees which canopy or lean over towards the roadway which may fail prior to, during, or after a fire and cause interruption to the roadway.

1. Also set amongst farm land Moomowrong Road is a relatively straight, graded gravel road. The trees in the 1,000m subject area are relatively small-medium sized (up to 15m in height) and have a spreading nature. Several trees are suffering from severe dieback and there are some large dead trees near the roadway. Indigenous species include *Eucalyptus viminalis*, Manna gum and *Leptospermum continentale*, Tea tree.

There are several trees which canopy over the roadway or lean over/towards the roadway which may fail prior to, during, or after a fire and cause interruption to the roadway. The tea tree and heavy ground fuel on this site may cause extreme radiating heat in a fire event.

The tree density can be visually assessed remotely using Google earth.

### 2.3. Identification and Location of the Trees

I have illustrated the approximate locations of the trees/vegetation on the Google sketch plan included. This plan is for illustrative purposes only and it should not be used for direct scaling measurements.

Assessment of roadside trees, Carlisle River, Colac Otway Shire, 5<sup>th</sup> March, 2010

### 3. Observations

The predominant species on the sites are:

- *Eucalyptus auromaphloia* (Scent Bark)
- *Acacia melanoxylon* (Blackwood)
- Other *Eucalyptus* species. (Gums)
- *Leptospermum continentale* (Tea tree)

#### EUCALYPTUS AUROMAPHLOIA SPECIES DESCRIPTION:

**Tree** to 18 m tall. Forming a lignotuber.

**Bark** rough to small branches, thick, furrowed longitudinally, dark grey to blackish, densely fibrous, sometimes with horizontal black scars, smooth branchlets salmon coloured.

**Juvenile growth (coppice or field seedlings to 50 cm):** stem rounded in cross-section, slightly warty or smooth; juvenile leaves usually shortly petiolate, opposite for several pairs then becoming alternate, elliptical to oblong at first, eventually more ovate then falcate (the duration of juvenile phases is very variable), 3-7.8 cm long, 0.9-3.5 cm wide, margin entire or crenulate, grey-green, blue-green or green, only the new growing tips glaucous.

**Adult** leaves alternate, petiole 0.8-2.2 cm long; blade lanceolate to falcate, 7.5-20 cm long, 1-2 cm wide, flat (rarely undulate), base tapering to petiole, margin entire, concolorous, glossy or dull, green to grey-green, side-veins greater than 45° to midrib, moderately to densely reticulate, intramarginal vein parallel to and well removed from margin, oil glands island or intersectional

**Inflorescences** axillary unbranched, peduncles 0.3-0.8 cm long; buds 7 (rarely more), shortly pedicellate, ovoid to fusiform, green tinged red, scar present, operculum conical, stamens inflexed or irregularly flexed, anthers cuneate to cuboid, versatile, dorsifixed, dehiscing by longitudinal slits (non-confluent), style long, locules 3 or 4, the placenta each with 4 vertical ovule rows; flowers white.

**Fruit** sessile to shortly pedicellate, cup-shaped, obconical or hemispherical, 0.4-0.7 cm wide, disc raised, valves 3 or 4, strongly exserted.

**Seed** brown, reddish brown or grey, 1-2.5 mm long, ovoid or flattened-ovoid, often pointed at one end, lacunose, dorsal surface shallowly pitted, hilum ventral.

**Cultivated seedlings (measured at ca node 10):** cotyledons bilobed to oblong; stems rounded in cross-section; leaves always shortly petiolate, opposite for 9 to 16 nodes then alternate, elliptical to oblong, 3-7 cm long, 0.8-3.5 cm wide, base tapering, apex rounded, margin subcrenulate, green to bluish green. Leaves ovate by ca node 20.

Assessment of roadside trees, Carlisle River, Colac Otway Shire, 5<sup>th</sup> March, 2010

NOTES

*Eucalyptus aromaphloia* (Greek *aroma*, smell and *phloios*, bark, refers to the supposed smell of the bark). *E. aromaphloia* is a small to medium-sized tree endemic to Victoria, occurring roughly west from a line between Daylesford and Anglesea.

*E. aromaphloia* belongs *Eucalyptus* subgenus *Symphyomyrtus* section *Maidenaria*, a large group of species more or less restricted to southeastern Australia, characterized by bilobed cotyledons, simple axillary inflorescences, buds with two opercula, stamens with versatile anthers and flattened seeds with a ventral hilum. Within this section *E. aromaphloia* and 5 other species form series *Acaciiformes* diagnosed by the rough bark, juvenile leaves that are soon alternate, glandular adult leaves, non-swampy habitat, and small, rather flat-topped fruit. Three of these species are restricted to southern Victoria and far southeastern New South Wales and can easily be confused.

*E. aromaphloia* is distinguished from *E. fulgens*, which occurs east from Melbourne to the Driffield area, by its more or less dull green to blue-green adult leaves (glossy green in *E. fulgens*) and elliptic to linear juvenile leaves (ovate-lanceolate in *E. fulgens*). The third species, *E. ignorabilis*, occurs in east Gippsland and far south-eastern New South Wales, and has a dull, green-leaved crown and ovate-lanceolate juvenile leaves and more fibrous, less furrowed rough bark than either *E. aromaphloia* or *E. fulgens*.

Of the remaining three species in series *Acaciiformes*, *E. acaciiformis* and *E. nicholii* occur in northeastern New South Wales and should not be confused. *E. corticosa* is very close to *E. aromaphloia* in all but distribution (see details below).

*E. aromaphloia* has been confused with *E. viminalis* subsp. *cygnetensis*, but differs by the whole trunk being rough-barked, often deeply furrowed like an ironbark, by the juvenile leaves which taper at the base to a very short petiole, never stem-clasping.

There are two subspecies:

subsp. **aromaphloia**

This has elliptical to oblong usually bluish green juvenile leaves and occurs from the eastern Grampians east to the Daylesford area and south to Anglesea.

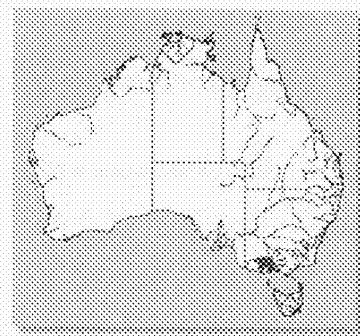
USES

Gums, fuel, honey.



Assessment of roadside trees, Carlisle River, Colac Otway Shire, 5<sup>th</sup> March, 2010

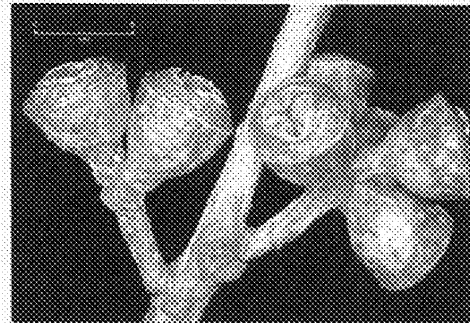
Distribution Map



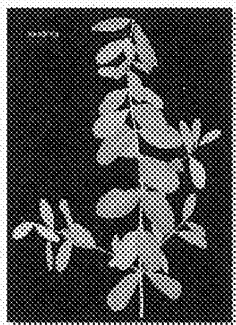
File Photo



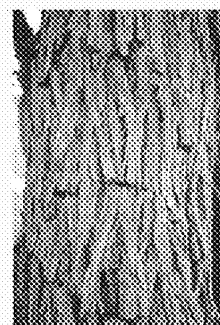
Fruit



Juvenile Foliage



Bark



Tree Watch Arborist PO Box 294 Lorne Vic 3232  
Office: 5289 5330 Fax: 5289 5331 Email: info@treewatch.com.au

Assessment of roadside trees, Carlisle River, Colac Otway Shire, 5<sup>th</sup> March, 2010

4. Cost Estimates

To gain a starting point for cost estimates we used a current example of a contracting team which completed a roadway clearing exercise.

The ideally suited contracting team to complete the risk reduction works should have:

A team of six trained team members including:

- One qualified and experienced level 4 arborist to direct the team and perform pruning works.
- 2 qualified traffic controllers/groundsmen with chainsaw and mulcher tickets to serve multiple duties.
- 1 tower and bob cat operator.
- 1 truck driver/groundsmen with chainsaw and mulcher tickets to serve multiple duties.
- 1 groomer operator

The contracting equipment ideally suited for this type of work expected hourly rates:

- Traffic controllers x 2with fully equipped vehicle \$120 per hour inc GST
- 20 meter mulch truck with 18 inch chipper and driver \$150 per hour inc GST
- 17m travel tower with operator \$150 per hour inc GST
- 100hp 5 tonne tracked skid steer loader \$100 per hour inc GST
- 14 tonne load capacity tip truck with operator \$100 per hour inc GST
- 12 tonne excavator with groomer with operator \$190 per hour inc GST

Total hourly rate: \$810 per hour inc GST

The cost estimates included in this report are based on these contracting rates (above) which appear in line with the current industry standard.

**Cost increases;** The cost estimates included are based on today's contracting rates and have not allowed for likely future price increases such as CPI etc.

**GST;** Prices include GST

**Travel;** from a depot within 50km is included. the contractor may need to secure a temporary depot to store heavy trucks etc in whilst completing the job to reduce truck miles/costs.

**Preparation of Safe Work Method Statements;** SWMS and other risk assessments will need to be carried out daily and as the need may arise. the cost estimates provided allow for completion of these.

**Traffic on these roads;** appears to be light. if these figures are used on busier roads more time will need to be allowed for letting traffic through etc. The cost estimate prepared provide an allowance for loss of time whilst letting light traffic through the job site etc.

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**Suitable dump sites:** within 5 kilometers of the site for logs and mulch will need to be sought. Due to the rural activities in the area, it is likely that a suitable site close to the work areas would be found, here a private landowner may benefit from being given these products. Expedient transport and unloading of trucks will speed up the tree removal process and save time for the contractors.

**Inclement weather;** the time estimates above do not allow for inclement weather and a based on the weather being fine and the ground dry. It would not be safe to conduct these works in heavy rain due to the hazardous nature of traffic control and other risks which are exacerbated in heavy rain. Wet ground may make it difficult for the trucks to unload logs and mulch etc. and earthmoving machinery may cause unnecessary damage to the side of the road etc. It is recommended that the works be carried out in a dry time of the year.

**Cost of clearing Lucas Road;** To clear the 1,000m of Lucas Road as specified above will take approximately 35 hrs and cost approximately

**Total \$28,350.00**

**Cost of clearing Moomowrong Road;** To clear the 1,000m of Moomowrong Road as specified will take approx 27 hrs and cost

**Total \$21,870.00**

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## 5. Recommendations

Use the costing information to assist with budgeting requirements for future tree management works.

### COMMUNITY ENGAGEMENT

A suitable community engagement plan should be prepared and implemented to involve the residents in the process.

Support from the community may have benefits such as:

- finding suitable dump sites for logs and mulch,
- greater awareness of the temporary road closures which may occur,
- greater patience and understanding of the works in progress.
- the possibility of dumping whole trees on private property with the landowners consent to be processed by the landowner at their expense
- other benefits may be achieved by engaging the community in the correct way

### VEGETATION CLEARING ENVELOPE

It may be useful to apply a shaped envelope to the vegetation clearance on the roadway see diagram below.

The implementation of this vegetation clearance envelope would reduce the risk of trees falling on the road as much as reasonable and practical.

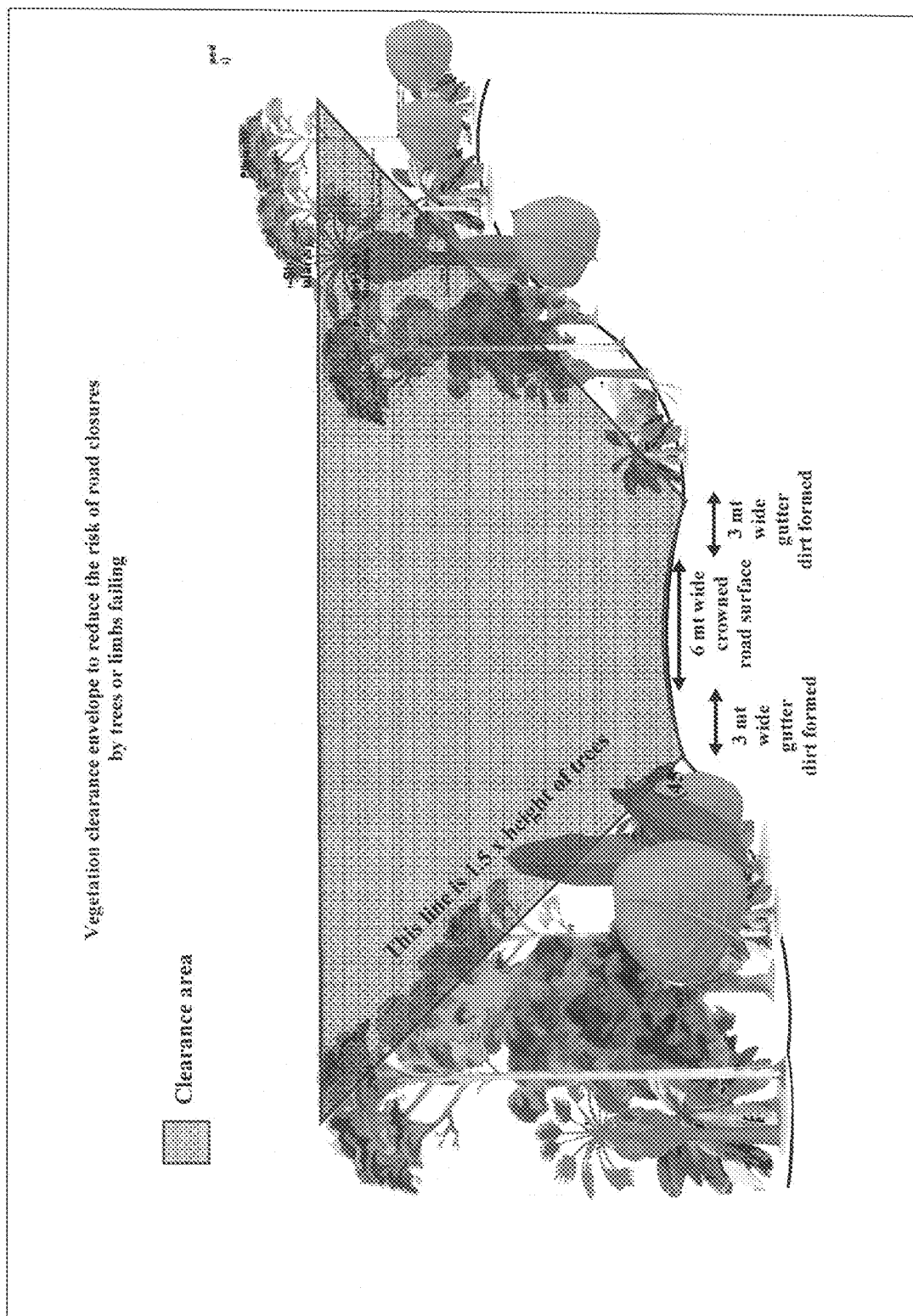
If particularly healthy and solid tree are found to be within this envelope they could be considered for retention on a case by case basis.

There may be cases where a steep cliff accommodates trees outside the envelope which may roll down the cliff and cause interruption to the roadway, these cliffs would need to be assessed on a case by case basis.

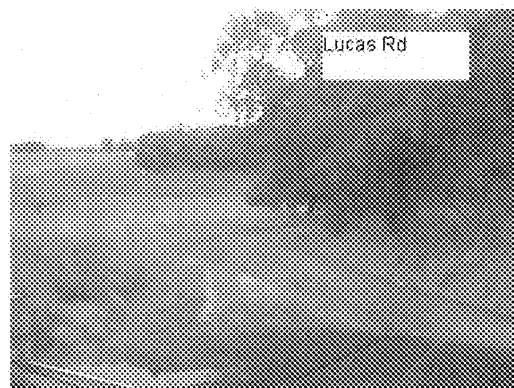
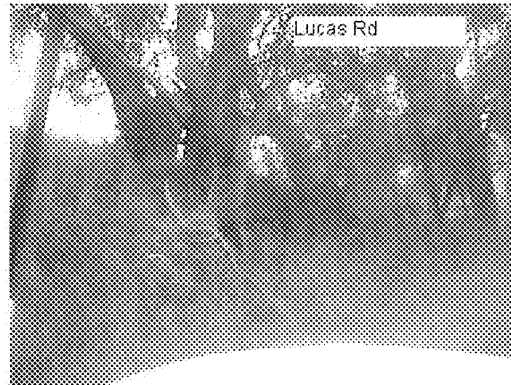
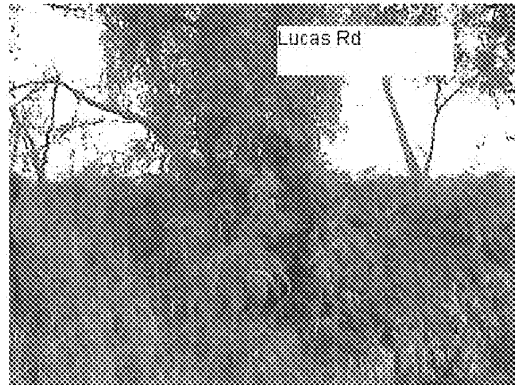
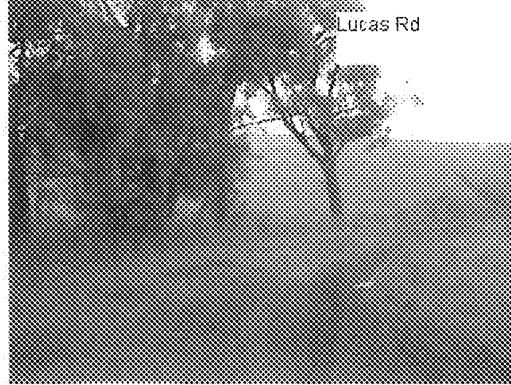
The line of the envelope is drawn from the edge of the useful roadway is on a 45 degree angle and extends for 1.5 times the height of the highest tree.

Once trees are cut in this manor they are theoretically very unlikely to fall onto or block the roadway unless they are propelled by high winds or slide/roll down a steep embankment, these occurrences are possible but generally it is unlikely that the roadway would be blocked by falling trees in part or whole.

Monitoring the clearance envelope would be a relatively simple task with only basis measuring tools required to objectively determining if the vegetation meets the required specifications.



6. Photographic Records



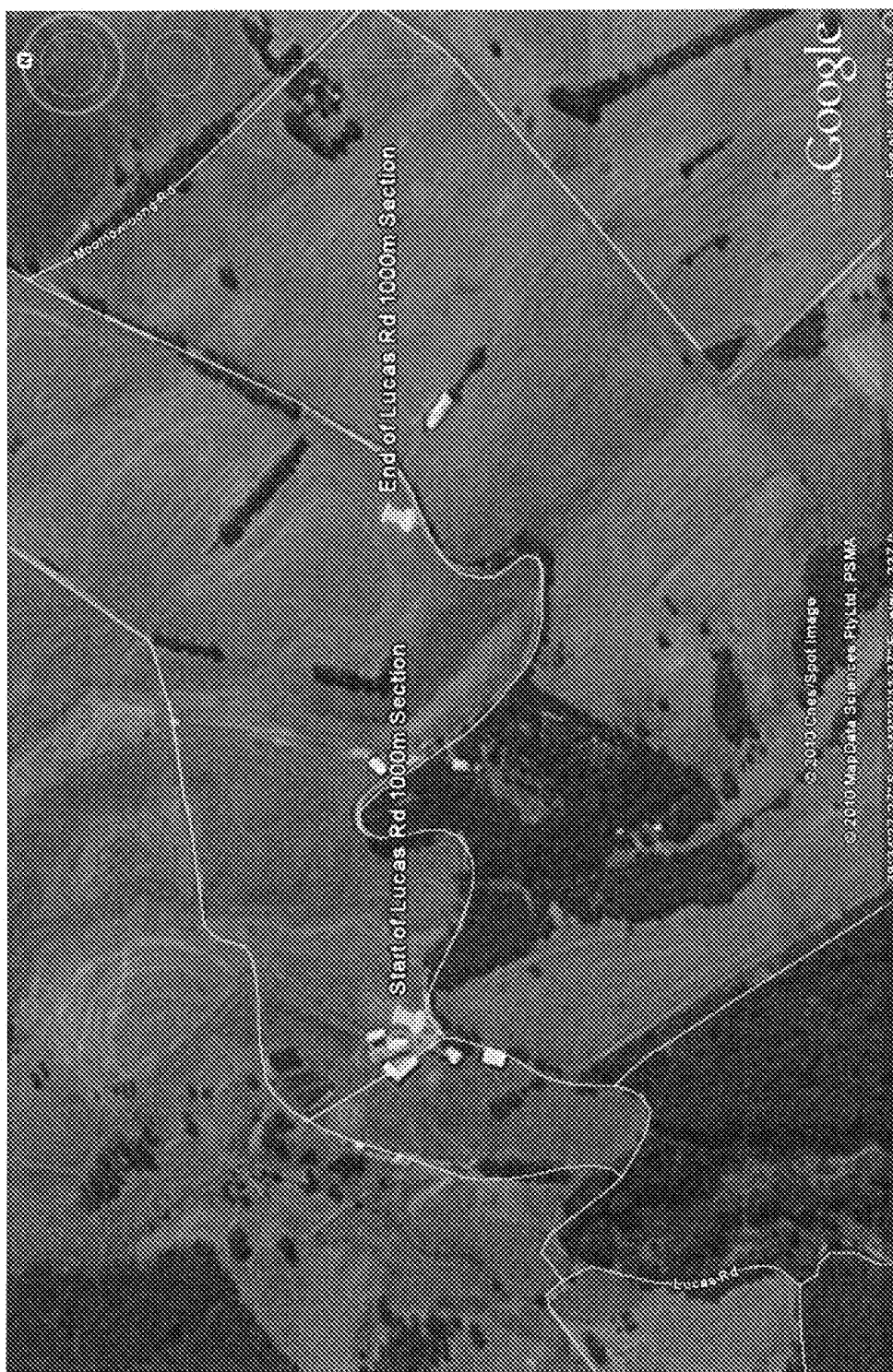
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7. Photographic Maps



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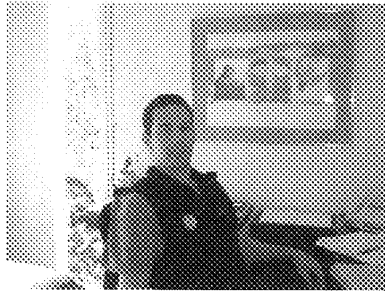


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**8. Appendices**

**8. 1. Qualifications**

I am the senior vegetation consultant employed by Tree Watch Vegetation Management Company which services Victoria from four regional depots.



The Qualifications, academic achievements and accreditations relevant to providing this specialist advice are:

- Excelled in environmental science at Geelong College 1992
- Achieved Advanced Certificate in Arboriculture Level 4 University of Melbourne, Burnley Campus 2000
- Acquired Australian Forestry License 2002.
- Acquired ISA International Certified Arborist 2003.
- Achieved Associate Diploma in Applied Science Horticulture/Arboriculture Level 5 at the University of Melbourne, Burnley Campus 2005 (Top of class in Plant biology and Soils).
- Completed Department of Sustainability and Environment Course "Victorian native vegetation, assessing habitat hectares for net gain" 2006.

I regularly attend all the relevant lectures by experts from around the world, most recently the International Society of Arboriculture Oceania Tree Congress held in Canberra.  
I have thirteen years industry experience in Forestry, plus Government and private residential contracts in and around the coastal and hinterland areas of the Surf Coast Shire and Colac-Otway Shire.  
In addition to my qualifications, I have experience at attending VCAT hearings as an expert witness supporting the information I have supplied to my client, which has assisted with the approval of our client's applications.

**Example of current contracts and clients:**

- |                          |                                            |
|--------------------------|--------------------------------------------|
| Werribee Park Mansion    | Great Ocean Road Coast Committee           |
| AAMI Insurance           | Human Services Department, Colac           |
| Galbraith and Associates | Royal Exhibition Building, Carlton Gardens |
| Surf Coast Shire         | Hamlan Homes Pty Ltd                       |
| Melbourne museum         | Mac Robertson Girls High School            |
| Vic Roads                | Parks Victoria                             |

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### 8.1. Disclosure Statement

The advice given, whether orally or written is for these trees/vegetation only.

As an Arborist, I am a tree specialist and use my knowledge, education, training and experience to examine trees, recommend measures to enhance their beauty and health, and attempt to reduce the risk of living near trees. As a client, you may choose to accept or disregard these recommendations, or seek additional advice.

An Arborist cannot detect every condition that could possibly lead to a tree or limb failure. Trees are living organisms that may fail in many ways we do not fully understand. Conditions are often hidden within the trees and below the ground. As Arborists, we cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period. Sometimes trees may appear 'healthy', but may be structurally unsound. Likewise, remedial treatment, like any medicine, cannot be guaranteed.

Furthermore, certain trees are borderline cases as to whether they should remain or be removed. In addition, conditions change, and a tree may need further monitoring in the future to determine its vigour and structure. Of course, the only safe option is removal.

Trees can be managed, but they cannot be controlled, and to live near a tree is to accept some degree of risk. The only way to eliminate all risks is to remove all trees.

### 8.2. Tree Hazard Management

Victoria, has over the past one hundred and fifty odd years, established an amenity tree resource of enormous value. Many of our older trees are declining; these trees will require an increasingly greater level of management, simply because of their age and this decline. Because of a poor understanding of the requirements for trees to have a well-formed root system, a large percentage of the trees planted have deformed root systems. Old and stressed trees are more likely to have potential for failure. Because of the number of root-deformed trees planted, there is the potential for an epidemic of tree failure. Australia, along with the rest of the world, is becoming increasingly litigious. As managers of this tree resource, it is our responsibility to manage our resources to minimize the hazards associated with trees. Obviously, we cannot remove trees unnecessarily.

The information in this report may be based on information supplied by other parties such as surveyors engineers or others and Tree Watch has made assessments and recommendations based on this information being correct and accurate. Tree Watch is not responsible for inaccuracies within this document which were based on other party's incorrect information. Location of trees on a site:

I have not prepared an accurate survey of the trees on the site. I may have been supplied with a site plan prepared by another party and we cannot guarantee in any way the accuracy of any plans supplied to me for use in plotting the location of trees or property.

Assessment of roadside trees, Carlisle River, Colac Otway Shire, 5<sup>th</sup> March, 2010

## 9. Works Descriptors

### Pruning Specifications

Tree workers who through related training, on-the-job experience and qualifications, which are familiar with the principles, techniques and hazards of this particular type of work, shall only carry out tree pruning.

The minimum qualification for such arboricultural works shall be *Advanced Certificate of Arboriculture* alternatively, the *National Certificate of Arboriculture*.

The following items should be addressed:

- Removal of all damaged, over extended and/or suspect limbs (back to the next major limb.)
- Removal of major 50mm diameter and larger unsafe deadwood.
- Weight/load reduction pruning of horizontal limbs that are to be retained on the tree/s.
- Clearance pruning around the building.

All pruning cuts shall be made with due reference to the appropriate branch bark ridges (BBR'S)  
In addition, final cuts shall not be flush cut and no stubs should be left. Interior branches, limbs or leaders shall not be stripped out.

Appropriate tools and techniques shall be used to ensure that bark is not damaged during the pruning or cleanup operations.

### General Points on Pruning

- Trees to be pruned to reduce hazards whilst maintaining a viable "Static mass to Dynamic mass ratio" (Shigo, 1991)
- Epicormic shoots should not be retained or used to develop new branches.
- Trees should be pruned to minimize the development of epicormic shoots.
- No limbs or stems are to be topped.
- All pruning cuts must conform with the principles of "CODIT" here a hollow stub is clearly being used as habitat by native birds or animal and the stub does not pose a risk it should be retained.
- Generally, long branches with any major wound within one meter of attachment point should be removed, or pruned to reduce the likelihood of failure.
- All crossover branches, rubbing branches should be pruned or removed.
- All broken, cracked or severely damaged branches should be removed.
- Where pruning to reduce hazards has to be so severe that the health of the tree is compromised then removal of the tree maybe considered by consulting supervising arborist.
- Pruning Works should be carried out by a **fully qualified arborist** or be directly supervised by a qualified arborist. At least one **fully qualified arborist** must be present on the site at all times during pruning operations.
- The minimum qualification should be:
  - An Advanced Certificate of Arboriculture.
  - A National Certificate in Horticulture (Arboriculture) Level 4.

All pruning work is in accordance with the *Australian Standards - Pruning of Amenity Trees (AS4373-1996)*.

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Canopy Lift

The lower branches in the canopy of the tree/s should be reduced or removed to allow clear pedestrian or vehicle access. In general 3.0m clearance over footpaths and 4.0 – 5.0m clearance over roadways would be required.

The closer the branches are to the height of the average pedestrian the higher the priority of the canopy lifting required.

Over footpaths the priority rating would be:

- Low** - is likely to grow into clearance space within three years or is just within clearance space.
- Moderate** - is at a height that may cause inconvenience.
- High** - is at a height that causes significant inconvenience and/or is blocking or substantially reducing access on the footpath.
- Urgent** - pathway is completely blocked.

Safety and Form

The tree should be pruned to remove all dead, dying and broken branches. Long and overextended limbs should be carefully reduced. Regular pruning and inspections of the tree should continue as part of a regular tree maintenance program.

Weight/Load Reduction

Weight/load-reduction pruning of extended branches can reduce the possibility of sudden branch failure.

Weight/load reduction pruning is the selective pruning of long and extended branches back to a shorter, more compact growing point. The overall weight, length and leverage on the branch unions reduced.

Undertaking a weight/load-reduction pruning program of the upper canopy of trees assessed 'Load Reduction' will reduce the risk of branch and stem failure to a manageable level, and extend the Useful Life Expectancy of the tree.

Over extended branches over hanging property, buildings, roads, paths or playgrounds should be reduced in length and weight to minimize the degree of overhand and reduce the likelihood of branch failure.

Large extended branches growing in the upper canopy of the tree/s require weight reduction to reduce the likelihood of branch failure. Generally, weight reduction of branches should be undertaken by removing branches up to 50mm in diameter (to the Australian Standard: Pruning of Amenity Trees, AS4373-1996) Branches greater than 100mm should only be removed in consultation with a qualified arborist.

Heavy Weight Reduction

The tree/s has reached the end of it SULE and will require removal within the next 10 years, the trees require heavy weight reduction to significantly reduce the likelihood of tree/branch failure.

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The tree currently provides some amenity or screening and should only be retained until replacement trees are established. The tree will require monitoring until removed.

Generally, heavy weight reduction of branches should be undertaken by removing branches up to 200mm in diameter.

Due to the short term longevity of the tree, not all of the final pruning cuts may conform to the Australian Standard: Pruning of Amenity Trees, AS4373-1996.

**Deadwood Removal**

All dead branches down to 25mm in diameter should be removed from the canopy. Dead branches smaller than 15mm in diameter should be removed only where the target value is very high and the target occupancy is Frequent or Constant.

**Visibility Prune**

The lower branches in the canopy of the tree/s should be reduced or removed to clear vision to road signs and roadways.

**Tools and Equipment**

- Climbing spurs shall not be used when climbing trees except to climb a tree to be removed or to perform an aerial rescue of an injured worker.
- Equipment and work practices that damage bark or cambium should be avoided.
- Rope injury to thin-barked trees from loading out heavy limbs should be avoided by installing a pulley into the tree to carry the load. This technique or a cambium saver should be used to reduce injury to the tree crotch from the climbers' rope.
- Neither wound dressings nor tree paints should be applied to any pruning cuts.

**Guidelines for Tree Removal**

- Carefully remove all the trees identified for removal. (trees to be removed should be clearly marked to ensure the correct trees are removed)
- Do not damage trees that are to be retained
- Ensure that the root zone of trees to be retained are not compacted by heavy equipment
- Monitor weather conditions to ensure that tree works are not carried out during very wet conditions, or if the soil is saturated and may be compacted by tree removal equipment.
- Trees to be retained must not be damaged in any way; this includes the crown of the trees, the root system, the soil and growing environment.
- Trees must be removed at ground level and stumps ground to 300mm below ground level.
- Where the consulting Arborist decides that stump grinding may damage trees to be retained, then the Arborist may decide not to remove that stump. These identified stumps should be poisoned immediately after removal using glyphosate painted directly onto the cambial area of the stump. Particular care should be taken to ensure that surrounding trees are not accidentally poisoned.

**Weed Management**

Weed control is an essential component in the maintenance and improvement of ecological values on a site. It should also be carried out in such a way as to maintain and enhance the aesthetic values such as screening, erosion prevention and protection of tree canopy cover.

Plan for re-vegetation of areas where weeds are to be removed. Planning for re-vegetation (i.e. ordering of plants) should occur prior to weed control.

Weed control should be undertaken in a staged manner, in conjunction with erosion control works.

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A methodical and thorough weed management program should be implemented early in the development planning and implementation process. Fragmentation of the site and disturbance of soil during weed removal could potentially promote further establishment of weeds (Carr et al. 1992).

Larger woody weed species may be able to be chipped on site or nearby to provide a source of mulch for re-vegetation.

The use of imported fill and topsoil that includes weeds and their seeds should be discouraged. These are frequently sources of weeds particularly aggressive invaders such as Kikuyu.

Mulch areas after weeding to inhibit further weed invasion, limit erosion problems by the installation of silt traps where appropriate and implement planting as soon as possible.

Monitor the success of weed control and repeat control works or adjust weed control strategy as required.

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**Matrix for Determining Level of Risk as per Tables 1 and 2 as per RISK MANAGEMENT – AS/NZS 4360:2004**

| Likelihood Label | Consequences label |           |        |        |
|------------------|--------------------|-----------|--------|--------|
|                  | I                  | II        | III    | IV     |
| A                | Severe             | Very high | High   | Medium |
| B                | Very high          | High      | Medium | Low    |
| C                | High               | Medium    | Low    | Low    |
| D                | Medium             | Low       | Low    | Low    |

**Table 1 – Likelihood Scale**

| Level | Descriptor     | Description                                    |
|-------|----------------|------------------------------------------------|
| A     | Almost certain | It is inevitable that failure will occur       |
| B     | Likely         | It is probable that failure will occur         |
| C     | Possible       | There is some potential that failure may occur |
| D     | Unlikely       | Failure is not expected but might occur        |

**Table 2 – Consequence Scale**

| Level | Descriptor | Severity                                           |
|-------|------------|----------------------------------------------------|
| I     | Very high  | Fatality and/or severe injury                      |
| II    | High       | Major property damage and/or personal injury       |
| III   | Medium     | Minor property damage and/or minor personal injury |
| IV    | Low        | Negligible damage                                  |

**Root Plate Estimation**

One of the primary purposes of this report is to estimate the impact of the development on the trees on this site. This is mainly achieved by estimating the extent of the root plate area of the trees and what proportion of this is likely to be injured or severed during the construction process. In this report, two elements of the root area are described. These are:

**Critical Tree Root Protection Zone by Dr Kim Coder 1998**

Root plate size (i.e. pedestal roots, zone of rapid taper area, and roots under compression) and limit of disruption based upon tree diameter at 1.4 meters above the ground (DBH). Significant risk of catastrophic tree failure exists if the structural roots within this given radius are destroyed or severely damaged.

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| Tree Diameter Dbh (cm) | Structural Critical Rooting Distance (m) | Tree diameter Dbh (cm) | Structural Critical Rooting Distance (m) |
|------------------------|------------------------------------------|------------------------|------------------------------------------|
| 2.5                    | 0.3                                      | 68.6                   | 3.0                                      |
| 5.1                    | 0.6                                      | 71.1                   | 3.0                                      |
| 7.6                    | 0.6                                      | 73.7                   | 3.0                                      |
| 10.2                   | 0.9                                      | 76.2                   | 3.0                                      |
| 12.7                   | 0.9                                      | 78.7                   | 3.0                                      |
| 15.2                   | 1.2                                      | 81.3                   | 3.0                                      |
| 17.8                   | 1.2                                      | 83.8                   | 3.0                                      |
| 20.3                   | 1.5                                      | 86.4                   | 3.0                                      |
| 22.9                   | 1.5                                      | 88.9                   | 3.0                                      |
| 25.4                   | 1.8                                      | 94.1                   | 3.0                                      |
| 27.9                   | 1.8                                      | 94.0                   | 3.3                                      |
| 30.5                   | 2.1                                      | 96.5                   | 3.3                                      |
| 33.0                   | 2.1                                      | 99.1                   | 3.3                                      |
| 35.6                   | 2.1                                      | 101.6                  | 3.3                                      |
| 38.1                   | 2.4                                      | 114.3                  | 3.3                                      |
| 40.6                   | 2.4                                      | 127.0                  | 3.6                                      |
| 43.2                   | 2.4                                      | 139.7                  | 3.6                                      |
| 45.7                   | 2.4                                      | 152.4                  | 3.9                                      |
| 48.3                   | 2.7                                      | 165.1                  | 3.9                                      |
| 50.8                   | 2.7                                      | 177.8                  | 4.2                                      |
| 53.3                   | 2.7                                      | 190.5                  | 4.2                                      |
| 55.9                   | 2.7                                      | 203.2                  | 4.5                                      |
| 58.4                   | 2.7                                      | 215.9                  | 4.5                                      |
| 61.0                   | 3.0                                      | 228.8                  | 4.8                                      |
| 63.5                   | 3.0                                      | 241.3                  | 4.8                                      |
| 66.0                   | 3.0                                      | 254.0                  | 4.8                                      |

**Optimum Proximity**

There are several widely used methods of calculating the optimal tree protection zone we have found the drip line method to have limitations and have chosen to use a method described by Matheny and Clark.

**Optimal tree protection zone**

This is an estimate of the radius that is likely to encompass enough of the smaller absorbing roots to allow the tree to obtain enough nutrients and water to allow it to survive in the long term. The calculation for Optimum Root Zone is on average 12 times the diameter at breast height of the trunk. This is radius based on Harris, Matheny and Clark (1999) and takes into account the size of the tree, its physiological age and the tolerance of the species to construction impacts. Where the tolerance of an individual species is not known the middle ranking for tolerance is used (i.e. moderate tolerance). Estimation of the likely root plate radius for both methods are based on the DBH (Diameter at Breast Height) of each tree. This is usually measured but where the tree is inaccessible or has numerous



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trunks, a visual estimation may be used. Whether the DBH is estimated or measured is noted within the 'Tree Specifications' section of the report.

The two elements of each trees' root zone is transposed over the site survey and building footprint and from this the degree of root injury is calculated.

**Tree rooting patterns**

Contrary to common belief, trees usually have a broad flat plate of roots that may extend 1.5 – 3 times the radius of the canopy (Harris, Matheny & Clark, 1999; Coder, Hitchmough, 1994). Relatively few trees have deep roots and Harris, Matheny and Clark (1999) note that most tree roots will be found in the top 1.0 metre of the soil profile.

While the mode is used to approximate the size of tree root plates, assume a uniformly radial root system, in highly disturbed urban soils root systems often develop in a highly asymmetric manner (Matheny & Clarke, 1998). This may require the modification of the models used where it is likely that the root system is asymmetric.

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10. Glossary of Terms

|                          |                                                                                                                                                                                                                                                                                                                              |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aeration                 | To expose to the free action of the air.                                                                                                                                                                                                                                                                                     |
| Aeration – Fertilization | Action of fragmenting soil by injecting air and creating interstices and, applying amendments into airspaces.                                                                                                                                                                                                                |
| Annular growth rings     | The increase in trunk or branch diameter by growth or growths that occur in a 12 months period.                                                                                                                                                                                                                              |
| Arboriculture            | Concerned with the cultivation of woody plants, particularly trees.                                                                                                                                                                                                                                                          |
| Arborist                 | A person concerned with the cultivation of woody plants, particularly trees.                                                                                                                                                                                                                                                 |
| Average                  | An arithmetic mean                                                                                                                                                                                                                                                                                                           |
| Bark                     | The outer protective layer of a woody plant                                                                                                                                                                                                                                                                                  |
| Bearer                   | Portion of a tree that supports other branches by being connected to them with cable-braces                                                                                                                                                                                                                                  |
| Bifurcated               | A trunk or branch that is divided                                                                                                                                                                                                                                                                                            |
| Brace                    | A steel rod inserted through a trunk or branch. An artificial support that is inserted into a weakened portion of a tree                                                                                                                                                                                                     |
| Buckling                 | A response by wood tissues of a tree load                                                                                                                                                                                                                                                                                    |
| Bud                      | A small axillary or terminal protuberance on a plant, containing rudimentary foliage (leaf bud), the rudimentary inflorescence (flower bud), or both (mixed bud)                                                                                                                                                             |
| Bud scales               | Scars left on a stem after the scales, which enclose the bud open                                                                                                                                                                                                                                                            |
| Buttress; Buttress root  | A root, which has elongated vertically, been exposed to the atmosphere and, taken on some of the characteristics of a stem                                                                                                                                                                                                   |
| Cable-bracing            | Artificially supporting a branch                                                                                                                                                                                                                                                                                             |
| Callus                   | Woody, cellular                                                                                                                                                                                                                                                                                                              |
| Cambium                  | Woody tissues that grow in response to an opening in bark, wounding or injury to a tree                                                                                                                                                                                                                                      |
| Cantilevered             | A free part of any horizontal member projecting beyond a support                                                                                                                                                                                                                                                             |
| Cavity                   | The result of wood decay                                                                                                                                                                                                                                                                                                     |
| Clean-out                | Removal of branch growths that live on branches, which form a tree's substantial structure. The action of removing unnecessary, unwanted and objectionable growths                                                                                                                                                           |
| Climometers              | A device that utilizes trigonometry to establish the height of an object. The device has an inaccuracy of 5%                                                                                                                                                                                                                 |
| Closure                  | The completed action of callusing, woody tissues that enclose a wound                                                                                                                                                                                                                                                        |
| CODIT                    | Acronym for compartmentalization of decay in trees                                                                                                                                                                                                                                                                           |
| Co-dominant stem         | A trunk or branch that is divided                                                                                                                                                                                                                                                                                            |
| Compartmentalized        | Action and response by a tree to wounding and the formation of chemicals that form a cellular barrier                                                                                                                                                                                                                        |
| Compression wood         | Growth in a trunk or branch that counters a divergence from the vertical or horizontal                                                                                                                                                                                                                                       |
| Core sampler             | Extraction of a woody section of trunk or branch using a core sampler.<br>A hand or motorized hollow core drill that cuts and extracts a wood cylinder from a trunk or branch                                                                                                                                                |
| Critical Proximity       | Is based on Mattheck and Breloer (1994) and defines the likely spread of the trees scaffold root system. The distance specified as the Critical Proximity is the closest that root damage should be allowed to occur to trees that are being retained. Root injury closer than this may render the tree liable to uprooting. |

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| Assessment of roadside trees, Carlisle River, Colac Otway Shire, 5 <sup>th</sup> March, 2010 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Critical root zone                                                                           | Areas of a tree's root system that is needed for support and nutrition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Crown reduction                                                                              | The action of pruning a tree's live-canopy that includes removal of a dominant terminal to a dominant lateral                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| DBH (Diameter at Breast Height)                                                              | Is the diameter of the tree at approximately 1.4 meters above ground level. Where a trunk is divided at or near 1.4 meters above ground the DBH is generally measured at the narrowest point of the trunk between ground level and 1.4 meters. Alternatively, where a higher level of accuracy is required with multi-stemmed trees, DBH is derived from the combined cross sectional area of all trunks. The DBH of all accessible trees is measured except where there are numerous trunks at or near ground level where DBH is estimated. The DBH of trees is measured where access can be gained to the property, otherwise it is estimated. |
| Dead wooding                                                                                 | Removal of dead wood from a tree                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Debris                                                                                       | Removal from the work site of refuse created during tree work                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Decay                                                                                        | Alteration of the use of wood in a tree from healthy to would altered wood. A natural process of tree decline                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Density, reduction of...                                                                     | The amount growth reduced by pruning specific areas in a tree's canopy or structure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Dominant terminal                                                                            | The stem that singularly reproduces and continues the plant's character                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Failure                                                                                      | Referring to a portion of and or whole tree that does not withstand load                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Genus / species                                                                              | The identification of trees is based on accessible visual characteristics and given that key identifying features are often not available, the accuracy of identification cannot be guaranteed.                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Geotechnical                                                                                 | Information regarding the relation and function of soil and its components in structural support of buildings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Graft                                                                                        | Two joined portion of plants that have fuses together                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Grow Gun                                                                                     | Device used in injecting air and soil amendments into soil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Growth                                                                                       | The result of plant cell division                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Hazard                                                                                       | A portion of and or whole of tree that has a discernible risk of failure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Hazard reduction                                                                             | Reduction of a portion of and or whole of tree to a lower state of risk by eliminating or negating the risk of failure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Height & width                                                                               | Unless otherwise stated these are visual estimates only. Where height is measured it is with a clinometers with an accuracy of approximately + 2 meters.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Increment                                                                                    | A portion or extract from a tree. The act or process of increasing, growth                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| ISA                                                                                          | International Society of Arboriculture established in the USA and has over 10,000 members, of which over 10% are outside of the USA, Australia has an ISA chapter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Knot                                                                                         | Rate of speed that is equal to 1.81 k/ph                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Lateral                                                                                      | Side growth. Growth from an axillary's bud that forms an offshoot from a main stem                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Lenticells                                                                                   | Cells that are found in the bark of trees. Cells responsible for releasing gases that form within plant cells                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Lesion                                                                                       | An injury to bark                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Lifting                                                                                      | Increasing the height of the lowest braches by removing low-hanging bought                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Live crown                                                                                   | A specific region in a tree's canopy. An area that is from branch extremity back to where the leafage ends                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Number of trees in copse                                                                     | A copse may be several separate or joined trees / trunks that have grown from a cut or burned out stump often originating from a common root system. These trees may thin naturally in time as the dominant stems succeed in growth.                                                                                                                                                                                                                                                                                                                                                                                                             |
| Optimum                                                                                      | Is based on Matheny and Clarke (1998) and defines the area that is likely to be                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| Assessment of roadside trees, Carlisle River, Colac Otway Shire, 5 <sup>th</sup> March, 2010                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proximity                                                                                                                                   | required to encompass enough of the trees absorbing root system that will enable the tree to survive. The distance specified as the Optimum Proximity is the closest that excavation or other activities that might result in root damage should occur to the tree to avoid negative impacts on the health of the tree. Optimum Proximity will vary depending on the species, age and condition of the tree and the amount of the root system that is affected. |
| Phototropism                                                                                                                                | This tree has grown tall and slender on a significant lean due to phototropism a tree's search for sunlight. Leaning unbalanced trees are more likely to fail and are more susceptible to wind throw if trees surrounding them are removed.                                                                                                                                                                                                                     |
| Recommendation                                                                                                                              | Indicates whether the tree is recommended for removal or retention or other works. This recommendation is based solely on the arboricultural and environmental attributes of the tree (i.e. health, structure, condition and environmental weakness or potential) and does not take into account any other factors (e.g. suitability within the proposed development, available space within the proposed development etc).                                     |
| Remove/retain                                                                                                                               | Indicates whether the tree is to be removed or retained. This is generally derived from the site plans provided but the removal or retention of trees might be communicated by other means.                                                                                                                                                                                                                                                                     |
| Target                                                                                                                                      | A target is any person or property that may be damaged or endangered if the tree fails within a proposed development to give a broad indication of values of assets                                                                                                                                                                                                                                                                                             |
| <p>Tree Watch Arborist PO Box 294 Lorne Vic 3232<br/>                     Office: 5289 5330 Fax: 5289 5331 Email: info@treewatch.com.au</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

Assessment of roadside trees, Carlisle River, Colac Otway Shire, 5<sup>th</sup> March, 2010

## 11. References

### References

Harris, RW, Clark, JR & Matheny, NP 1999 *Arboriculture: Integrated management of landscape trees, shrubs and vines*, 3<sup>rd</sup> edn., Prentice Hall, New Jersey, USA.

Lawrence T Norquay, P & Liffman F. 1993, *Practical tree management: An arborists handbook*, Inkata Press, Melbourne, Sydney.

Leon Costermans, 1981, *Native Trees & Shrubs of South-Eastern Australia*. Covering areas of New South Wales, Victoria & South Australia.

Matheny N & Clark J. 1993. *A photographic guide to the evaluation of hazard trees in urban areas*, International Society of Arboriculture, Illinois.

Matheny N & Clark RC 1994, *Evaluation of Hazard Trees in Urban Areas*, 2<sup>nd</sup> edn. International Society of Arboriculture, USA.

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**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                  | D | W |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>GENERAL BUSINESS</u></b></p> <p><b><u>OM102306-22 MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL MEETING</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation</u></b></p> <p><i>Council notes the report regarding the MAV State Council meeting on 28 May 2010.</i></p> |   |   |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....





**OM102306-22      MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL  
MEETING**

On 28 May 2010 I, Cr Stephen Hart, attended the Municipal Association of Victoria (MAV) meeting held in Melbourne as Colac Otway Shire's delegate. Council's CEO, Rob Small also attended.

1. As well as Colac Otway, a number of Councils lodged resolutions expressing concern about the State Government's substantial increase in landfill levies. The various resolutions were merged. Colac Otway's suggested deferral of the increase for two years was included in the merged resolution. The merged resolution received very strong support and was adopted by State Council.
2. A resolution calling for the State Government to defer implementation of a requirement for Planners to take into account 0.8 metre sea level rise when considering land subject to flooding was opposed at State Council by Colac Otway. The concern is that land could be inappropriately developed and later flood. Despite Colac Otway's opposition the resolution received strong support and was adopted by State Council.
3. A number of resolutions calling for improved funding for Council services such as school crossing supervisors, library services and municipal health plans received very strong support.
4. A number of resolutions calling for changes to the electoral system for Council elections were considered at State Council. These included a call for the introduction of "first past the post" rather than a preference based system of counting votes and a call to increase the threshold required before a candidate could have his or her bond returned from 4% to 10%. Following discussions with Council before the MAV State Council meeting, Colac Otway opposed all such resolutions and expressed our concern about such matters taking up the time of the MAV.

All the various resolutions calling for changes to the electoral system for Council elections were soundly defeated with several such resolutions opposed by more than 90% of the delegates.

5. State Council considered a resolution calling for a referendum at the time of the 2010 Federal election on the constitutional recognition of Local Government. Colac Otway was concerned about the timing of such a referendum given that, historically, referendums have failed if the case for change is not well made. With that in mind, I suggested an amendment calling for such a referendum at the time of the election which might normally be held in 2012 or 2013. That suggestion led to significant discussion around the issue of whether a referendum should be held sooner, in 2010, or later.

The amended resolution, effectively calling for a referendum at the Federal election after 2010, received sufficient support at State Council but this is an issue with significantly differing views. It may be useful for Colac Otway to form a more considered view on this matter as it will probably be on the agenda at a future meeting.

**Attachments**

Nil

**Recommendation**

***Council notes the report regarding the MAV State Council meeting on 28 May 2010.***

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IN COMMITTEE

Recommendation

That pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:

| SUBJECT | REASON | SECTION OF ACT |
|--|--|--------------------------------|
| Action re Drainage Works at 32 & 34 Manifold Street, Colac | this matter may prejudice the Council or any person | Section 89 (2) (h) |
| Beechy Precinct Library Joint Use Committee | this matter may prejudice the Council or any person | Section 89 (2) (h) |
| Confidential Items for Consideration | this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter deals with legal advice; AND this matter may prejudice the Council or any person | Section 89 (2) (a) (d) (f) (h) |
| Contract Approval
Contract 1005 – Cleaning Services | this matter deals with contractual matters | Section 89 (2) (d) |