



Colac Otway  
SHIRE

**AGENDA**

ORDINARY COUNCIL MEETING  
OF THE  
COLAC-OTWAY SHIRE  
COUNCIL

24 NOVEMBER 2010

at 3:00 PM

Senior Citizens Centre, Apollo Bay

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

# COLAC-OTWAY SHIRE COUNCIL MEETING

24 NOVEMBER 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 Senior Citizens Apollo Bay on 24 November 2010 at 3.00 pm.

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## **AGENDA**

### **1. OPENING PRAYER**

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

### **2. PRESENT**

### **3. APOLOGIES**

### **4. MAYORAL STATEMENT**

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

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions 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 from the floor
2. Questions received in writing prior to the meeting (subject to attendance and time)

**5. QUESTION TIME**

**6. DECLARATION OF INTEREST**

**7. CONFIRMATION OF MINUTES**

- **Ordinary Council Meeting held on the 27/10/10.**

**Recommendation**

***That Council confirm the above minutes.***

**OFFICERS' REPORTS**

**Chief Executive Officer**

OM102411-1 CEO'S PROGRESS REPORT TO COUNCIL

**Corporate and Community Services**

OM102411-2 INSTRUMENT OF DELEGATION - OLD BEECHY RAIL TRAIL COMMITTEE

OM102411-3 PUBLIC OPEN SPACE STRATEGY

**Infrastructure and Services**

OM102411-4 CHANGEOVER TO DIGITAL TELEVISION - "SELF-HELP" FACILITIES WITHIN COLAC OTWAY SHIRE

**Sustainable Planning and Development**

OM102411-5 NATIVE FOREST HARVESTING ON PRIVATE LAND

OM102411-6 PETITION - 18 GRANT STREET, FORREST

**General Business**

OM102411-7 ASSEMBLY OF COUNCILLORS

**Rob Small**  
**Chief Executive Officer**

**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

<b>ITEM</b>	<b>D</b>	<b>W</b>
<b><u>CHIEF EXECUTIVE OFFICER</u></b>		
OM102411-1 <b><u>CEO'S PROGRESS REPORT TO COUNCIL</u></b>		
Department: Executive		
<b><u>Recommendation(s)</u></b>		
<i><b>That Council notes the CEO's Progress Report to Council.</b></i>		

**Recommendation**

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

**MOVED**                    .....

**SECONDED**              .....



OM102411-1

**CEO'S PROGRESS REPORT TO COUNCIL**

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

**EXECUTIVE****G21 Geelong Regional Alliance**

The **G21 Board Strategic Workshop** was held on the 29 October 2010 in Geelong. The workshop, attended by the Mayor and CEO, discussed:

- Environment - Review the Changing Strategic Environment;
- Purpose - Determine G21 purpose and key determinants of success;
- Composition and operation - review G21's composition (Board and Pillars) and how effectively they operate; and
- Relationships - Update G21 relationship strategy.

The workshop was followed by the first meeting of the G21 Economic Development Strategy Steering Committee.

**G21 Health & Wellbeing Meeting** was attended by the Mayor on the 8 November with discussion including:

- Healthy Parks, Healthy People;
- Presentation of Chronic Disease - Diabetes Clinical Network.

**Official Dedication Ceremony Aboriginal War Services Memorial for South West Victoria**

The Mayor and CEO attended the official Dedication Ceremony of the Aboriginal War Services Memorial for South West Victoria in Warrnambool on the 1 November 2010. This memorial is Victoria's first public memorial to our indigenous soldiers who fought for Australia in war time and the ceremony was a moving tribute to those men and women.

**Remembrance Day Ceremony**

The Mayor, Acting CEO and several Council staff attended the Remembrance Day Ceremony at the Memorial Square on the 11 November 2010. The Mayor spoke at this ceremony paying tribute to the men and women who have fought for our country, paying particular attention to the men who served on the HMAS Colac, two of whom were in attendance.

**Meetings with State Election Candidates**

In the lead up to this month's State elections, the Mayor, CEO and Acting CEO have met with a number of candidates contesting the seat of Polwarth. As with previous meetings with Federal election candidates, the purpose of these meetings is to highlight the priority projects for this Shire that would benefit from State Government funding. These projects include:

- Duplication of the Princes Highway West from Winchelsea to Colac (part funding);
- Princes Highway West upgrades from Colac to the South Australian border;
- Apollo Bay Harbour Precinct Redevelopment;
- Bluewater Fitness Centre Redevelopment (part funded);
- Colac Central Activities Area Upgrade;

- Central Reserve Colac Redevelopment;
- Lake Colac/Barongarook Creek Redevelopment;
- Improved Rail Services; and
- Colac Area Health Professional Placement Accommodation.

### **Regional Management Forum (RMF)**

Held in Camperdown on the 18 November 2010, this meeting was attended by the Acting Chief Executive Officer and included:

- Reports from:
  - Productivity & Connectivity Working Group
  - Sustainability Steering Group
  - Liveability Steering Group
  - Towards Liveable Communities Coordinating Committee;
- Discussion on Working Groups Terms of Reference and structure of groups;
- Update from the Regional Development Committee; and
- Discussion on the RMF structure.

### **Great South Coast Municipalities Group (GSCMG)**

The Acting Chief Executive Officer attended the **GSCMG Project Control Group** meeting on the 12 November 2010 in Warrnambool. Agenda items included:

- Consideration of Project Status/Templates;
- Implementation Processes – Administrative Services Contract;
- National Broadband Rollout;
- Industry Workforce Development Strategy Update;
- GSC Health and Wellbeing Strategy and Action Plan Update;
- Health & Community Services Workforce Strategy & Action Plan Update;
- Major Projects Cumulative Impacts Study Update;
- New Energy Forum Report;
- Sustainability Accord – Local Government Report; and
- State Endorsement of the RSP.

The Mayors and CEOs of the GSCMG met on the 19 November 2010. This meeting, attended by the Acting Chief Executive Officer, was hosted by the Colac Otway Shire and included discussion on:

- Presentation on Loch Ard Interpretive Centre and the regional benefits of the project;
- Progress on Princes Highway West of Colac;
- Regional Strategic Plan (RSP) Coordination;
- Regional New Energy Forum Update;
- Report on the GSCRSP Presentation to Cabinet;
- Update on appointment of Great South Coast Administrative Support;
- Nomination of the South West Regional Representative of Rural Councils Victoria;
- South West Regional Transport Plan – update; and
- National Broadband Network Presentation.

## **CORPORATE & COMMUNITY SERVICES**

### **Family Day Care**

Children's week for this year was an outstanding success. The weather was "outdoor friendly" and the day at Neighbourhood House was filled with laughter, bubbles, baby animals, face painting and jumping castles. 150 children from local Primary Schools and others from kindergartens, childcare and the community attended for a wonderful experience.



Colac Otway Shire currently holds a provisional licence for our Family Day Care Service. Earlier this month, Children's Advisor Visits from the Department of Education & Early Childhood Development (DEECD) were conducted to ensure the final steps are taken towards full licensing for the service. We look forward to reporting on a successful outcome.

Presently all carers are being fully trained in the new Early Years Framework, embarking on four modules in relation to the transition from birth to 8 years of age, full First Aid Training (Level 2) as well as Anaphylaxis training.

### **Health**

- 20 Septic Tank inspections were carried out in September with 3 permits issued to install systems;
- 2 food recalls were advised to suppliers within the municipality;
- 1 Drainage/Septic complaint was investigated;
- 4 new premises are in development phase; and
- Pre-planning and attendance for food safety at the Colac Show was conducted in October and November.

### **Immunisations**

Immunisation rates for the combination of vaccines are shown in the table below, showing the fully immunised children in the Colac Otway Shire with a comparison to the state average. These percentages are based on the September figures from the Australian Childhood Immunisation Register (ACIR). As can be seen from the figures below, Colac Otway Shire is above the state averages in all age categories.

<b>SEPTEMBER 2010</b>		
Age	% Colac Otway Shire Fully Immunised	% Vic. Average Fully Immunised
12-<15 months	94.94	92.21
24-<27 months	95.65	93.35
60-<63 months	91.67	90.42

### **Inspections of Major Works Completed / In progress**

- Local Restaurant – Renovation of toilets and dining area
- Kitchen area at the Post Office Café, Lavers Hill

Also during the month a review and update of the Public Health Emergency Management Plan (PHEMH) was undertaken.

### **Caravan Park Registration & Standards**

The Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 came into effect in October 2010.

Council officers, with the CFA, are ensuring that every caravan park prepares an Emergency Management Plan which incorporates Fire Prevention and Safety.

Caravan parks and camping grounds will now be charged a fee over a 3 year period commencing January of each year. The fees per campsite are fixed by the State Treasury

under *Section 5 of the Monetary Units Act 2004* at \$11.69 per site for 3 years. This compares with the existing fee of \$2.50 per site for one year and represents an increase of \$4.19 per site over the 3 year period. Caravan Park registration fees have not been able to be altered for at least 10 years.

The new fees have been introduced for the 2010/2011 registration period.

### **Aged & Disability Services**

#### **Heatwave and Bushfire Procedures.**

A Heatwave and Bushfire briefing document for Home & Community Care (HACC) Services was prepared to seek quotes from consultants to prepare policies and procedures on how Council can deal with severe weather conditions and natural events that have the potential to cause discomfort, injury or death to staff and clients.

Council's Information Services Unit is working with the Aged & Disability Services (A&DS) to introduce a Geographic Information System (GIS) mapping programs with A&DS "City Managers – Xpedite" client/staff software program for immediate map-based location and identification of vulnerable people within the Shire. This is in the early stages of development with the anticipated timelines for completion early January 2011.

#### **Home & Community Care Training Advisory Committee. (HACCTAC).**

Planning around training needs for Assessment, Nursing and Community Care Staff has been completed across the region for the next 12 months. Training will focus on introduction of the Active Service Model on how to develop a holistic care plan with a focus on well-being outcomes, how to read a care plan and the implementation of care plans.

The training theme will also focus around some specialised areas, Parkinson's disease, Multiple Sclerosis, Palliative Care and Wound Management for nurses.

A one-off session on the upcoming HACC Accreditation Guidelines will be provided by DHS for managers and coordinators.

#### **Kanyana Seniors Centre:**

Stage 1 of the upgrade to Kanyana Seniors Centre is nearing completion. This includes the new toilet facilities, main entrance and foyer, front decking and a ramp. Stage 2 is about to commence which includes a multipurpose store room, an office for the University of the Third Age (U3A) and an outdoor relaxation area.

### **Maternal Child Health**

October has seen another busy month with a number of new babies and first time mothers.

Number of infants enrolled from birth notifications	18
Total number of new enrolments	27
First Time mothers	8

#### **Key Ages and Stages Consultations**

Home visits	22		
2wks	20	12mths	16
4wks	16	18mths	12
8wks	16	2yrs	8
4mths	18	3.5yrs	17
8mths	12		

- 90 additional consultations
- 36 phone consults
- 16 opportunistic immunisations
- 10 referrals
- 19 counselling sessions provided
- New parents groups - 6 sessions in Colac and 4 in Apollo Bay
- 38 families currently enrolled under Enhanced Home Visiting service ( Vulnerable and at risk families)

### Meetings

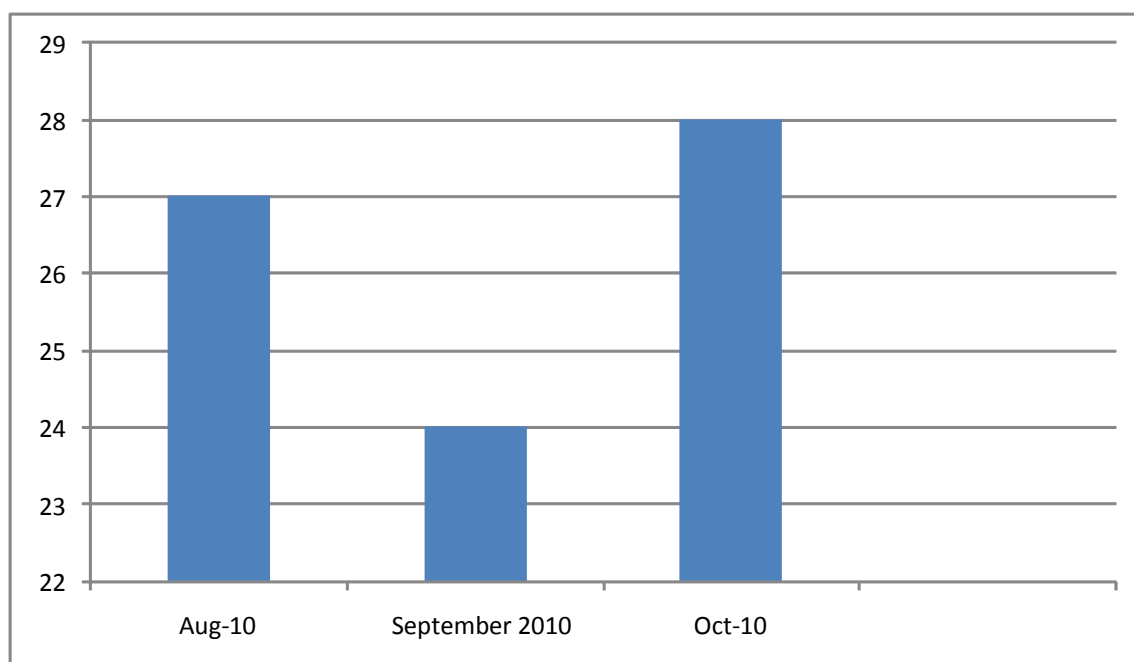
- Maternal Child Health (MCH) Service Review, Occupational Health and Safety;
- Meeting with the new Peri Natal Emotional and Mental Health Nurses who will be providing services in Colac Otway Shire based at Barwon Health; and
- Apollo Bay Early Years meeting.

### Professional Development:

Clinical Supervision and information session at the Children's Court Melbourne.

MCH Conference attended by 5 staff both at Warrnambool by computer link and Melbourne.

### New Enrolments – All Centres



### Rural Access

#### **International Day for People with a Disability – Friday 3 December 2010**

A local work-group is bringing together the week-long schedule of events and activities which will give people with disability the opportunity to explore community settings such as the Colac Neighbourhood House and a guided tour of the Colac Community Library and Learning Centre. The week will culminate with a Celebration Dance and Awards night at COPACC on Friday 3 December.

**Colac Neighbourhood House Disability Action Plan**

Rural Access is providing support and advice to the Colac Neighbourhood House in relation to creating and implementing a Disability Action Plan (DAP). Rural Access also anticipates continuing to work with all of the Shire's Neighbourhood Houses to create their DAPs over the next six months.

This will be a good opportunity for Rural Access to expand its area of work in the Shire, as most effort previously has concentrated on Colac.

**IT Project for People with Disability**

Rural Access is making a presentation, showcasing the Colac IT Project for People with Disability, to fellow Vicnet funded IT Project Coordinators and trainers at an information forum at the State Library in Melbourne. The Colac IT project is perceived by Vicnet and Department of Planning and Community Development (DPCD) as being a great success and a model for other projects. A DPCD journalist interviewed one of the past participants for a case-study on how the Colac project has benefited a person with a disability.

Colac Otway Shire was successful in attaining \$12,000 top-up funding from Vicnet, State Library of Victoria and DPCD to continue the project in partnership with numerous community groups.

**Events****Australian Trail Horse Riders Association - 13 and 14 November 2010**

Over 60 horses and riders converged in Forrest for the Annual Victorian State Camp. The weather conditions however were not favourable when the rain storms that had been forecasted arrived.

**Colac Community Library and Learning Centre Opening Volunteer Project**

The Colac Otway Shire Events Unit has now ceased involvement in the project after awarding volunteers with a Certificate of Appreciation at a volunteer 'Thank You' dinner function. Most of the volunteers have expressed interest in continuing their involvement with any upcoming volunteering opportunities at the Beechy Precinct – and they have already given themselves the nick-name "Beechy Buddies". The Volunteer Project partnership between Community Hub Inc. and Colac Otway Shire, together with extensive training of the volunteers, strongly contributed to the success of the Colac Community Library and Learning Centre opening event.

**2011 Australia Day Celebration**

The Events Unit is now heavily into the planning of the Colac Australia Day celebrations. This includes inviting local groups such as bocce, petanque, croquet and badminton groups to showcase their activities and for the public to take part in and promote their organisation. These activities will be held in addition to the traditional Australia Day activities that Council provides free to the public such as a jumping castle, face-painting, musical entertainment and sausage sizzle.

To fill the Memorial Square with colour and activities, additional market stall holders that do not usually operate at the regular Colac Lions Club Memorial Square markets have been invited to attend. Any profits made from attracting additional market stall holders will go to the Colac Lions Club to be reinvested back into the community.

Mr Gabriel Gaté has accepted Council's invitation to be the 2011 Australia Day Ambassador for Colac. As part of the official Australia Day proceedings, Mr Gaté will give a speech of what being Australian means to him.

**2010/11 Summer Calendar of Events Brochure**

The summer calendar of events brochure has been created in consultation with event organisers who are conducting events in the Colac Otway Shire from December through to April. DL brochures and A3 posters are being printed, advertised and distributed extensively across the Shire, assisting with the marketing and informing residents about the various events on offer.

The new-look graphic design of the calendar has received a lot of positive feedback from the community. A wider variety of photos can be used as part of the design and event organisers are encouraged to provide photographs of their events for the front cover.

**Upcoming Events**

Events which will be held throughout the Colac Otway Shire in December will be the Ulysses Motorbike Toy Run (4 December) and the Rainforest Ride (11 December).

**Recreation****Old Beechy Rail Trail**

Work continues regarding the development of new trail signage to complement existing signs featured on the trail. The signage will be divided into the following categories:

- Directional
- Interpretational
- Advisory
- Environmental

Stage one of this project will involve producing interpretive signs at the site of former train stations located along the rail trail.

**Risk Assessment**

An external risk assessment was conducted in late October in relation to the Old Beechy Rail Trail and operation of "The Beechy" train. A report will be provided containing professional advice regarding Occupational, Health and Safety issues, Public Liability and other significant maintenance type items.

**Colac Skate Park Redevelopment Project**

Tender documentation is has been advertised in relation to this project. Final drawings and designs have been obtained and approved by members of the Colac Skate Park Committee. Council has also consulted with the City Colac Bowls Club regarding the proposed works.

**Healthy Sporting Environments Demonstration Project**

An event will be held on 25 November at the Birregurra Bowling Club for Committee members to join in a celebration and briefing about the Healthy Sporting Environments Demonstration Project. The event aims to celebrate the clubs successful participation, to gather important information about the project and to meet other participating clubs. The project offers clubs the opportunity to build capacity and change around creating healthy sporting environments into the future.

The main focus of this project is to support clubs to implement minimum standards in seven areas of club development. These areas include:

- Sports injury prevention
- Protection from harmful effects of UV
- Healthy food
- Smoke-free environments
- Responsible use of alcohol

- Safe and respectful clubs (particularly for women)
- Reducing race-based discrimination

### **Greater Geelong Regional Football (Soccer) Strategy**

The Draft Great Geelong Regional Football (Soccer) Strategy has been received with the Project Steering Committee meeting in November to discuss the report. Changes are required and it is expected that the consultant will redraft and present the report to the Steering Committee in December. Of primary concern to the sport in the Colac Otway Shire is finding a suitable venue in Colac. Council officers are working with Colac Otway Rovers (newly formed club) to source an appropriate venue. There is not likely to be any financial impacts to Council from the Strategy.

### **COPACC**

COPACC is hosting the Colac City Band's 64th annual Carols by Candlelight concert on Sunday 28 November. COPACC hosted the event for the first time last year, with a sell-out audience in the Civic Hall. The program will include 28 musicians from the band, Colac Chorale, Otway Harmony Choir and Colac Pipes and Drums. The bagpipe band and the City Band's Santa will make appearances at the Christmas Markets prior to the concert. The markets will include free activities for children.

COPACC is hosting the National Film and Sound Archive's Cooee Cabaret – a comedy performance of music based on everything from historic speeches to iconic radio advertising jingles. There will be two free performances.

COPACC will launch its 2011 Morning Music Series on 10 December with a free performance in the Civic Hall.

Ticket sales are strong for the final shows of the year.

November has been a busy month with COPACC hosting end of year concerts for four dance schools, a high school, plus a high school graduation ceremony.

### **Blue Water Fitness Centre**

Staff and members of Bluewater Fitness Centre took advantage of leading sports podiatrists offering free footwear assessments as part of National Foot Health Month. Podiatrists from Corio Bay Sports Treatment Clinic offered their services as part of increasing awareness of the importance of foot health. This year's theme – "walking is the best medicine" – encouraged people to improve their health and fitness. Footwear is an important part of exercise, as the right footwear will improve the enjoyment of walking and the wrong footwear could contribute to the development of a lower limb injury.

Pool Parties are back at the Centre. Options are available for families to take advantage of the Centre's pool inflatable as well as trained pool party instructors to entertain the kids in the aquatic environment.

The installation of water tanks at the Centre will commence shortly. This project is implementing the Centre's commitment to its environmental sustainability. Water will be reclaimed from the Centre's backwash system as well as capturing rain water off the roof. This water will then be reused in the aquatic toilets.

The Centre has implemented a number of new marketing strategies. Frames have been installed throughout all areas of the Centre and have received positive feedback from patrons and members. The concept is to inform users of up and coming specials and cross marketing of the Centre's programs.

### **Youth Council**

Youth Council held their Community Fun Day at Bluewater Fitness Centre on Sunday 31 October. Despite poor weather the event was a success with over 150 people in attendance. There was a jumping castle, sporting competitions, novelty races and the pool inflatable being the most popular activity on the day. The BBQ sponsored by the Colac Lions Club kept everyone full of energy and overall it proved to be a great day. The community feedback was that the event should take place in 2011. This idea will be put to the 2011 Youth Council once elected in February 2011.

Youth Council 2010 held their last meeting on Monday 8 November.

## **INFRASTRUCTURE & SERVICES**

### **CAPITAL WORKS UNIT**

#### **Major Drainage Review - Apollo Bay**

The specification for this work is currently being written. Quotes are expected to be called during November and close before Christmas.

#### **Heavy Vehicle Route**

Quotations are currently being assessed with the intention to appoint a Consultant prior to Christmas.

#### **Pavement design and Investigation**

The unit has been finalising project planning and design for this year's Capital Works program to enable civil works to commence.

Completed geotechnical reports have been received for Council's major road projects in 2010/11 including Barham River Road, Larpent Road, Queen Street, and Hordernvale Road. Other geotechnical reports received include Ferrier Drive, Busty Road and Thomson Street, Apollo Bay.

#### **Project Briefs**

The unit has been busy completing budget requests for consideration in future Capital Works and Major Projects Programs.

Investigations and initial project scoping has been completed for project briefs to be considered in the 2011/12 budget.

These project briefs will then be ranked and considered in line with other identified Council projects during the review of Council's 10 year Capital Works Program as part of the budget process.

#### **Sinclair Street South, Elliminyt – Special Charge Scheme**

A date for the hearing was set by VCAT for 2 December 2010. Council Officers are currently working with Council's solicitors in preparing the submission brief for the hearing.

#### **Roadside Vegetation Management – DSE Agreement**

A presentation on the review process for the Agreement with the Department of Sustainability and Environment for the management of roadside vegetation was presented to the Council at the workshop on 10 November 2010. As detailed in the presentation, Council has completed a number of steps in preparation for the review, including a Super 11 Council survey and a resource cost calculation to determine the impact of the Agreement

requirements on Council. Most recently, Council has written to the MAV to outline the issues and desired outcomes with the Agreement and to request their support during the review process. A further report will be provided at a later date when the agreement has been discussed further with DSE.

### **Roadside Vegetation Management – Threatened Species**

Council has received notification from the DSE in relation to the presence of a threatened species located on a road reserve for which Council is the Coordinating Road Authority.

The threatened flora species is referred by a common name of Snow-berry (*Gaultheria hispidula*) and is located on the Hopetoun Falls Road south of Beech Forest.

Approximately 40 plants exist on the roadside and road batter, which adjoins the Great Otway National Park. To assist Council's Infrastructure and Services Department in managing this issue, an onsite meeting has been arranged with Council Officers and DSE Biodiversity Officers to confirm the suitability of current maintenance works practices.

### **Emergency Works Agreements - CCMA**

Council has received a draft protocol from the CCMA in relation to the management of land slips and subsequent soil disposal requirements during or following storm damage to council assets adjacent to declared waterways. The draft protocol provides Council with clear obligations and limitations with respect to these works. However revision of the planning requirements need to be completed prior to Council's endorsement of the protocol, with consideration to be given to Council's current biodiversity databases. These protocols will be discussed with relevant staff.

### **Major Drainage Program**

Inspections of Council's Major Drainage Program within the Otways will commence at the end of the month. These inspections are carried out with Council's Environment Officer, Environmental Planner and Team Leaders to assess the impacts of the proposed work methods. Through these inspections it will be determined whether the proposed methods are appropriate for the sites in order to minimise Council's environment impacts.

### **Cressy Shelford Road Rehabilitation**

Council will soon receive the second draft of the Cressy-Shelford Road Rehabilitation and Management Plan, which will form the basis for the community engagement component of the project. At this stage, it is planned that a workshop run by a qualified facilitator will be undertaken to allow key stakeholders to provide feedback on the plan. This is expected to take place in early December, to allow the outcomes to be incorporated into the plan before the end of the year.

## **SUSTAINABLE ASSETS UNIT**

### **Building Maintenance and Renewal**

<i>Kanyana Alterations/Upgrade</i>	Redevelopment is progressing well with the new entrance and toilets available for use in early November 2010.
<i>Irrewillipe Hall</i>	Construction of a disabled access ramp and other footpaths at Irrewillipe Hall has commenced with the removal of the old ramp.



<i>Beech Forest Hall</i>	Quotations are now being sought for the replacement of paving and other concrete hardstand areas around the hall.
<i>Cororooke Hall</i>	Design for a proposed new disabled access ramp has been completed in preparation for a building permit application.
<i>Memorial Square Rotunda</i>	Quotes are presently being sourced for the replacement of the existing pavers to the rotunda.

### **Library Annexe**

Works to establish the Annexe commenced in mid October 2010. The front desk has been modified and relocated. Officers are working with suppliers to secure all materials so that the project can be completed prior to the new year.

### **Christmas Decorations**

A contractor has been engaged to repair damage to the bud lighting in the street trees in Murray Street. Of the 39 trees with bud lighting, all but two have been significantly vandalised. Quotes are also currently being sought for the supply of Christmas themed banners and other Christmas decorations which Council will install on some centre road light poles in Murray Street and some other lighting poles around Colac. This will require a formalised agreement with Powercor to erect objects on their assets. Council officers are presently liaising with Powercor to finalise this.

### **Mechanical Services Maintenance Tender**

Five tenders were received. GRS Commercial Air Conditioning was considered best value for money and most suitable to deliver the works to the requirements of the contract. Considering all the evaluation criteria, the tender from GRS achieved the highest score and offered best value for money to Council. The services to be delivered under contract include routine inspections, servicing and unscheduled or reactive maintenance. An initial inspection of Council's heating and cooling equipment will start in the near future with scheduled servicing to commence thereafter.

### **Storm Damage Recovery**

Works to remediate unsealed roads across the Otway's is nearing completion. Road slips on Killala Road, Old Beech Forest Road, and Barham River Road have all been reinstated. Onsite investigations, including drilling, were undertaken during the week commencing 25 October 2010. Treatment designs are to be provided to Council by the end of November 2010. Council has received acknowledgement from the Department of Treasury that its initial claim for assistance has been received and is being assessed by VicRoads. A further application for funding will be submitted once costs have been finalised.

### **Routine Road Inspections**

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

<i>Rural Link Roads</i>	A number of signs were found to be either damaged or missing; trees and limbs down were also identified. Signage maintenance and tree limbs requiring removal have been programmed by Cosworks works crew.
<i>Rail Crossings</i>	A number of signs were damaged or missing. All identified maintenance works have been completed by Cosworks works crews.
<i>Footpath Inspections</i>	Footpath inspections in Apollo Bay, Cressy, Beeac, Birregurra, Forrest, Gellibrand, Beech Forest, and Lavers Hill have all been completed with minor concrete movement being monitored and scouring in the gravel path to Marengo also identified. All identified maintenance works have been programmed to be completed by Cosworks works crews. Trees and vegetation from private property have been referred to Local Laws for action. Street trees requiring trimming back have been completed by Parks & Gardens Maintenance crew.
<i>Warrion Ward Area 1</i>	Roads in Bungador Carpendeit, Elliminyt, Irrewillipe, Irrewillipe East, Larpent, Pirron Yallock, and Swan Marsh areas have been inspected. Damaged signs, minor potholing and minor corrugations in unsealed roads were commonly identified in these inspection areas. Guide posts missing or damaged were identified, Trees and limbs down were also identified as requiring cleanup and removal.
<i>Elliminyt Urban Roads</i>	Signs missing or potholes in gravel roads were identified. Potholing is particularly prevalent given ongoing wet conditions. These have been referred for maintenance by Council staff.
<i>Rural Urban Townships</i>	Rural townships have been inspected with signs, potholes and guide posts being identified as requiring maintenance. Identified works have been programmed to be completed within routine activities.

### **COSWORKS DEPARTMENT**

**Roadside slips:** Works have been completed on Barham River Road.

**Storm Damage:** Extensive flood damage has occurred to the gravel road network. Repairs have been undertaken and completed on Woodrowvale, McNabbs, Tannis, South Larpent, Ackerleys East & West, Stones, Mahers, Skinners, Willis, Griffins, Tomahawk Creek, Patons Lane, Kervins, Forest Street, Forest Street South, Phalps, Hargraves track, Old Irrewillipe, Ganes, Lyness, Silks Access, Barham River and Killala Roads.

**Road Regrading:** Maintenance grading has been ongoing in all areas when weather conditions have been favourable.

**Road Pavement Minor Patching:** Cosworks have undertaken an increased level of maintenance on sealed roads in all areas due to higher than average rainfall.

**Sealed Road Major Patching:** Major patching has occurred on McLachlan Street, Apollo Bay.

**Gravel Road Re-sheeting:** Gravel resheeting works have been undertaken on the following roads: Bullivant, Normans, Eurack, Pierces and Egan.

**Major Drainage Works:** Major drainage works have continued to be undertaken over the last month with works completed on the following roads: Wild Dog, Binns, Woods, South Cundare, Reddies, Ramsays, Pierces, Normans, Mahoneys, Connells, Bullivant, Aerodrome and Egan.

**Routine Drainage works:** The slip prone areas have been given priority over the last month by the Cosworks crew.

**Vegetation Control:** Vegetation control works have been carried out on the following roads: Sunnyside, Beatties Lane, Manna Gum, Bracks, Blanket Bay, Jansil Court, Alice Court, Wild Dog, Busty, Tiger Lane and Marriners Lookout.

**Tree Maintenance:** Trimming works have been ongoing in Colac and surrounding townships.

**Bridge Maintenance:** Removal of debris on and around bridge structures in flood affected areas mainly in south of Shire has been carried out.

**Township Mowing:** An increased effort in township mowing has been undertaken due to rapid spring growth, in particular in Beeac for their 150<sup>th</sup> anniversary.

**Gardens:** General maintenance of all gardens has been undertaken.

**Playground Maintenance:** Playground maintenance has been completed as per recommendations from inspections.

## **MAJOR CONTRACTS/WASTE UNIT**

### **Local Port Managers Forum October 2010**

The quarterly Local Ports Manager's Forum was held on 29 October 2010 at the Department of Transport (DOT) Melbourne office. The purpose of these forums is to update the Port Managers on DOT program management, discuss port issues of common interest, network and share information with other Local Port Managers.

The following issues were discussed at the Forum:

1. Local Port User Services and Principles – a review of Port Fees & Charges will be undertaken in the near future to make them fair, equitable and consistent across all the Ports, applying the principles of full cost recovery. The Port Managers have been asked to provide details of the various services provided within their Port after which the information will be collated and a review undertaken by DOT finance department.
2. DOT Governance Review – The future governance review will look at issues such as:
  - Long term management agreement;
  - The current format of Committee of Management arrangements for Port Management and explore other models;
  - Port boundaries;
  - Leases and Licences;

- Insurance issues;
- Funding; and
- Climate change issues.

A meeting will be held in December 2010 with the DOT officers to discuss the Governance issues relating to the Port of Apollo Bay in further detail.

3. Review of Safety and Environment Management Plan (SEMP) - The review of SEMP will allow incorporation of latest legislative changes, consolidation of auditing and recertification process, reviewing reporting frameworks etc.
4. Initiatives of Transport Safety Victoria - The main issues discussed under this category were implementation of new Marine Act, Authorised Officer's training for control of hoon behaviour, work permits for water works, review of dredging standards, review of Navigational Aids Standards, Mooring Buoys Standards and reporting of incidents to water police.

Apart from the above issues a presentation was made by Gippsland Ports on the Disability Discrimination Act (DDA) audit outcomes focussing on guard rails/hand rails requirements in the marina, on water refuelling facility and sewerage pump out operational requirements.

Another presentation was made by Parks Victoria (PV) on Mooring and Berthing Business Plan suggesting that there is a need to improve the quality of service taking into account issues such as cost recovery, environmental outcomes, fair and equitable pricing measures etc.

### **Waste Update**

#### **E Waste and small Electrical Drop Off**

An E Waste and small electrical collection was carried out on 13 November 2010 at the Council carpark Rae Street, Colac and on 20 November 2010 on the Apollo Bay Foreshore, Apollo Bay.

As a result of the huge amount collected last year, the hours were extended from 2 hours to 3.5 hours in Colac, being 9:30am to 1.00pm and 3 hours in Apollo Bay from 10.00am to 1.00pm.

The collection on the foreshore was carried out with the permission of the Otway Foreshore Committee. Skips were supplied by Western Waste who then stored them at their transfer station prior to delivery to GDP Industries in Geelong.

All goods recovered were forwarded to GDP Industries at the Douro Street Transfer Station in Geelong for sorting, resale, donation or recycling. GDP are taking all goods at no cost to the Council.

Items collected were old computers, small electrical items, such as hairdryers and toasters, microwaves and televisions. All items must be able to be handled by one person. Large items over 20kg such as washing machines and fridges were not accepted.

#### **Fire at SKM Recyclers Coolaroo plant**

Following a fire at their Coolaroo plant (where their bulk processing is done) SKM has advised Council that they will be accepting recycling material as normal. They also advised that while there may be delays all material will be recycled in due course.

### Organics

The introduction of the three bin system together with the improved seasonal conditions has seen an increase in the amount of Organic material collected. In October this year Council kerbside collection has collected approximately 360 tonnes of organic material compared to approximately 198 tonnes for the same period last year.

### Three Bin System

The roll out of new bins under the three bin waste collection system is virtually complete. Due to the poor condition of some of the existing green lidded bins, Council has seen a large number of requests to have these bins replaced. In a number of instances we have been able to repair these bins although some have had to be replaced.

### Kerbside Collections

Due to the large amount of green waste that has been collected, the contractors have had some scheduling issues with collections. Council Officers have worked through this issue with the contractor to ensure all bins are collected on the collection date and that people have become aware that there have been changes to collection times as a result of the change in systems.

### Tenders

Tenders opened since the last reporting period:

1010 – Colac Hierarchy and Heavy Truck Study

1021 – Bituminous Sealing Works

1022 – Apollo Bay Urban Design Review

1025 – COPACC Civic Hall Portable Staging and Seating

Tenders awarded since the last reporting period are:

1014 – Mechanical Services Maintenance – to GRS Commercial Air Conditioning

Tenders advertised since the last reporting period are:

1018 – Apollo Bay Harbour Main Breakwater Remediation, closing 25 November 2010

1023 – Urban Design Framework - Colac, closing 1 December 2010

1026 – Civic Hall Alterations, closing 25 November 2010

1029 – Supply and Deliver 55kw Tractor, closing 10 November 2010

1031 – Supply and Deliver 14 Tonne Tip Truck, closing 1 December 2010

### 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 continuing to complete outstanding civil works, although an agreement to bond incomplete works has been arranged to expedite compliance of the subdivision. Titles will be issued in due course to lots in stage 1 including the Apollo Bay Transfer Station land.
Wyuna Estate Stage 11 24 lots	Currently contractors are constructing the final layers of pavement base course with asphalt expected to be placed in November or December.
Rankin Street Subdivision 19 lots	Contractors have completed construction works for this subdivision. Some minor landscaping will take place in summer.



Wyuna Stage 11

Rankin Street

### **Apollo Bay Transfer Station**

Works are now approximately 100% complete with practical completion to be issued shortly following submission of all certificates by the Contractors and final sign off from the nominated building surveyor.

### **Gellibrand Landfill Rehabilitation Works**

Works began on Gellibrand Landfill rehabilitation on 3 June. Vegetation removal is complete and works are expected to resume soon with excavation and placement of clay capping. The project should be finished early in 2011.

## **SUSTAINABLE PLANNING & DEVELOPMENT**

### **Amendment C58 Panel Hearing**

An independent Panel has been appointed to hear submissions to Amendment C58 to the Colac Otway Planning Scheme after Council resolved to refer the submissions to a panel at its meeting in July 2010. The amendment seeks to include policy references in the Planning Scheme to reflect the outcomes of the Kennett River, Wye River and Separation Creek Structure Plan adopted by Council in 2008, and to rezone land north of Separation Creek from Low Density Residential to Rural Conservation. The hearing was held at the Wye River Surf Club on Thursday 11 November 2010. A report will be provided to Council early in the New Year after receipt of the Panel's report, which is expected prior to Christmas.

### **Apollo Bay Harbour Master Plan Planning Scheme Amendment**

Council has been successful in receiving a grant of \$95,000 from the State Government under its Creating Better Places program to complete the funds necessary for Council to prepare and exhibit a planning scheme amendment that incorporates the Apollo Bay Harbour Master Plan into the Planning Scheme. The grant is in addition to a contribution of \$160,000 from Tourism Victoria earlier this year, and will cover the costs of engaging specialist consultants to prepare supporting documents for the amendment such as a Coastal Hazard Vulnerability Assessment that will examine the potential impact if any of future sea level rise on the proposed redevelopment. The amendment will introduce site specific planning controls at the Harbour precinct to guide future development to accord with the Master Plan adopted by Council following an Enquiry by Design process in October 2008. Exhibition of the amendment is expected to occur late in 2011. Officers are currently recruiting a project manager to oversee the project.

### **G21 Regional Land Use Plan**

Work has commenced on the G21 Regional Land Use Plan which will identify opportunities and constraints to urban growth in the region, as well as the implications of future population growth for Colac and smaller settlements such as Birregurra. Council officers have participated on the Project Control Group, Technical Reference Group and Project Team. There will be opportunities for public input into the Plan's development early in 2011.

**Rural Living Strategy**

The draft Rural Living Strategy has been considered by the Project Steering Committee and is now being finalised taking into account feedback from the Committee and Council staff. Councillors were briefed on the draft Strategy at a workshop early in November, with a report due to be considered by Council at its January 2011 meeting, prior to community consultation. Consultation on the draft Strategy could not be undertaken prior to Christmas due to the need to avoid consulting with the community over the holiday period.

**Draft Birregurra and Forrest Structure Plans**

The draft Birregurra and Forrest Structure Plans are currently on public exhibition after being considered by Council at its October meeting. Written comments are sought by Friday 17 December 2010. Public drop-in information sessions were held on 17 (Forrest) and 18 (Birregurra) November and on Sunday 21 November 2010 (both towns) which allowed interested members of the community to talk to Council officers and the consultant in an informal setting.

**Colac and Apollo Bay Car Parking Study**

The Issues and Opportunities Papers were exhibited to the public earlier this year and a series of community workshops took place in Colac and Apollo Bay. In addition to the feedback received at these workshops, officers also received a number of written submissions highlighting issues that may warrant further investigation. Consultant AECOM has presented a draft Car Parking Strategy and Precinct Plan which is being reviewed by officers. This will be followed by a meeting of the Project Steering Committee to finalise the draft Strategy prior to presenting the documents to Council for consideration.

**Salinity Management Overlay Review**

At its meeting in September 2009 Council resolved to proceed with a Planning Scheme Amendment to apply the Salinity Management Overlay to saline areas throughout the Shire. The mapping and accompanying overlay schedule were provided to Council by the Corangamite Catchment Management Authority (CCMA). Subsequent discussions between Council and the CCMA have identified the need for minor changes to the overlay mapping to take advantage of higher resolution topographical data. The CCMA is currently updating the mapping and Council will formally seek Authorisation from the Minister for Planning to prepare a Planning Scheme Amendment once the revised mapping is received.

**Apollo Bay Future Settlement Boundary and Urban Design Review**

The tender period for the Apollo Bay Settlement Boundary and Urban Design Review closed at the end of October. The tenders are being evaluated and it is hoped to appoint a suitable consultant for commencement of the project in December. The project was part funded by the State Government under the Creating Better Places program and will re-examine the potential for urban growth of select locations at the periphery of Apollo Bay in light of the Great Ocean Green development not proceeding. It will also examine urban design issues in parts of the town.

**Central Activities Area and Entrances Urban Design Framework**

Tenders have been called for suitable consultants to undertake an urban design framework for the Colac Central Activities Area and City Entrances. The project aims to identify streetscape improvements which will increase the visual appeal and liveability of the town, and has been part funded by Regional Development Victoria. Tenders close on 1 December.

**State Planning Scheme Amendment VC74**

State Planning Scheme Amendment VC74 introduced minor changes on 25 October 2010 to state provisions concerning liquor licences by amending Clause 52.27 to include a permit exemption for variation of a liquor licence prescribed under the Liquor Control Reform Regulations 2009. It further amended Clause 66 of the Planning Scheme to make the

Director of Liquor Licensing a referral authority and the Victoria Police a public notice authority for an application under Clause 52.27 in association with a hotel, tavern or nightclub that is to operate after 1am.

### **MAV STEP Planning Process Improvement Project**

Council has expressed an interest in taking part in an MAV led program aimed at introducing best practice planning processes across local government in Victoria. This initiative will complement the current initiatives of the Colac Otway Shire's Planning Department to continually improve internal processes and communication methods. An inception meeting with the consultant appointed to run the project is being held at the end of November.

### **Fire Prevention and Planning**

The fire danger period started on 1 November 2010. Over 9000 letters have been sent to land owners in the Shire explaining the maintenance responsibilities they need to adhere to during the fire danger period. By minimising fuel fire loads around buildings, fences and roadsides land owners can help prevent fires that damage the natural and built environments. Council has started inspecting properties and will be issuing fire prevention notices to properties that do not comply with the standards.

The State Government recently released an Implementation Plan in response to the 2009 Victorian Bushfires Royal Commission findings. The plan highlights a number of actions that have significant implications for local government and Council will continue to work closely with the MAV and the State Government to enable the plan to be implemented in a timely fashion. The plan indicates that there will be more support provided to Council to carry out actions recommended by the Royal Commission but the detailed guidelines have yet to be released.

Council staff recently attended a briefing by DSE at the Surf Coast Shire Offices that outlined the details of a project being undertaken to develop a Barwon Otway Bushfire Management Plan. The new Barwon Otway Bushfire Management Plan will include statements of values and objectives, spatial assessment and analysis of current and future risks and strategies and works priorities across the Prevention, Preparedness, Response (Suppression) and Recovery spectrum. The plan will be developed through extensive community consultation and will feed important strategic information into new Municipal Fire Management Plans that need to be developed by Councils by October 2011.

### **Coastal Tender Project**

Council is currently seeking funds to improve the condition of a number of high conservation areas of Council managed land near the coast. The funds are being sought through the Coastal Tender project being run by the Corangamite Catchment Management Authority. As part of the process the sites were assessed and management plans developed in order to allow for a grant application to be developed. Council has submitted a number of applications and hopes to be successful with at least one of the sites. If successful Council will be able to increase the extent of weed control and revegetation works that are already being undertaken.

### **Water Tanks**

Council received \$70,000 in funding from the Federal Government to install large water tanks at the Bluewater Fitness Centre and Central Reserve. The contract to carry out the works was recently awarded so it is expected that the tanks will be installed by Christmas. The tanks will help further reduce Council's potable water use by capturing rainwater that can then be used in toilets and showers. It is estimated that the tanks will save approximately 500 thousand litres of potable water per year.



**Business Events**

The Economic Development Unit is holding a free Sustainability Business Seminar in Colac at COPACC on 24 November 2010. This event will inform businesses of:

- What is going on currently with climate change;
- The impacts of government climate change policy on business;
- Programs/initiatives and tips on how businesses can take advantage and increase profit.

This seminar is one in a series of the 'On the Front Foot for Business' events

**Business Development**

The following is an update of key activities undertaken in business development by the Shire's Economic Development Unit:

- The recent G21 Agribusiness tour of Colac was successful in showcasing our manufacturers.
- Louise Dahlenburg, Regional Manager, Regional Development Victoria (RDV) recently visited major businesses in Colac Otway Shire with Economic Development officers. Louise also toured the Shire's small towns to look at recently completed projects and projects which are currently underway.
- An RDV Cadetship program will be announced and promoted to businesses soon.

**Trade Training Centre (TTC)**

Colac Otway Vocational Education Cluster (COVEC) has been successful in its application for funding a Trade Training Centre (TTC) in Colac. COVEC received \$5.5 million to establish a TTC at the Colac Secondary College with the Hospitality sector located at Trinity College. This is a key announcement given the significant amount of work by Council, Council officers and others in the community to support the application. The TTC will be an important step towards reducing the social disadvantage in Colac and retaining more younger people in Colac after completing their secondary studies.

**Grants**

There have recently been a number of external funding announcements relating to grant applications made with the State and Federal Governments. The high success rate of these applications and significant amount of funding is a testament to the hard work of Economic Development officers who have worked hard to secure the money. The following is a summary of the recent announcements:

- Local Halls application (upgrade to Beech Forest, Stoneyford and Hordern Vale halls) - successful \$172,000
- Cressy Bowling Club application – successful \$60,000
- Apollo Bay Harbour – successful \$95,000
- Revitalising Regional Towns - \$750,000
- Liveability for Older People - \$20,000
- Trade Training Centre - successful \$5,500,000
- Birregurra and Forrest Master Plans – successful \$40,000
- Lions Park – successful Total \$105,000 (\$54,000 State Gov) (\$51,000 Fed Gov).

**Visitor Information Centres**

The Shire's two Visitor Information Centres are currently organising a staff forum in Apollo Bay to be held later this month. A volunteer staff forum will also be conducted in late November.

**Great Ocean Road Regional Tourism Board Implementation Committee**

The Great Ocean Road (GOR) Regional Tourism Board (RTB) Implementation Committee met on 10 November 2010 to finalise two options relating to the restructure of regional tourism, however no agreement could be made on a final option. Council will receive a report on the status of this issue at the next Council meeting.

**Attachments**

Nil

**Recommendation(s)**

***That Council notes the CEO's Progress Report to Council.***

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**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | D | W |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>CORPORATE AND COMMUNITY SERVICES</u></b></p> <p><b><u>OM102411-2 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, 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>OM102411-3 PUBLIC OPEN SPACE STRATEGY</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council nominates Cr.....as its representative on the Project Steering Committee for the Public Open Space Strategy.</i></b></p>                                                                                                                                                                                                                                                                                                                                                                         |   |   |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....



**OM102411-2 INSTRUMENT OF DELEGATION - OLD BEECHY RAIL TRAIL COMMITTEE**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Jodie Fincham                  | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN00460     |

**Purpose**

The purpose of this report is for Council to endorse the revised 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 including a Charter which sets out the function, duties or powers of the committee.

At the Council meeting held on 23 June 2010 it was resolved:

***“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.***
- 3. Resolves to refer the revised Instrument of Delegation for the Old Beechy Rail Trail Committee to a Council workshop with a view to improving the wording so:***
  - a) Any right to approve the operation of a “train” or train like vehicle on the Trail is explicit in the wording of the delegation, and***
  - b) Any powers to recommend the impounding of livestock and vehicles, removal of alleged trespassers and power to monitor behaviour are consistent with the principles of natural justice and the rights of the public. This is to minimise the risk to both the members of the Committee and the public that may otherwise result from the purported exercise of these powers.”***

### **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 Section 86 Committees policy in place. The policy provides guidance to the various Special Committees.

### **Issues / Options**

#### Changes made to Charter

In July 2010, a copy of the Instrument of Delegation and Charter were provided to Council’s solicitors for review. As a result of the advice a number of changes were made:

- Minor changes to clauses 1 and 2 of the Charter;
- The sub-clauses in clause 3 have been rearranged so that the sentences follow a more logical order. Changes also made to the text for consistency.
- The Committee’s functions formally in clause 6 have been moved to clause 4. The reason for this is that the Schedule now lists the general functions, and, against that background, the more specific powers are delegated in clause 5. The corporate governance role - formerly clause 5 – is included in the functions clause.
- The sub-clauses now appear in a list format to clearly set out the Committee's functions.
- Sub-clause 4.1 now reads "for management and maintenance". This change
  - reflects the fact that activities surrounding the Old Beechy Rail Trail are no longer in the "implementation stage" and are now (as compared with 2000) focused on management and maintenance of the Trail.
- Clause 5 of the Schedule has been redrafted into a list format.
- Other changes made throughout the document.

#### Authorised officers

The existing sub-clause in the Schedule (old sub-clause 4.13) delegated to the Committee the power to "recommend to Council" with respect to livestock, vehicles and trespassers.

The delegation has been amended to confer on the Committee the power to notify Council, its staff or authorised officers of the presence of trespassers, vehicles or livestock on the Old Beechy Rail Trail. This power does not really need to be delegated. It is within any person's power to notify Council or its officers of the presence of trespassers, vehicles or livestock on the Trail.

The power has been included because it describes the nature of the Committee's activities.

#### Further Consultation

An invitation was extended to the Chairperson of the Old Beechy Rail Trail Committee to review the revised Instrument of Delegation. A meeting was held 1 October providing an opportunity for the Chairperson and Council Officers to have input into the document before it was presented to Councillors at the November Council workshop.

Additional amendments were made to the document at this meeting including adding 2 sub-clauses:

- Sub Clause 5.10 *“authorise vehicles on the Old Beechy Rail Trail subject to the completion of a Risk Assessment report”*; and
- Sub Clause 5.11 *“authorise the conduct of special events for the purpose of publicity and/or fundraising subject to the completion of a Risk Assessment report.”*

The draft Instrument of Delegation was also provided to members of the Rail Trail Committee for information and Councillor's Executive for comment.

The document was also discussed at the Councillor Workshop on 10 November where a further change was made to Clause 2.4.4. Additional wording has been added "*with the exception of the Councillor Member or staff member.*"

Additional comments have been made on:

- Sub Clause 5.10 "*authorise vehicles on the Old Beechy Rail Trail subject to the completion of a Risk Assessment report*"; and
- Sub Clause 5.11 "*authorise the conduct of special events for the purpose of publicity and/or fundraising subject to the completion of a Risk Assessment report.*"

No changes have been made to these clauses. As noted in the introduction 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."*

It is appropriate that the Committee approve the authorisation of vehicles and the conduct of special events as the Committee has the knowledge required when approving these occurrences.

The clauses also indicate that any authorisation is subject to the completion of a Risk Assessment report. The Risk Assessment reports are required to be in the right format and Council staff are involved in the preparation of them.

### **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.

A Risk Assessment report is required prior to the Committee authorising vehicles and the conduct of special events on the Beechy Rail Trail.

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

There are no environmental considerations applicable.

### **Community Engagement**

The community engagement strategy has followed 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 has been consult. The revised Instrument of Delegation has been reviewed by Council solicitors, the Chairperson of the Rail trail Committee, members of the Committee and Council Executive.

The Instrument of Delegation was also discussed at the November Council workshop.

**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 and a copy forwarded to the Old Beechy Rail Trail Committee.

**Conclusion**

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

The Old Beechy Rail Trail Instrument of Delegation has been revised in a number of areas following legal advice and consultation.

**Attachments**

- 1. Instrument of Delegation for the Old Beechy Rail Trail Committee

**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, 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, Colac Otway Shire Council delegates to a Special Committee to be known as the **Old Beechy Rail Trail Committee** (established by resolution made on 26 September 2001 those functions, duties and powers set out in clauses 4 and 5 of Schedule titled Old Beechy Rail Trail Committee Charter (as amended)).

1. **This Instrument of Delegation** is authorised by a resolution of Council, passed on  
.....
  
2. **The Delegation:**
  - a) comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - b) remains in force until Council resolves 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 Colac Otway Shire Council  
“Committee” means this Special Committee of Council as constituted pursuant to Section 86 of the *Local Government Act 1989*

**2. Membership**

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

2.2 Council representatives on the Committee will be appointed annually by Council resolution.

2.3 Committee membership may consist of:

2.3.1 two representatives from each of:

- Gellibrand/Kawarren Progression Association;
- Beech Forest Progress Association;
- the Colac area; and
- Council (one Councillor and one member of Council staff); and

2.3.2 one representative from each of:

- Midway Plantations;
- Parks Victoria;
- Department of Sustainability and Environment;
- Otway Scenic Circle Association;
- Landowner ;
- Friends of the Old Beechy Rail Trail; and
- User groups such as walking and cycling groups.

2.4 The Committee may by resolution declare a position vacant.

2.4.1 where a member has failed to attend 3 consecutive meetings without leave;

2.4.2 where a member has resigned from the Committee in writing;

2.4.3 on the advice of Council; or

2.4.4 where the Committee resolves to vacate a member’s position with the exception of the Councillor Member or staff member.

- 2.5 Casual vacancies during the 3 years may be filled by the Committee recommending a replacement for Council to make by resolution.
- 2.6 Temporary appointments to the Committee may be made by Council, as required, on the recommendation of the Committee.

### **3. Meetings**

- 3.1 The Committee must annually appoint a chairperson from among its members. If the Committee fails to appoint a Chairperson the Council will make an appointment.
- 3.2 In the absence of a chairperson, the Committee may appoint an acting chairperson.
- 3.3 The Committee must meet at least 4 times each year.
- 3.4 Meetings will be held at such times and places fixed by the Committee.
- 3.5 Special meetings may be called by the chairperson or on the written request of at least 3 committee members.
- 3.6 Committee members must have at least 3 clear days written notice of meetings.
- 3.7 Meetings of the Committee which, in the opinion of the Committee, may prejudice Council must be closed to the public including meetings dealing with sensitive land management issues, proposed developments and legal and contractual matters.
- 3.8 The quorum for a Committee meeting is at least half of the members, at least one of whom must be a member of Council staff or Councillor.
- 3.9 All Committee members will have equal voting rights, but in the case of a tied vote the Chairperson will have a casting vote.
- 3.10 The chairperson must ensure that minutes of Committee meetings are kept.

### **4. Committee Functions**

- 4.1 The Committee is responsible for:
  - 4.1.1 development of strategic plans for future management and maintenance;
  - 4.1.2 ensuring effective means of communication to encourage community participation and ownership; and
  - 4.1.3 management and maintenance of the Old Beechy Rail Trail.

- 4.2 The Committee's corporate governance factors include:
- 4.2.1 defining and monitoring strategic direction;
  - 4.2.2 defining policies and procedures to ensure operation with legal and social responsibilities; and
  - 4.2.3 establishing control and accountability systems.

## **5. Delegated Power**

To carry out the functions and responsibilities listed in clause 4 above, Council delegates to the Committee the power to:

- 5.1 set strategic direction and guidance policies with respect to the Old Beechy Rail Trail;
- 5.2 implement the strategic policies outlined in clause 5.1 above;
- 5.3 develop and implement a Management Plan for the Old Beechy Rail Trail;
- 5.4 accept gifts, donations and bequests by the public towards projects associated with the Old Beechy Rail Trail;
- 5.5 incur expenditure with respect to the Old Beechy Rail Trail provided that the expenditure does not exceed annual budget parameters specified by Council and report to Council on a quarterly basis;
- 5.6 set Committee meeting dates;
- 5.7 appoint advisers to the Committee as appropriate and engage people to carry out minor works and improvements to the Old Beechy Rail Trail within approved budget parameters.
- 5.8 apply for relevant funding opportunities for the improvement and maintenance of the Old Beechy Rail Trail;
- 5.9 direct a Committee member to discuss 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;
- 5.10 authorise vehicles on the Old Beechy Rail Trail subject to the completion of a Risk Assessment report;
- 5.11 authorise the conduct of special events for the purpose of publicity and/or fundraising subject to the completion of a Risk Assessment report;

- 5.12 make recommendations to Council in relation to:
- 5.12.1 contracts, licences and leases to be entered into for the management and maintenance of the Old Beechy Rail Trail;
  - 5.12.2 monitoring behavior and withdrawing invitations to enter the Old Beechy Rail Trail;
  - 5.12.3 planning and other policy matters affecting the Old Beechy Rail Trail;
  - 5.12.4 accepting the grant of the benefit of easements in favour of Council with respect to the Old Beechy Rail Trail; and
  - 5.12.5 maintenance and major works on the Old Beechy Rail Trail.
- 5.13 notify Council, a staff member of Council and/or a relevant authorized officer of Council of the presence of:
- 5.13.1 livestock;
  - 5.13.2 vehicles; and/or
  - 5.13.3 trespassers.
- on the Old Beechy Rail Trail

## **6. Minutes of Meetings**

- 6.1 Minutes of meetings must be saved in Council's internal Library system.



**OM102411-3 PUBLIC OPEN SPACE STRATEGY**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Ian Seuren                     | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN00374     |

**Purpose**

To advise Council on the Public Open Space Strategy and seek the appointment of a Councillor representative on the Project Steering Committee.

**Declaration of Interests**

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

**Background**

The 2010/11 budget includes funds for the development of a Public Open Space Strategy which has leveraged external funding from Sport and Recreation Victoria, Barwon Water and the Department of Sustainability and Environment.

The Public Open Space Strategy will establish justifiable strategic directions for the planning, provision, development, preservation and management of a diverse range of public open space based on clear evidence of community demand and sustainable asset management outcomes.

The Public Open Space Strategy will provide recommendations, strategic directions and policy outcomes that address immediate and longer term community needs (i.e. over the next ten years). Public open space is a finite resource and opportunities to acquire and/or protect strategically important sites may occur very rarely, therefore, where appropriate, the project will also consider and explore even longer term visionary outcomes for public open space provision within the Shire (i.e. 50-100 year objectives and/or targets).

The following objectives will be addressed through the project:

**Where are we now?**

- Review and document existing levels of public open space provision in the Shire, the adequacy of the current quantity and quality including core infrastructure, and identify unmet public open space needs of the community. This review should be considered in the context of Rescode requirements – clause 56.05-2 (standard C13) of the Colac Otway Planning Scheme – as well as benchmarking and best practice from other areas.
- Review the Shire's existing public open space management principles, policies and practices and identify possible opportunities for improvement.

**Where do we want to be?**

- Through a combination of industry research, professional expertise, active community consultation and stakeholder engagement, identify (i.e. articulate and quantify) existing public open space provision, possible land deficiencies, potential management gaps and future public open space aspirations and needs.
- Investigate the sustainable water and natural resource use/conservation considerations in the strategy development and open space assessment process.

Broader sustainability principles of equity, access and community wellbeing should also be reflected in the strategy.

- Consider a Playspace Strategy which identifies current provisions and a framework for future considerations and provisions.

#### ***What are our options?***

- Identify possible options available to address the identified community needs and recommended management improvement initiatives.
- Assess the advantages, disadvantages and sustainability of each option and identify preferred options for implementation.

#### ***How will we get there?***

- Identify a prioritised framework, highlighting likely resource implications and potential funding opportunities for implementation of the recommended actions and strategic directions.

#### ***How are we going?***

- Identify a management framework and key tasks required to regularly monitor, review and evaluate implementation progress, update key actions and assess project outcomes.

A Project Steering Committee has been established to guide the project and will comprise:

- Manager Recreation, Arts and Culture
- Manager Planning and Building (or delegated officer)
- Manager Capital Works
- Manager Environment and Community Safety
- Department of Planning and Community Development representative
- Barwon Water representative
- Department of Sustainability and Environment representative

The role of the Project Steering Committee will be to:

- Provide relevant information and data to the consultant, including contact information for other stakeholders as required.
- Assist with identification of appropriate stakeholders / focus groups for consultation.
- Attend Steering Committee meetings and provide advice and comment on information and issues as they arise from the strategy.
- Act as the key contact point within their respective organisation for all matters concerned with the project.

Council has sought quotations for the project and should appoint the successful consultant by 30 November 2010. It is expected that the project will commence mid December 2010 and be completed by 30 June 2011.

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

Strategy 1 – Provide, facilitate or advocate for a range of health, recreation, community services and facilities.

Key Action 9 – Develop an Open Space Strategy.



**Issues / Options**

It is recommended that a Councillor be represented on the Project Steering Committee to assist Council in understanding the project and contribute to its development through the process.

This report requests Council to nominate a representative. Alternatively Council could choose not to be represented and rely on briefings on the project during the process.

**Proposal**

That Council nominate a Councillor to attend meetings of the Project Steering Committee for the Public Open Space Strategy.

**Financial and Other Resource Implications**

Council has allocated \$30,000 to the Public Open Space Strategy in its 2010/11 budget. This has been matched by \$30,000 from Sport and Recreation Victoria and further supported by a \$5,000 contribution from each of Barwon Water and the Department of Sustainability and Environment.

**Risk Management & Compliance Issues**

There are no risk management and compliance issues relevant to this report.

**Environmental and Climate Change Considerations**

There are no environmental considerations relevant to this report. Environmental issues will be considered throughout the duration of the project.

**Community Engagement**

There will be no community engagement for the selection of the Councillor representative as this is an internal process for the determination of Council.

On commencement the appointed consultant will, in conjunction with the Project Steering Committee, prepare and resolve a Project Communication and Consultation Plan which meets the requirements of Council's Community Engagement Policy 2010. The project will involve extensive consultation with external stakeholders and the broader community.

**Implementation**

It is anticipated that the Project Steering Committee will meet on 4 to 5 occasions. The nominated Councillor representative will be advised of the details of the Project Steering Committee meetings.

**Conclusion**

It is recommended that a Councillor be represented on the Project Steering Committee to assist Council in understanding the project and contribute to its development through the process.

This report requests Council to nominate a representative.

**Attachments**

Nil

**Recommendation(s)**

***That Council nominates Cr.....as its representative on the Project Steering Committee for the Public Open Space Strategy.***

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**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | D | W |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <b><u>INFRASTRUCTURE AND SERVICES</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |   |   |
| <p><b><u>OM102411-4 CHANGEOVER TO DIGITAL TELEVISION - "SELF-HELP" FACILITIES WITHIN COLAC OTWAY SHIRE</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Notes and receives this report for information about the proposed changeover from analogue to digital television services in the Apollo Bay, Wye River and Lavers Hill areas; and</i></b></li> <li><b><i>2. Resolves to continue to work with the Digital Switchover Taskforce in ensuring that the affected communities are well informed.</i></b></li> </ol> |   |   |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....



**OM102411-4                      CHANGEOVER TO DIGITAL TELEVISION - "SELF-HELP"  
FACILITIES WITHIN COLAC OTWAY SHIRE**

|             |                           |           |                                                     |
|-------------|---------------------------|-----------|-----------------------------------------------------|
| AUTHOR:     | Peter Dohnt               | ENDORSED: | Neil Allen                                          |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | Telecommunications<br>- GEN00220 - TV<br>Black Spot |

**Purpose**

To update Council on the status of the introduction of digital television and in particular those communities that are serviced by "self-help" facilities which will be changed over from an analogue signal to a digital signal.

**Declaration of Interests**

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

**Background**

Some years ago, the Federal Government funded the installation of "self-help" television for Apollo Bay and Wye River. Through this program, Council became the owners of the television tower and equipment in Wye River and of the transmission equipment in Apollo Bay (in Apollo Bay, the Councils equipment is housed in an ABC facility). This equipment transmits analogue signals.

Under a similar program, the Federal Government funded the installation of satellite receiving systems into a number of households in the Lavers Hill area.

The Federal Government has ruled that analogue TV is to be switched off nationally by July 2011. They have determined that they will provide funding to facilitate much of the changeover to the digital system for 'self-help' analogue facilities and those households reliant on analogue retransmission systems as their only means of receiving the digital signal. Advice has been provided that it will cost an eligible household, which receives a subsidy, between \$200 and \$250 for the equipment. Non eligible householders without a subsidy (Households who can receive a digital signal and are outside the determined signal footprint) will incur an estimated cost of \$700 per household.

The changeover from analogue to digital television is being managed by the Digital Switchover Taskforce (DST) from the Department of Broadband, Communications and the Digital Economy.

**Council Plan / Other Strategies / Policy**

The Council plan under Physical Infrastructure and Assets, has the following objective;

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

**Issues / Options**

The Digital Switchover Taskforce is managing the changeover to digital television transmission within the self-help areas of Colac Otway Shire. These areas are outlined below and it is proposed that:

- Apollo Bay analogue existing facilities will be converted to digital and that these facilities will become the responsibility of Regional Broadcasting Australia.
- Wye River, Kennet River and Separation Creek existing analogue facilities will be switched off and these communities will receive their television through the VAST satellite system.
- Lavers Hill, householders will be responsible for upgrading their existing satellite receiving systems.

### **Proposal**

The Federal Government has advised that the following is proposed for the three self-help areas within Colac Otway Shire.

#### Apollo Bay

The Apollo Bay equipment is to be changed over to digital equipment. It will continue to operate as in the past except that a digital signal will be transmitted. Households will need a digital television or a "set-top box" to receive a signal. Preliminary work has commenced and Council has been advised it is anticipated that the changeover to digital in Apollo Bay will occur in mid February 2011.

The digital switchover task force will be communicating the proposal to residents and has indicated that householders receiving a full pension will be eligible to have a set-top box supplied and installed for free.

The Council owned equipment will become redundant. At this stage, Regional Broadcasting Australia (RBA) are proposing that they will dispose of the equipment as it has no value.

Council will no longer have any responsibility for any aspect of television signal transmission in Apollo Bay, once the switchover has occurred.

#### Wye River

In Wye River, the Federal Government proposes that the existing transmission tower be turned off and households use satellite receivers to get television reception. This satellite system is called the "VAST" system. Recent advice is that *"VAST provides a similar range of TV channels to the major capital cities, in addition to state and local news. This new satellite TV service will include 17 digital channels, including some with High Definition (HD) video quality and Dolby Digital sound"*.

Eligible households will receive a subsidy to supply and install satellite reception equipment. Non-eligible households will have to purchase and install a system themselves. To be eligible, households need to rely on the signal from Councils tower for their television reception. Advice has been provided that it will cost an eligible household between \$200 and \$250. Non eligible householders without a subsidy will incur an estimated cost of \$700 per household.

The eligibility criterion of households for a subsidy is *"a household must rely for their TV signal on an analogue-only self-help tower which is scheduled to be switched off."*

During the period between November 2010 and 5 March 2011, eligible households in Wye River will be contacted by the Federal Government and advised about the subsidised satellite equipment scheme.

It is proposed that the existing Council owned tower be turned off on 15 May 2011. Council will no longer have any responsibility for any aspect of television signal transmission in the Wye River area.

### Lavers Hill Area

Householders will be responsible for upgrading their own existing satellite receiving systems.

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

Council will no longer operate the two facilities at Wye River and Apollo Bay. As such, the maintenance costs for these two facilities will no longer be incurred. Existing electronic equipment at the sites is analogue signalling equipment – recent advice is that this type has little or no resale value. The Wye River tower and the adjoining shed will become redundant. A decision relating to its future will need to be considered.

Council will no longer need to engage contractors for technical assistance required to maintain the signal. Council staff members have been in contact with the maintenance contractors and they are aware of this proposal.

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

Council will no longer be responsible for the Apollo Bay and Wye River television signals. Therefore Council will no longer be exposed to the risk of having to maintain and repair these systems when they fail.

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

There are no environmental issues associated with this project.

### **Community Engagement**

Council's Community Engagement Policy in this instance will be to inform.

The community engagement strategy will be managed by the Digital Switchover Taskforce using the Federal Government's established processes for engaging with the community for the changeover to digital television.

Council has already received a number of enquiries regarding the changeover to digital television. It is expected that Council will continue to receive enquiries and will therefore continue to liaise and work with the Digital Switchover Taskforce in ensuring that the affected communities are well informed about the changeover to digital television.

### **Implementation**

The Federal Government have advised Council that:

- Letters will be sent to eligible households in the Wye River area in November 2010;
- Households in the Wye River area will be able to opt-in to the Satellite Subsidy Scheme between November 2010 and 5 March 2011;
- Information will be generally circulated by Digital Switchover Taskforce within the Apollo Bay and Wye River areas prior to the changeover;
- Apollo Bay television will be changed over from analogue to digital in mid February 2011; and
- Council is to turn off the analogue Wye River television service on 15 May 2011.

### **Conclusion**

That Council staff continue to work with the Digital Switchover Taskforce in ensuring that the affected communities are well informed about the changeover.

The Digital Switchover Taskforce will be conducting a Community Engagement process in the lead up to the switchover from analogue to digital television in the Apollo Bay, Wye River and Lavers Hill areas.

**Attachments**

Nil

**Recommendation(s)**

***That Council:***

- 1. Notes and receives this report for information about the proposed changeover from analogue to digital television services in the Apollo Bay, Wye River and Lavers Hill areas; and***
- 2. Resolves to continue to work with the Digital Switchover Taskforce in ensuring that the affected communities are well informed.***

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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>OM102411-5 NATIVE FOREST HARVESTING ON PRIVATE LAND</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council writes to the State Government and Corangamite Catchment Management Authority requesting that policies be reviewed as they relate to native timber harvesting on private land due to the impact these policies are having on the capacity to undertake private timber harvesting in the Otways.</i></p> |   |   |
| <p><b><u>OM102411-6 PETITION - 18 GRANT STREET, FORREST</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council notes the petition lodged in relation to PP169/2010-1 relating to a proposal at 18 Grant Street, Forrest, and that the petition was considered by the Planning Committee when it resolved to support the planning application at its meeting on 10 November 2010.</i></p>  |   |   |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....



## OM102411-5

## NATIVE FOREST HARVESTING ON PRIVATE LAND

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Anne Sorensen                      | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | GEN209     |

**Purpose**

This report aims to provide an overview of the impact of the current State and Local Planning Policy framework on the future of native timber harvesting in Colac Otway Shire.

**Declaration of Interests**

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

**Background**

Councillors have previously expressed concerns relating to the future of native timber harvesting in Colac Otway Shire given the limitations of the Victorian Native Vegetation Management Framework Plan and the Corangamite Native Vegetation Plan when considering native vegetation harvesting on land identified as having High or Very High conservation significance. These concerns were raised as part of the consideration of two planning permit applications considered by Council at the March 2010 Planning Committee meeting. The Department of Sustainability and Environment (DSE) objected to two planning applications for native vegetation harvesting (clear-felling) in Upper Gellibrand Road, Barramunga on the basis that harvesting is generally not permitted in the Victorian Native Vegetation Management Framework and not permitted in the Corangamite Native Vegetation Plan where the conservation significance of the Ecological Vegetation Class (EVC) is High or Very High. The land which is the subject of the two planning applications is within the EVC which has High or Very High conservation significance within the Otway Ranges Bioregion.

As DSE is a Section 55 referral authority under the Planning and Environment Act 1987 (Act), and objected to the proposals, Council must refuse to grant a planning permit in accordance with S61(2) of the Act.

The applicant has lodged an application for review of Council's decisions with the Victorian Civil and Administrative Tribunal (VCAT) and the review hearing has been scheduled for two days commencing on 9 December 2010.

Importance of the timber harvesting industry

Victoria's forest industry is worth \$18 billion annually and employed 19,500 people in Victoria in 2002. This includes the value of native hardwood harvesting and processing, plantations, and pulp and paper manufacture (*The Allen Consulting Group Victoria's Forest Industries: An Economic Assessment, Report to the Victorian Association of Forest Industries, March 2006*).

The Colac Otway Shire municipality falls within the Central Victoria Region which extends from Surf Coast in the south to Macedon Ranges in the north and includes 13 municipalities. This region has a total of 123,977 hectares of softwood and hardwood plantations and native forest with a total production value of \$233.5 million, employing 976 people (*Colac Otway Shire Rural Land Strategy, December 2006*).

Within the Colac Otway Shire, it is estimated that forestry industries generate \$82 million and provide 392 jobs. Forestry hardwood and softwood operations and native forest harvesting are located mainly in the southern part of the Shire in areas of higher rainfall.

The area available for harvesting across Victoria has been greatly reduced over the last two decades as governments have made policy changes designed to reserve more of the public forest areas.

In 2002, the State Government released its '*Our Forest Our Future*' policy statement that resulted in the establishment of new legislation to guide how public forestry resources are to be used. As part of this policy, the government initiated a licence buyback scheme to enable a 32% reduction of harvesting in public native forests. The State Government also made a commitment to cease timber harvesting operations on public land in the Otways. In the Colac Otway Shire, the declaration of the Great Otway National Park resulted in the cessation of native forest harvesting on public land in 2008. The Otway Forest Management Area (OFMA) includes the main towns of Winchelsea, Gellibrand, Forrest, Camperdown, Apollo Bay and Lorne. Almost all the forested public land within the OFMA is south of the Princes Highway, in the foothills and mountains of the Otway Ranges. The OFMA covers 876,000 hectares, 199,879 hectares of which is public land, and 78% of which is forested. The forested public land covered by the OFMA includes State forest, Softwood Production Areas, Mineral and Stone Reserves, National, State and Regional Parks and other reserves. It has been estimated that approximately 161,000 hectares of forested public land is within the Colac Otway Shire municipality.

An assessment of the impact of the State Government policy to cease native forest harvesting on crown land across Central Victoria has been undertaken by URS (2003). This assessment found that the reduced availability of native forests would result in a decrease in income generated from native forestry in Central Victoria by around \$23 million and decrease employment by 137 jobs. As most forestry businesses servicing Central Victoria are based in Colac and Geelong, this has the potential to impact severely on the viability of businesses in these towns.

The Forests Act 1958 (as amended) specifically prevents DSE from issuing licences in the Otway Forest Park for sawlog and pulpwood production. This followed the completion of a program of licence surrender, buyout and expiry of all previously issued long term licences for sawlogs and pulpwood in 2008.

The production of sawlogs and pulpwood is a large scale forest operation where trees are removed from site to a sawmill for conversion into timber products. This type of operation no longer occurs on public land within the Otways Forest Park. Although sawlog and pulpwood production are no longer allowed in the Otways Forest Park, certain types of silvicultural practice may be undertaken for the production of other forest products. Smaller scale commercial operations do occur for the production of firewood, posts and poles, and hewn timber from single tree selection. Hewn timber may comprise individual trees which are generally milled on site and the timber then removed for later use or sale. Thus licences can be issued on public land in the Otway Forest Park for harvest of forest products other than sawlogs and pulpwood. E.g. firewood, posts and poles, bush split and hewn timber, miscellaneous forest products – craft wood, hobby wood, charcoal, sand, foliage, etc.

Native forest harvesting in Victoria produces hardwood timber. Timber plantations grow both hardwood (glue gum) and softwood (pine) timber. Hardwood forests and plantations, and softwood plantations are all important sources of wood but they serve different product markets.

Hardwood timber is primarily used for structural purposes, flooring, furnishings, decorative applications and other value-added products in niche markets. It is also processed to make high quality paper and printing products. Softwoods provide sawn timber of a variety of uses, and lower grade wood for paper manufacture, fibreboard, particleboard, reconstituted wood panels and newsprint.

Harvest volumes from Australian native forests are decreasing as timber harvesting is excluded from expanding areas of parks and reserves, while the domestic demand for hardwood is expected to remain at current levels or increase. This strengthening demand for hardwood imports, much of which originates from South East Asian rainforests where forest practices are often highly destructive or illegal.

There is limited harvesting of native timber from private land in Victoria as the majority of private forests are not sufficiently productive or are comprised of unsuitable species for sawlogs. However, due to the high rainfall in the Otway Ranges, the Colac Otway Shire has a relatively large area of suitable private forests. It has been estimated that 13,000 hectares of private land is forested in our municipality.

#### Policy framework for Colac Otway

The removal of native vegetation for timber harvesting calls up competing policy objectives at both the State and Local level. For instance, the State Planning Policy framework at Clause 12 (Environmental and Landscape Values) provides direction on the protection and conservation of habitat, vegetation and for native vegetation management. For Vegetation management, the strategy is to apply the 3 step process set out by the '*Victorian Native Vegetation Management – a Framework for Action*' to "avoid", "minimise" and "identify offsets". Consideration is required to be given to any relevant regional catchment strategy, particularly regional vegetation plans, such as the Corangamite Native Vegetation Management Plan, when making decisions around native vegetation removal.

At the same time, the State Government supports timber harvesting. The planning policy objective at Clause 14.01-3 is: "*to facilitate the establishment, management and harvesting of plantations, and harvesting of timber from native forests*". In doing so, there are two key strategic directions that have relevance as follows:

1. Promote the establishment of softwood and hardwood plantations on predominately cleared land;
2. To ensure that timber production in native forests is conducted in a sustainable manner.

The State Government has demonstrated strong support for 'Timber Harvesting' which is defined in all planning schemes as: "*land used to propagate, cultivate, manage and harvest timber*" as this use does not require planning approval, unless planning approval is triggered by an overlay, or unless it does not meet the following requirements:

- The plantation must not be within 100 metres of:
  - Any dwelling in separate ownership
  - Any land zoned for residential, business or industrial use
  - Any site specified in a permit which is in force which permits a dwelling to be constructed.
- The plantation must not be within 20 metres of a power line whether on private or public land, except with the consent of the relevant electricity supply or distribution authority.

Any land used for Timber Production must meet the requirements of Clause 52.18 Timber Production of all planning schemes and comply with the Code of Practice for Timber Production 2007.

There is a clear distinction between 'Timber Production' and removal of native vegetation for timber harvesting under the planning scheme. While 'Timber Production' is an as of right use, requiring no planning approval, removal of native vegetation triggers planning approval in accordance with Clause 52.17 Native Vegetation. Native vegetation is defined as: *'Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses'*.

The relevant purposes of Clause 52.17 are:

- *To protect and conserve native vegetation to reduce the impact of land and water degradation and provide habitat for plants and animals; and*
- *To achieve the following objectives:*
  - *To avoid the removal of native vegetation*
  - *If the removal of native vegetation cannot be avoided, to minimise the removal of native vegetation through appropriate planning and design*
  - *To appropriately offset the loss of native vegetation.*

In considering applications where removal of native vegetation is required, there are a range of matters listed at Clause 52.17-5 Decision Guidelines that must be considered. These include, but are not limited to, the *'Victoria's Native Vegetation Management-A Framework for Action'* (VNVM), the conservation status, quality and condition of the native vegetation, the strategic location and whether the native vegetation is a threatened community or provides habitat for threatened fauna or flora, as listed in the Flora and Fauna Guarantee Act 1988, and offset criteria in the VNVM or approved Regional Vegetation Plan.

At the local planning policy level, the Colac Otway Planning Scheme provides direction at Clause 21.04-3 Vegetation, the objective of which is: *'To protect and manage remnant native vegetation communities'*.

The Corangamite Native Vegetation Plan (2003-2008) is a reference document in the Colac Otway Planning Scheme and provides a strategic plan for the protection, enhancement and restoration of native vegetation across the Region.

#### Existing use rights

In 2008, two timber harvesting companies made application to Council under Clause 63 Existing Uses to confirm that their operations enjoyed 'existing use rights' for native vegetation harvesting for a number of properties.

Under Clause 63, an existing use right can be established providing proof of continuous use for 15 years is established under Clause 63.11. If an existing use ceases for a continuous period of 2 years then existing use rights are extinguished.

Clause 63 provides no direction in terms of type or scope of material or evidence necessary to demonstrate existing use rights. However, there are VCAT determinations that have considered this issue such as *Walker v Macedon Ranges* [1998] VCAT 603 (1 June 1998).

In assessing whether existing use rights could be established in the two Colac Otway Shire instances mentioned above, the two companies were required to submit substantial written evidence to demonstrate that the properties had been continuously used for the harvesting of native vegetation for timber production.

This information included statutory declarations from existing and past employees, extracts from log books, sales/purchase receipts and documentation from contractors engaged in associated activities. The evidence presented to Council was considered to be sufficient to substantiate that 'native timber harvesting' had been ongoing for more than 15 years on a continuous basis. It is important to be aware that there are different methods for harvesting of timber depending on the type of the species and that a parcel of land may be made up of a number of crown allotments or separate titles.

The existing use rights granted for the two companies, covers an approximate area of 2,000 hectares. Pursuing existing use rights is a difficult and lengthy process and requires detailed evidence to be provided as discussed above.

#### Existing timber plantations

There are a number of larger and smaller timber harvesting companies who currently operate in the Otway Ranges. About 9% of the land mass of the Shire or 15,400 hectares is covered by timber plantations. A large percentage of timber plantations grow softwood with only small quantities commercially growing hardwood. It has been estimated that there is about 13,000 hectares of forested land that is not crown land or plantation.

#### Methods of native vegetation harvesting

There are a number of ways to harvest timber but the two most common methods of native timber harvesting are selective and clear-felling. Selective native timber harvesting involves the selection of specific timber for removal leaving undergrowth and other canopy trees not required intact, while clear-felling means the total destruction of all vegetation within the identified area and the removal of the native vegetation suitable for manufacturing.

Depending on species within the harvest area, the different methods will have varying advantages and disadvantages. In the Otway Ranges the most productive forest type, Mountain Ash, can only be effectively regenerated under full sunlight which necessitates an intensive harvesting system, such as clear-felling.

#### Current planning proposals

##### ***255 and 35 Upper Gellibrand Road, Barramunga***

The above two planning applications for clear-felling of native timber harvesting were considered by Council in March 2010. DSE objected to the proposals on the basis that they did not comply with the relevant policy framework and as DSE is a Section 55 referral authority under the Act, Council was legally bound to refuse to grant a planning permit.

The applications proposed the clear-felling of native vegetation of 20 hectares (total site area 28 hectares) at 255 Upper Gellibrand Road and 12 hectares (total site area 74 hectares) at 35 Upper Gellibrand Road. After the clearing of the vegetation it was proposed to allow the natural regeneration of the land.

The applicant provided a Timber Harvesting Plan prepared by Resolution Planning Services in response to the requirements of the Code of Forest Practice for Timber Production for both applications.

The supporting information submitted with the application identified the vegetation on the land as having a conservation status as High to Very High based on a desktop assessment approach.

##### ***290 Upper Gellibrand Road Barramunga***

A further planning application to the two considered by Council in March (and noted above) was submitted by a different land owner for the above property, proposing selective native timber harvesting of a number of separate coupes on the land. The property is 50 hectares

in area with 21 hectares of remnant native vegetation. It is proposed to remove a total of 88 trees over a 15 year timeframe. An Ecological Assessment was prepared by Plume Ecology Pty Ltd. The report concludes that: *“the vegetation on-site comprises Shrubby Wet Forest and Shrubby Foothill Forest and elements of Wet Forest EVCs, all of which have a conservation status of ‘least concern’ with the Otway Ranges bioregion. The highest conservation significance rating that can be applied to the vegetation in terms of quality is ‘medium’. The conservation significance was raised to ‘high’ and ‘very high’ by the potential presence and/or potential use of the site by a number of threatened fauna species.”*

A desktop assessment of EVC's on site and an on-site visit was undertaken in the preparation of the ecological assessment.

The application was referred to DSE under Section 55 of the Act, which initially objected to the proposal on the basis that the Department did not support harvesting from a number of coupes but offered an opportunity to further explore the proposal with the applicant and Council officers.

A number of meetings have been held and DSE revised its response to one of support subject to the deletion of Coupes C, D, F and G from the proposal. The applicant has advised Council officers in writing that they are not prepared to modify their proposal.

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

The Council Plan states that *“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”*. It also states that *“Council will protect and enhance the environment entrusted to us, demonstrate efficient use of natural resources and minimise climate change impacts.”*

The Victorian Native Vegetation Management Framework and the Corangamite Native Vegetation Plan 2003-2008 are key guiding documents within the Planning Scheme at the state and local level in determining native timber harvesting proposals. The issues arising from these policies are discussed elsewhere in the report.

#### **Issues / Options**

The key issue arising from the strict interpretation of the State and Local Planning Policy Framework, in particular, the Corangamite Native Vegetation Management Plan is that native timber harvesting on private land is severely limited in the Shire to those activities that relate only to small scale operations for firewood, posts and poles, and hewn timber from single tree selection.

Selective harvesting for firewood and minor forest produce still occurs in drier forest types in the Otway Forest Park. DSE assess permit applications to harvest for firewood and minor forest produce on private land in the Otways on a 'case by case' basis as these activities still occur in the Otway Forest Park.

The Framework identified that 'an important difference with respect to environmental factors at the landscape scale is that private land timber stands are often neither as large in area nor as surrounded by extensive areas of other forest as stands on public land, and so there are often more limited options for "buffering" the impacts of harvesting in time and in space'. Accordingly, DSE does not support harvesting timber from fragmented and isolated patches of native vegetation, or scattered trees, as there is very limited opportunity to buffer the impacts in time and space. This view is also supported by the Corangamite Native Vegetation Plan which states that timber harvesting of patches of less than 10 hectares is not allowed.



While there may be scope to support small timber operations of the like discussed above, large scale forest operations for the production of sawlogs and pulpwood, where the trees are removed from site to a sawmill for conversion into timber products cannot be supported under the current policy framework, as this type of operation no longer occurs on public land within the Otway Ranges and the NVFP and CVFP do not support native vegetation harvesting in areas where the conservation significance is 'High' or 'Very High'.

DSE Biodiversity mapping has been undertaken for Victoria which divides the area into bioregions. There are two bioregions covering the Shire, the Otway Ranges and Otway Plain. This broad scale mapping provides a desktop assessment of the EVCs, threatened flora records and threatened fauna records, and is generally relied upon to provide an understanding of the EVCs in any particular area and this is the case for the three planning applications submitted to Council.

The DSE mapping for recorded threatened Fauna and Flora species covers a significant area of private land. DSE in undertaking a desktop assessment considers threatened species within a 1km radius of any site. There is considerable private land native timber that cannot be harvested due to the possible presence of threatened species in the Shire.

In the case of the ecological assessment at 299 Upper Gellibrand Road Barramunga a desktop assessment of EVCs using DSE Biodiversity Mapping was undertaken and a field visit was conducted to assess the vegetation types across the property that the applicant wishes to harvest. This assessment concluded that the conservation significance of the vegetation is 'medium', however, the conservation significance was raised to 'High' and 'Very High' by the potential presence and/or potential use of the site by a number of threatened fauna species.

The most current DSE threatened flora and fauna mapping is very coarse which can result in inaccurate and poor quality mapping results that can indicate threatened species are present on a site when they may not be. It is the applicant's responsibility to disprove the mapping and the only option available is to engage an ecologist to undertake a full site survey of both the plants and animals. Given the costs involved in a ground proofing assessment, it ends up being a significant disincentive to landowners.

When threatened species are found on a site, studies have shown that the harvesting operation can be carefully planned and managed to accommodate their requirements, resulting in minimal impacts on the species. For example, to minimise the impacts on Powerful Owl habitat, sites can use streamside buffers and other reserves can be applied to protect potential nesting and roosting habitat and retain hollow-bearing trees. Methods of staging harvesting can also ensure that suitable habitat for prey species is continuously available, in addition to excluding areas from harvesting.

Native timber harvesting is not a permanent loss of vegetation unlike vegetation removal for a dwelling and there are several documents that guide the removal and regeneration of native vegetation so that they achieve their pre-harvest composition.

Given the restrictive nature of the current state and regional level plans, and disincentives to land owners to undertake detailed site specific ecological assessments, Council could choose to make a submission to the State Government highlighting this issue, and the potential loss of harvesting activity in the Otways.

#### VCAT Hearings relating to 255 and 35 Upper Gellibrand Road, Barramunga

As indicated by officers at a workshop on these issues with Councillors in September, Council is bound to advocate for refusal of the above two applications at the December VCAT hearings of applicant's appeal against the Refusal to Grant a Permit issued for the two

native timber harvesting proposals. This is Council's responsibility under the Planning and Environment Act due to DSE's status as a referral authority and their objection to the proposals. Officers will indicate to the Tribunal at the hearings however the broader issues raised in this report about the restrictive nature of the current policy framework for harvesting of private land in the Otways. It would be inappropriate for officers to indicate support for the proposals, even if the DSE's objection was to be set aside, because the applicant has not undertaken any detailed flora and fauna assessment of the biodiversity values of the site, beyond a desktop assessment, as part of the application process.

### **Proposal**

It is proposed that Council notes the issues relating to native timber harvesting as described in this report, and resolves to request the State Government and Corangamite Catchment Management Authority to review their policies concerning native timber harvesting on private land.

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

There are no resource implications for Council arising from this report.

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

There are no risk management or compliance issues associated with this report.

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

There is potential for the removal of native vegetation to have a significant environment impact if it is not properly managed. The Code of Practice for Timber Harvesting and the submission of Timber Harvesting Plans seeks to ensure that removal of vegetation is managed in a way to ensure there is minimal impact on the natural environment.

### **Community Engagement**

The issue of native forest harvesting on private land was discussed at a Councillor Workshop in September 2010.

No additional public consultation is proposed. The planning applications have been subject to public notice in accordance with Section 52 of the Planning and Environment Act. All objectors have been given notice of the forthcoming VCAT hearing in December 2010. Councillors were briefed on the issues raised in this report at a workshop in September.

### **Implementation**

Subject to Council support of the recommendation, officers will write a letter to the State Government and Corangamite Catchment Management Authority.

### **Conclusion**

The issues raised in this report are complex, but despite there being good environmental reasons to carefully scrutinise the appropriateness of logging proposals, the current policy frameworks at a state and regional level appear to be unreasonably restrictive for logging on private land. It is recommended that Council write to the State Government and Corangamite Catchment Management Authority requesting that they review these policies.

### **Attachments**

Nil

**Recommendation(s)**

***That Council writes to the State Government and Corangamite Catchment Management Authority requesting that policies be reviewed as they relate to native timber harvesting on private land due to the impact these policies are having on the capacity to undertake private timber harvesting in the Otways.***

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OM102411-6

**PETITION - 18 GRANT STREET, FORREST**

|             |                                    |           |              |
|-------------|------------------------------------|-----------|--------------|
| AUTHOR:     | Doug McNeill                       | ENDORSED: | Jack Green   |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP169/2010-1 |

**Purpose**

To formally advise Council of a petition received in relation to a planning permit application PP169/2010-1 for the relocation of the former Forrest police station to the St James Anglican Church site at 18 Grant Street, Forrest.

**Declaration of Interests**

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

**Background**

Planning application PP169/2010-1 was lodged with Council in June seeking approval to relocate the old Forrest police building and lock-up to 18 Grant Street, Forrest to provide additional storage for the Forrest and District Historical Society. The site is currently occupied by the St James Anglican Church.

A petition with twenty signatures was lodged with Council opposing the application, but did not state any grounds on which the objection was made, other than that the old police station should not be moved to the church site. The petition states that there would be no objection to the building be relocated elsewhere, and suggests an alternative site at the caravan park.

The planning application, including the petition, was considered by the Shire's Planning Committee at its meeting on 10 November 2010, and it was resolved that the application would be supported with the issue of a Notice of Decision to Grant a Permit. All objectors to the proposal have a period in which to appeal this decision at the Victorian Civil and Administrative Tribunal (VCAT) if they wish to contest the decision. A copy of the officer report and minutes of the Planning Committee meeting are located at Attachment 2 to this report.

**Council Plan / Other Strategies / Policy**

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

**Issues / Options**

As noted above, the planning application was reported to the November Planning Committee meeting, which supported the application. Under the *Planning and Environment Act 1987*, the petition is considered as a single objection to the application and the first person mentioned on the petition is notified of the Council's decision.

The petition was considered along with other objections to the proposal, and the Committee resolved to issue a Notice of Decision to Grant a Permit subject to conditions. There is no

further action required from Council as the petition has been considered appropriately through the planning process.

**Proposal**

The proposal is that Council notes the petition and that the petition was formally considered by the Planning Committee when it resolved to support planning application PP169/2010-1 at its November meeting.

**Financial and Other Resource Implications**

There are no financial or resource implications arising from this report.

**Risk Management & Compliance Issues**

There are no risk or compliance issues arising from this report.

**Environmental and Climate Change Considerations**

There are no environmental or climate change considerations arising from this report.

**Community Engagement**

There is no need for community engagement relating to this petition. As noted earlier, the petition has been properly considered by the Shire’s Planning Committee as part of the planning process for PP169/1010-1 relating to a proposal at 18 Grant Street.

**Implementation**

The head petitioner has been notified of Council’s decision on the planning permit application. No further action is required.

**Conclusion**

The petition received relating to planning application PP169/2010-1 has been considered by the Shire’s Planning Committee and no further action is required.

**Attachments**

- 1. PC101011-6 Planning Committee Report

**Recommendation(s)**

***That Council notes the petition lodged in relation to PP169/2010-1 relating to a proposal at 18 Grant Street, Forrest, and that the petition was considered by the Planning Committee when it resolved to support the planning application at its meeting on 10 November 2010.***

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PLANNING COMMITTEE

SUSTAINABLE PLANNING AND DEVELOPMENT

**PC101011-6 DEVELOPMENT OF TWO OUTBUILDINGS (STORAGE) AND THE  
WAIVER OF CAR SPACES AT 18 GRANT STREET, FORREST**

|             |                                       |           |            |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR:     | Ros Snaauw                            | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning<br>& Development | FILE REF: | PP169/2010 |

**Location:** 18 Grant Street, Forrest

**Zoning:** Township Zone

**Overlay controls:** Wildfire Management Overlay & Erosion Management Overlay

**Proposed Amendments:** Nil

**Restrictive Covenants:** Nil

**Purpose:**

An application has been submitted for the relocation of the old Forrest police building and lock-up for the storing of archive of photos, documents, maps and memorabilia relating to Forrest's History.

This application is before Council for consideration as the proposed development seeks a waiver of car parking.

It is recommended that a Notice of Decision be issued for approval subject to conditions.

**Declaration of Interests**

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

**Summary**

- The proposal is to relocate the old Forrest police building and lock-up to provide additional storage for the Forrest and District Historical Society.
- The proposed buildings are weatherboard construction and will be placed behind the existing Church and generally not visible from the street frontage.
- The buildings will not be open to the general public and only accessed by members of the historical society.
- The St James Anglican Church site currently provides no formal off street parking. Car parking is provided in the service road running parallel with Grant Street for church services.
- It is considered that the waiver of car parks is justified given that the purpose of the outbuildings are for storage only and will not generate any additional demand for car parking.
- It is recommended that Notice of Decision for a planning permit be issued subject to conditions.

**Background**

There have been no previous planning applications for this site.

PLANNING COMMITTEE

SUSTAINABLE PLANNING AND DEVELOPMENT

Land to the north is used as a guest house with land to the south containing a residential dwelling. Land to the west is vacant.

**Public Notice**

Public notice of the application was given in accordance with Section 52 of the Planning and Environment Act by sending letters to adjoining owners/occupiers and by placing one (1) sign on-site. The applicant has provided a Statutory Declaration stating that the advertising has been carried out in accordance with Council's requirements.

At the conclusion of the notice period a petition was received objecting to the relocation of the buildings to the site. The petition does not provide any further details in relation to the objection.

**Referrals**

The application was referred externally to the Country Fire Authority and internally to Council's Infrastructure and Building Departments. No objections were received subject to permit conditions should a planning permit be granted.

**Planning Controls**

a. State and Local Planning Policy Framework

The State and Local policy framework seeks to ensure the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application.

- Clause 15.07 Protection from wildfire
- Clause 21.03-8 Smaller Townships
- Clause 21.04-5 Erosion

The proposal is considered to be in keeping with the objective of the above policies. The proposal does not alter the primary use of the site as a Church. The outbuildings form and style is consistent with existing infrastructure on-site.

b. Zone provisions

The site is zoned Township Zone (TZ). The objectives of the Township Zone are outlined below:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage residential development that respects the neighbourhood character.

A permit is required to use land as a 'store' and to undertake building and works associated with a Section 2 use pursuant to Clause 32.05-8. The existing use of the land for a church falls within the Place of Assembly definition of the planning scheme. However, the proposed use of the buildings for a store is a separate use and does not relate to nor is ancillary to the principle use of the site as a church.

c. Overlay Provisions

The site is affected by the Wildfire Management Overlay and the Erosion Management Overlay.

The purpose of the Wildfire Management Overlay is outlined below:



PLANNING COMMITTEE

SUSTAINABLE PLANNING AND DEVELOPMENT

The land has been used as a place of assembly for considerable time and retrospective consideration cannot be applied to this use in determining whether the current supply of car parking is adequate.

As the proposed use of the additional buildings will not generate demand for car parking it is considered that a waiver of car parking is justified and can be supported.

**Corporate Plan / Other Strategies / Policy**

Council has engaged Consultants, CPG Australia to prepare a structure plan for Forrest Township. A draft structure plan has been prepared and will be released in the near future for community consultation. This structure plan will provide a framework containing directions for future land use and development. It provides no specific directions for this site.

**Financial & Other Resource Implications**

There are no financial implications arising from this report.

**Risk Management & Compliance Issues**

There are no risk management or compliance implications arising from this report.

**Environmental Consideration / Climate Change**

There are no environmental or climate change implications arising from this proposal.

**Communication Strategy / Consultation Period**

All parties will be advised of the decision and will have the opportunity to seek a review of Council's decision at the Victorian Civil and Administrative Tribunal.

**Conclusion**

Overall the proposal is considered to be a positive outcome and will not result in any detriment to the amenity of the surrounding area or any persons. The proposal will allow for the Forrest and District Historical Society to house valuable documentation in a safe location. The waiver of car parking is acceptable given the level of activity that it will create will not be excessive and will not be in conjunction with the current use of the site.

It is recommended that a Notice of Decision be granted for the issued of a planning permit.

**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolves to grant a Notice of Decision for a permit for the use and development of two outbuildings for a store and waiver of car spaces at 18 Grant Street, Forrest subject to the following conditions:***

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
- 3. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority.***



**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

| ITEM   | D | W |
|--|---|---|
| <b><u>GENERAL BUSINESS</u></b>   |   |   |
| <b><u>OM102411-7 ASSEMBLY OF COUNCILLORS</u></b>   |   |   |
| Department: General Business   |   |   |
| <b><u>Recommendation(s)</u></b>  |   |   |
| <i>That Council notes the Assembly of Councillors reports for the Councillor Briefing Session of 27 October and Councillor Workshop of 10 November 2010.</i> |   |   |

**Recommendation**

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

**MOVED** .....

**SECONDED** .....



**OM102411-7 ASSEMBLY OF COUNCILLORS**

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

Changes to the *Local Government Act 1989* and Regulations have redefined Assemblies of Councillors to include advisory committee meetings attended by at least one Councillor and planned/scheduled meetings involving at least half the Councillors and an officer.

It is now a requirement that the record of an assembly is to be reported to the next practicable Council meeting and be included in the minutes of that meeting, instead of being made available for public inspection.

The following Assemblies of Councillors have been held during this reporting period:

|                  |                             |
|------------------|-----------------------------|
| 27 October 2010  | Councillor Briefing Session |
| 10 November 2010 | Councillor Workshop         |

**Attachments**

1. Councillor Briefing Session - 27 October 2010
2. Councillor Workshop - 10 November 2010

**Recommendation(s)**

***That Council notes the Assembly of Councillors reports for the Councillor Briefing Session of 27 October and Councillor Workshop of 10 November 2010.***

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## Assembly of Councillors Record

This Form **MUST** be completed by the attending Council Officer and returned **IMMEDIATELY** to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting. **{See over for Explanation/Guide Notes}**

### Assembly Details:

**Date:** 27/10/2010

**Time:** 11.00 am

**Assembly Location:** COPACC.....  
(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices – Nelson Street, Apollo Bay)

### In Attendance:

**Councillors:** Cr Lyn Russell/ Cr Stephen Hart/ Cr Stuart Hart / Cr Brian Crook/ Cr Frank Buchanan

**Officer/s:** Rob Small/Colin Hayman/Neil Allen/Jack Green/Rick Morrow/Rhonda Deigan

**Matter/s Discussed:** Councillor Briefing Session – as per attached agenda

### Conflict of Interest Disclosures:

**Councillors:** Cr Stephen Hart

**Officer/s:** Rob Small

**Left meeting at:** Cr Stephen Hart left the meeting at 11.36am returning at 11.40am and again at 1.35pm. Meeting closed at 1.45pm

**Completed by:** Rhonda Deigan

NOTICE is hereby given that the next **COUNCILLOR BRIEFING SESSION OF THE COLAC-OTWAY SHIRE COUNCIL** will be held at COPACC Meeting Rooms, Colac on Wednesday, 27 October 2010 at 11.00 am

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## AGENDA

### 1. PRESENT

### 2. APOLOGIES

### 3. CONFIRMATION OF NOTES

- CBS Meeting of the Colac-Otway Shire Council held on 22 September 2010.

#### Recommendation

That Council confirm the above notes.

### 4. DISCLOSURE OF CONFLICT OF INTEREST

### 5. CONFIRMATION OF IN-COMMITTEE AGENDA ITEMS

- OM102710-13 Status Of Dicom Awt Operations Pty Ltd Contract - Total Waste Management
- OM102710-14 Contract Approval - Contract 1019 - Supply, Fitting And Service Of Tyres, Tubes And Automotive Batteries (Mav Tender Tb2517)
- OM102710-15 Banking Services Tender
- OM102710-16 Report From Delegate To Other Bodies

#### Confidentiality Statement:

***Any discussion on In-Committee Agenda Items is deemed confidential under Section 89(2) of the Local Government Act 1989***

### 6. GENERAL BUSINESS

Reports from Meetings Attended in the Last Month

Other Items of General Business

Rob Small  
Chief Executive Officer





# Agenda

# Councillor Workshop

Wednesday, 10 November, 2010  
COPACC Meeting Room  
9.30 am to 4.30 pm

**ATTENDEES:**

Cr Russell (Mayor), Cr Buchanan, Cr Smith (left at 1.45pm), Cr Higgins (left at 11.30am), Cr Crook (left at 3.35pm)  
Jack Green (A/CEO)  
Colin Hayman (GM, Corporate & Community Services)  
Neil Allen (GM, Infrastructure & Services)  
Doug McNeill (A/GM, Sustainable Planning & Development)  
Rick Morrow (Manager Information Services)

**Part:**

Stewart Anderson  
Anne Sorensen  
Jodie Fincham  
Travis Riches  
Mike Barrow  
Pual Marsden & Don Lewis

**Apologies:** Cr Stephen Hart, Cr Stuart Hart & Rob Small

## Agenda Topics

|                     |                                                                                     |                                            |
|---------------------|-------------------------------------------------------------------------------------|--------------------------------------------|
| 9.30 am             | Declaration of Interest<br>Cr Stephen Hart – Rural Living Strategy<br>(not present) |                                            |
| 9.30 am – 10.30 am  | Planning Committee Briefing Session                                                 |                                            |
| 10.30 am – 11.30am  | Planning Committee Meeting                                                          |                                            |
| 11.30 am – 11.45am  | Instrument of Delegation Beechy Rail Trail<br>Committee                             | Jodie Fincham (15 min)                     |
| 11.45 am – 12.00 pm | Community Funding Guidelines<br>Festival & Event Support Scheme Guidelines          | Jodie Fincham (15 min)                     |
| 12.00 pm – 12.30 pm | Lunch                                                                               |                                            |
| 12.30 pm – 1.00 pm  | Bushfire Royal Commission<br>Implications/Upcoming Fire Season                      | Stewart Anderson (1 hr)                    |
| 1.00 pm – 1.30 pm   | Roadside Vegetation Management                                                      | Travis Riches & Stewart<br>Anderson (1 hr) |
| 2.00pm – 3.00 pm    | Rural Living Strategy                                                               | CPG – Rob Milner &<br>Julia Stone (1 hr)   |
| 3.00pm – 4.00 pm    | Geelong Otways Tourism                                                              | Roger Grant GOT (1 hr)                     |

## IN COMMITTEE

### **Recommendation**

***That pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:***

| <b><i>SUBJECT</i></b>                                                                         | <b><i>REASON</i></b>                                                                                | <b><i>SECTION OF ACT</i></b> |
|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------|
| Terms of Reference - Colac Community Library and Learning Centre Joint Use Advisory Committee | this matter deals with contractual matters; AND this matter may prejudice the Council or any person | Section 89 (2) (d) (h)       |
| Contract Approval<br>Contract 1021 - Bituminous Sealing Works                                 | this matter deals with contractual matters                                                          | Section 89 (2) (d)           |